

	<b>ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL POLICIES AND PROCEDURES</b>	
	<b>Original Policy Approved: <u>July 18, 2018</u></b> <b>Policy Revision Approved: <u>September 17, 2020</u></b>	
	<b>POLICY: APAAC Model Best Practices Regarding Disclosure of Potential Law Enforcement Officer Rule 15.1 Issues</b>	Page 1 of 3

A. Procedures for an officer's placement or removal from the Rule 15.1 Disclosure Database:

1. Law enforcement agencies ("agency") should have policies requiring prompt notice of possible Brady/Integrity/Rule 15.1 issues involving a current or former law enforcement officer or detention officer or other agency employee ("officer"), and prompt notice of any official findings regarding Brady/Integrity/Rule 15.1 issues involving an officer. Notice should be made to the County Attorney and municipal prosecutors within the officer's current employing agency's jurisdiction, or if the officer is no longer employed by an Arizona agency, to the County Attorney and municipal prosecutors in the jurisdiction of the last agency that employed the officer;
2. The Arizona Peace Officer Standards and Training Board ("AZ POST") should have a policy requiring prompt notification of all AZ POST findings that an officer engaged in conduct that could lead to placement in a Rule 15.1 Disclosure Database. Notice should be made to the officer's current employing agency and the County Attorney and municipal prosecutors within the officer's current employing agency's jurisdiction, or if the officer is no longer employed by an Arizona agency, to the last Arizona agency that employed the officer and to the County Attorney and municipal prosecutors in the jurisdiction of the last agency that employed the officer;
3. Agencies and AZ POST should regularly train their employees on such policies;
4. When time permits, the elected official / Chief Prosecutor (or designee) of prosecuting agencies ("prosecutor") should provide notice to the officer and the Chief/ Agency Head (or designee) of the officer's current or most recent employing agency ("Agency Head") when the prosecutor is considering placement of an officer in a Rule 15.1 Disclosure Database;
5. A prosecutor may place an officer in a Rule 15.1 Disclosure Database without input or notice when time constraints or other factors reasonably require doing so. In such cases, the prosecutor should provide notice to the officer and Agency Head and an opportunity for input by the officer and Agency Head within a reasonable time after an officer's placement in the Rule 15.1 Disclosure Database;
6. The prosecutor may disclose potential Rule 15.1 issues regarding an officer prior to a determination of whether the officer should be added to the Rule 15.1 Disclosure Database;

7. Except as otherwise provided in this policy, an officer and Agency Head should have an opportunity to provide input into the decision whether the officer should be included in a Rule 15.1 Disclosure Database;
  8. The prosecutor's determination of whether to place an officer in a Rule 15.1 Disclosure Database should be made by applying *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the APAAC best practices set forth herein. "Exculpatory" means any material evidence favorable to the accused-- evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness;
  9. The prosecutor should provide final notice to the officer and the Agency Head when the prosecutor makes a final determination regarding placement of an officer in a Rule 15.1 Disclosure Database;
  10. Removal of an officer from the Rule 15.1 Disclosure Database can occur when deemed necessary and lawful by the prosecutor;
  11. The prosecutor who adds an officer to a Rule 15.1 Disclosure Database should retain a copy of any agency finding of misconduct, or any other materials submitted to the prosecutor by an agency that were utilized by the prosecutor in making a determination to place an officer in a Rule 15.1 Disclosure Database;
  12. Prosecutor's should report the fact an officer has been added to a Rule 15.1 Disclosure Database to the applicable entity maintaining any state-wide Rule 15.1 Disclosure Database;
  13. Officers should be identified in a state-wide Rule 15.1 Disclosure Database by full name and unique identifying number;
  14. These best practices serve as a guideline only. Prosecutors and agencies should retain and exercise their independent judgment and discretion in deciding whether to apply these policies on a case-by-case basis in order to ensure applicable law and ethical requirements are complied with, defendants' rights are protected, and justice is furthered.
- B. Examples of conduct requiring an officer's placement in a Rule 15.1 Disclosure Database:
1. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer intentionally, knowingly, or recklessly made false or misleading statements in a police report, official document, or official proceeding, or was otherwise dishonest or untruthful about any matter reasonably requiring honesty or truthfulness, and the officer knew or believed the statement(s) to be false, dishonest, or untrue;

2. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that: an officer was biased against a particular gender, ethnicity, race, or national origin;
3. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer committed a felony or any crime involving dishonesty, or the officer has been charged in a criminal proceeding with a felony or any crime involving dishonesty;
4. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer engaged in conduct constituting an abuse of power or that could significantly diminish the public's trust in law enforcement, and such conduct involved misfeasance, nonfeasance, or malfeasance;
5. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer engaged in a pattern of unreasonable or excessive use of force;
6. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer engaged in a pattern of violating any Constitutional or statutory rights;
7. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer suffers from any physical or mental defect or disorder, and such defect or disorder significantly impairs the officer's ability to perceive, recall, or relate events;
8. Any finding by AZ POST, the officer's current or former law enforcement agency, a court, or a determination by a prosecuting agency that probable cause exists that an officer used illegal or legal substances, and such use significantly impairs the officer's ability to perceive, recall, or relate events.