

### **R13-4-105. Minimum Qualifications for Appointment**

A. Except as provided in subsection (C) or (D), a person 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; except that a person may attend an academy if the person will be 21 before graduating;
3. Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination;
4. Undergo a complete background investigation that meets the standards of R13-4-106. A person may begin an academy before the results of the fingerprint check are returned. However, the academy shall not graduate the person and the Board shall not reimburse the academy for the person's training expenses until a qualifying fingerprint check return is obtained;
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 person shall submit a written statement indicating that the person'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;
9. Not have illegally sold, produced, cultivated, or transported for sale marijuana;
10. Not have illegally used marijuana for any purpose within the past three years;
11. Not have ever illegally used marijuana other than for experimentation;
12. Not have ever illegally used marijuana while employed or appointed as a peace officer;
13. Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;
14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;

16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;
17. Not have a pattern of abuse of prescription medication;
18. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;
19. 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 other persons on the highway;
20. Read the code of ethics in subsection (F) and affirm by signature the person's understanding of an agreement to abide by the code.

B. The illegal use of marijuana, or a dangerous drug or narcotic is presumed to be not for experimentation if:

1. The use of marijuana exceeds a total of 20 times or exceeds five times since the age of 21 years;  
or
2. The use of any dangerous drug or narcotic, other than marijuana, in any combination exceeds a total of five times, or exceeds one time since the age of 21 years.

C. An agency head who wishes to appoint a person whose illegal use of marijuana or a dangerous drug or narcotic is presumed to be not for experimentation under this Section may petition the Board for a determination that, given the unique circumstances of the person's use, the use was for experimentation. The petition shall:

1. Specify the type of drugs illegally used, the number of uses, the age at the time of each use, the method by which the information regarding illegal 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 use,
- b. The motivation for use,
- c. The time elapsed since the last use,
- d. How the drug was obtained,
- e. How the drug was ingested,
- f. Why the person stopped 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 a person 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 person was less than age 18;
    - b. The conduct occurred more than 10 years before application for appointment;
    - c. The person 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 person's immaturity at the time of the conduct contributed substantially to the conduct;
    - e. There is evidence that the person'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 person 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. For a limited correctional peace officer, previous completion of a background investigation conducted under R13-4-203 and a physical examination conducted under R13-4-202(A)(6) satisfies the requirements of this Section when there has been no interruption of employment by the agency, except that:
1. The limited correctional peace officer shall submit to a polygraph examination as required by subsection (A) (18); and
  2. The agency shall query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH) and review the returns to determine that the person meets the requirements of this Section.
- F. 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."

G. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

#### **Historical Note**

Adopted effective March 23, 1989 (Supp. 89-1). Amended effective August 6, 1991 (Supp. 91-3).

Amended effective January 13, 1993; filed July 13, 1992 (Supp. 92-3). References to "Council" changed to "Board" (Supp. 94-3). Amended effective October 20, 1995; filed with the Secretary of State April 20, 1995 (Supp. 95-2). Amended by final rulemaking at 8 A.A.R. 3201, effective January 11, 2003 (Supp. 02-3). Amended by final rulemaking at 12 A.A.R. 331, effective July 10, 2006 (Supp. 06-1).



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