

PREFILED DEC 09 2011

REFERENCE TITLE: child fatality review team

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# SB 1008

Introduced by  
Senator Barto

## AN ACT

AMENDING SECTION 36-3501, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTIONS 36-2292 AND 36-2293, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 35, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTIONS 36-3505 AND 36-3506, RESPECTIVELY; AMENDING SECTION 36-3506, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 41-1822, ARIZONA REVISED STATUTES; RELATING TO THE CHILD FATALITY REVIEW TEAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 36-3501, Arizona Revised Statutes, is amended to read:

36-3501. Child fatality review team; membership; duties

A. The child fatality review team is established in the department of health services. The team is composed of the head of the following departments, agencies, councils or associations, or that person's designee:

1. Attorney general.
2. Office of women's and children's health in the department of health services.
3. Office of planning and health status monitoring in the department of health services.
4. Division of behavioral health in the department of health services.
5. Division of developmental disabilities in the department of economic security.
6. Division of children and family services in the department of economic security.
7. Governor's office for children.
8. Administrative office of the courts.
9. Parent assistance office of the supreme court.
10. Department of juvenile corrections.
11. Arizona chapter of a national pediatric society.

B. The director of the department of health services shall appoint the following members to serve staggered three year terms:

1. A medical examiner who is a forensic pathologist.
2. A maternal and child health specialist involved with the treatment of native Americans.
3. A representative of a private nonprofit organization of tribal governments in this state.
4. A representative of the Navajo tribe.
5. A representative of the United States military family advocacy program.
- ~~6. A representative of the Arizona sudden infant death advisory council.~~
- ~~7.~~ 6. A representative of a statewide prosecuting attorneys advisory council.
- ~~8.~~ 7. A representative of a statewide law enforcement officers advisory council who is experienced in child homicide investigations.
- ~~9.~~ 8. A representative of an association of county health officers.
- ~~10.~~ 9. A child advocate who is not employed by or an officer of this state or a political subdivision of this state.
- ~~11.~~ 10. A public member. If local teams are formed pursuant to this article, the director of the department of health services shall select this member from one of those local teams.

C. The team shall:

1. Develop a child fatalities data collection system.
2. Provide training to cooperating agencies, individuals and local child fatality review teams on the use of the child fatalities data system.
3. Conduct an annual statistical report on the incidence and causes of child fatalities in this state during the past fiscal year and submit a copy of this report, including its recommendations for action, to the governor, the president of the senate and the speaker of the house of representatives on or before November 15 of each year.
4. Encourage and assist in the development of local child fatality review teams.
5. Develop standards and protocols for local child fatality review teams and provide training and technical assistance to these teams.
6. Develop protocols for child fatality investigations, including protocols for law enforcement agencies, prosecutors, medical examiners, health care facilities and social service agencies.
7. Study the adequacy of statutes, ordinances, rules, training and services to determine what changes are needed to decrease the incidence of preventable child fatalities and, as appropriate, take steps to implement these changes.
8. Provide case consultation on individual cases to local teams if requested.
9. Educate the public regarding the incidence and causes of child fatalities as well as the public's role in preventing these deaths.
10. Designate a team chairperson.
11. Develop and distribute an informational brochure which THAT describes the purpose, function and authority of a team. The brochure shall be available at the offices of the department of health services.
12. Evaluate the incidence and causes of maternal fatalities associated with pregnancy in this state. For the purposes of this paragraph, "maternal fatalities associated with pregnancy" means the death of a woman while she is pregnant or within one year after the end of her pregnancy.
13. INFORM THE GOVERNOR AND THE LEGISLATURE OF THE NEED FOR SPECIFIC PROGRAMS REGARDING UNEXPLAINED INFANT DEATH.
14. PERIODICALLY REVIEW THE INFANT DEATH INVESTIGATION CHECKLIST DEVELOPED BY THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-3506. IN REVIEWING THE CHECKLIST, THE REVIEW TEAM SHALL CONSIDER GUIDELINES ENDORSED BY NATIONAL INFANT DEATH ORGANIZATIONS.

D. Team members are not eligible to receive compensation, but members appointed pursuant to subsection B are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. The department of health services shall provide professional and administrative support to the team.

F. Notwithstanding subsections C and D OF THIS SECTION, this section shall not be construed to require expenditures above the revenue available from the child fatality review fund.

Sec. 2. Transfer and renumber

Section 36-2292, Arizona Revised Statutes, is transferred and renumbered for placement in title 36, chapter 35, article 1, Arizona Revised Statutes, as section 36-3505.

Sec. 3. Transfer and renumber

Section 36-2293, Arizona Revised Statutes, is transferred and renumbered for placement in title 36, chapter 35, article 1, Arizona Revised Statutes, as section 36-3506 and, as so renumbered, is amended to read:

36-3506. Infant death investigation checklist

A. A law enforcement officer who in the regular course of duty investigates an unexplained infant death shall complete an infant death investigation checklist developed by the department of health services ~~and approved by the unexplained infant death advisory council.~~

B. The law enforcement officer shall complete the checklist before an autopsy is conducted.

C. The officer's law enforcement agency shall retain the original checklist and immediately forward a copy of the checklist to the county medical examiner and the department of health services.

~~D. The department of health services shall develop the checklist in conjunction with the unexplained infant death advisory council. In developing the checklist, the department shall consult with law enforcement agencies and consider guidelines endorsed by national infant death organizations.~~

~~E. D. The department shall periodically review and modify the checklist in consultation with the unexplained infant death advisory council CHILD FATALITY REVIEW TEAM.~~

~~F. E. A law enforcement officer's failure to use the checklist is not a defense to or a basis for dismissal of a criminal prosecution.~~

Sec. 4. Section 41-1822, Arizona Revised Statutes, is amended to read:

41-1822. Powers and duties of board; definition

A. With respect to peace officer training and certification, the board shall:

1. Establish rules for the government and conduct of the board, including meeting times, ~~AND~~ places and matters to be placed on the agenda of each meeting.

2. Make recommendations, consistent with this article, to the governor, the speaker of the house of representatives and the president of the senate on all matters relating to law enforcement and public safety.

3. Prescribe reasonable minimum qualifications for officers to be appointed to enforce the laws of this state and the political subdivisions of this state and certify officers in compliance with these qualifications. Notwithstanding any other law, the qualifications shall require United States citizenship, shall relate to physical, mental and moral fitness and shall govern the recruitment, appointment and retention of all agents, peace officers and police officers of every political subdivision of this state. The board shall constantly review the qualifications established by this section and may amend the qualifications at any time, subject to the requirements of section 41-1823.

4. Prescribe minimum courses of training and minimum standards for training facilities for law enforcement officers. Only this state and political subdivisions of this state may conduct basic peace officer training. Basic peace officer academies may admit individuals who are not peace officer cadets only if a cadet meets the minimum qualifications established by paragraph 3 of this subsection. Training shall include:

(a) Courses in responding to and reporting all criminal offenses that are motivated by race, color, religion, national origin, sexual orientation, gender or disability.

(b) Training certified by the director of the department of health services with assistance from a representative of the board on the nature of unexplained infant death and the handling of cases involving the unexplained death of an infant.

(c) Medical information on unexplained infant death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigations.

(d) Information on the protocol of investigation in cases of an unexplained infant death, including the importance of a consistent policy of thorough death scene investigation.

(e) The use of the infant death investigation checklist pursuant to section ~~36-2293~~ 36-3506.

(f) If an unexplained infant death occurs, the value of timely communication between the medical examiner's office, the department of health services and appropriate social service agencies that address the issue of infant death and bereavement, to achieve a better understanding of these deaths and to connect families to various community and public health support systems to enhance recovery from grief.

5. Recommend curricula for advanced courses and seminars in law enforcement and intelligence training in universities, colleges and community colleges, in conjunction with the governing body of the educational institution.

6. Make inquiries to determine whether this state or political subdivisions of this state are adhering to the standards for recruitment, appointment, retention and training established pursuant to this article. The failure of this

state or any political subdivision to adhere to the standards shall be reported at the next regularly scheduled meeting of the board for action deemed appropriate by that body.

7. Employ an executive director and other staff as are necessary to fulfill the powers and duties of the board in accordance with the requirements of the law enforcement merit system council.

B. With respect to state department of corrections correctional officers, the board shall:

1. Approve a basic training curriculum of at least two hundred forty hours.

2. Establish uniform minimum standards. These standards shall include high school graduation or the equivalent and a physical examination as prescribed by the director of the state department of corrections.

3. Establish uniform standards for background investigations, including criminal histories under section 41-1750, of all applicants before enrolling in the academy. The board may adopt special procedures for extended screening and investigations in extraordinary cases to ensure suitability and adaptability to a career as a correctional officer.

4. Issue a certificate of completion to any state department of corrections correctional officer who satisfactorily complies with the minimum standards and completes the basic training program. The board may issue a certificate of completion to a state department of corrections correctional officer who has received comparable training in another state if the board determines that the training was at least equivalent to that provided by the academy and if the person complies with the minimum standards.

5. Establish continuing training requirements and approve curricula.

C. With respect to peace officer misconduct, the board may:

1. Receive complaints of peace officer misconduct from any person, request law enforcement agencies to conduct investigations and conduct independent investigations into whether an officer is in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.

~~2. Deny, suspend, revoke, or cancel the certification of an officer who is not in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.~~

~~3.~~ 2. Receive a complaint of peace officer misconduct from the president or chief executive officer of a board recognized law enforcement association that represents the interests of certified law enforcement officers if the association believes that a law enforcement agency refused to investigate or made findings that are contradictory to prima facie evidence of a violation of the qualifications established pursuant to subsection A, paragraph 3 of this section. If the board finds that the law enforcement agency refused to investigate or made findings that contradicted prima facie evidence of a violation of the qualifications established pursuant to subsection A, paragraph 3 of this section, the board shall conduct an independent investigation to determine whether the officer is in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section and provide a letter of the findings based on the investigation conducted by the board to the president or chief executive officer of the board recognized law enforcement association who made the complaint.

D. The board may:

1. Deny, suspend, revoke or cancel the certification of an officer who is not in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.

2. Provide training and related services to assist state, tribal and local law enforcement agencies to better serve the public.

3. Enter into contracts to carry out its powers and duties.

E. This section does not create a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation.

F. ~~As used in~~ FOR THE PURPOSES OF this section, "sexual orientation" means consensual homosexuality or heterosexuality.