

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1253

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 38-1116; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 38-1116, to read:

4 38-1116. Law enforcement officers; discipline; prohibited use
5 of statements

6 A. NOTWITHSTANDING ANY OTHER LAW, VIDEO EVIDENCE USED IN AN
7 INVESTIGATION IN REGARD TO A USE OF FORCE INCIDENT OR AN ACCIDENT
8 INVOLVING A LAW ENFORCEMENT OFFICER THAT RESULTED IN PHYSICAL INJURY MAY
9 NOT BE THE SOLE FACTUAL BASIS TO IMPOSE DISCIPLINE AGAINST THE LAW
10 ENFORCEMENT OFFICER.

11 B. IN AN ADMINISTRATIVE INVESTIGATION OF A USE OF FORCE INCIDENT
12 THAT RESULTED IN SERIOUS PHYSICAL INJURY, WHERE A VIDEO WAS RECORDED BY
13 THE LAW ENFORCEMENT OFFICER, THE INVESTIGATION IS NOT COMPLETE UNTIL THE
14 OFFICER HAS HAD AN OPPORTUNITY TO VIEW THE VIDEO AND PROVIDE A
15 CLARIFICATION STATEMENT. NOTHING IN THIS SECTION PREVENTS AN AGENCY FROM
16 ENACTING A POLICY REGARDING AN OFFICER'S REVIEW OF THAT OFFICER'S VIDEO.

17 C. IN AN ADMINISTRATIVE INVESTIGATION OF A USE OF FORCE INCIDENT
18 THAT RESULTED IN SERIOUS PHYSICAL INJURY, WHERE A VIDEO WAS RECORDED BY
19 THE LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT OFFICER SHALL BE READ THE
20 FOLLOWING NOTICE PRIOR TO GIVING A STATEMENT WITH RESPECT TO THE INCIDENT:

21 VIDEO EVIDENCE HAS LIMITATIONS AND MAY DEPICT EVENTS
22 DIFFERENTLY THAN YOU RECALL. THE VIDEO EVIDENCE IS INTENDED
23 TO ASSIST YOUR MEMORY AND ENSURE THAT YOUR STATEMENT EXPLAINS
24 YOUR STATE OF MIND AT THE TIME OF THE INCIDENT. VIEWING VIDEO
25 EVIDENCE MAY OR MAY NOT PROVIDE ADDITIONAL CLARITY TO WHAT YOU
26 REMEMBER. YOU SHOULD NOT FEEL IN ANY WAY COMPELLED OR
27 OBLIGATED TO EXPLAIN ANY DIFFERENCE IN WHAT YOU REMEMBER AND
28 ACTED UPON FROM WHAT VIEWING THE ADDITIONAL EVIDENCE PROVIDES
29 YOU.