

# EXHIBIT F

## COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING

### **SUBJECT: Revisions to Rules and Regulations**

**DESCRIPTION:** The following changes were made to the Rules and Regulations for the Commission on Law Enforcement Standards:

**Regulation 1001, Definitions:** Adds auxiliary officer to radar operator eligibility to comply with Act 1240 of 2011, codified as 12-9-403. Strikes confusing language from definition of auxiliary.

**Regulation 1002, Minimum Standards for Employment or Continued Employment:** Clarifies high school diploma, creates exception for Home School diplomas, addresses domestic violence conviction and adds the Veterans to Law Enforcement Program, and adds components of Act 848 of 2015 (17-1-106).

**Regulation 1003, Probationary Period:** Strikes section 4 to clear up confusion regarding the probationary period as opposed to the maximum time a law enforcement officer has to complete basic training after the initial hire date.

**Regulation 1005, Minimum Standards for Training (Full-Time and Part-time I Officers):** Clarifies the training requirement for officers separated from law enforcement more than 7 years but less than 10 years and establishes the criteria for the comprehensive written exam. Corrects the minimum training hours for the part-time II/reserve basic training class and adds “specialized” to the list. Corrects the maximum time period for obtaining basic training.

**Regulation 1009, Personnel Action Reports:** Deletes the language requiring a department head issue a Form 4a. Corrects an error in section (4).

**Regulation 1010, Certification of Law Enforcement Officers:** Corrects and simplifies the appeal process in section (b) and adds the chief of police certification process. Clarifies language and deletes outdated section requiring the issuance of certificates of attendance for courses of 20 or more hours in length.

**Regulation 1011, Certification of Auxiliary Law Enforcement Officers:** Changes the number of required training hours from 100 to 110.

**Regulation 1012, Part-time Law Enforcement Officers:** Changes the number of required training hours from 100 to 110, and in section (5), corrects the reference to CLEST regulation 1002(1).

**Regulation 1013, Certification of Specialized Police Personnel:** In section (6) corrects the reference to Regulation 1002(1).

**Regulation 1015, Police Traffic Radar Operators and Instructors:** Adds “Auxiliary Officers” to section 2, corrects language in 3, 4, 6, deletes section 5, and adds “or

revocation” to section 7. Deleting the requirement to recertify as a radar operator every 5 years will alleviate the man hours spent in the Office of Law Enforcement Standards in auditing these requirements, certifying the refresher training, and approving the renewal of the certification. In addition, the cost of the Radar re-Certification cards to individual officers and postage to mail these cards will be eliminated. This change will not yield a huge financial impact but will lend to a more efficient operation with a small decrease in supplies.

**Regulation 1016, Certification of Instructors:** Deletes unnecessary language in (2), corrects grammar in (4), deletes (5). Deleting the requirement to recertify as an instructor every 5 years will alleviate the man hours spent in the Office of Law Enforcement Standards in auditing these requirements and approving the renewal of the certification. In addition, the cost of the Instructor Re-Certification certificates to individual officers and postage to mail these certificates will be eliminated. This change will not yield a huge financial impact but will lend to a more efficient operation with a small decrease in supplies.

**Regulation 1017, Certification of Schools or Courses:** In (4), deletes “action of the Commission” and adds the Director or Deputy Director.

**Regulation 1020, Law Enforcement Code of Ethics:** Deletes “withdrawal” and adds “revocation.”

**Regulation 1022, Miscellaneous Activities of the Commission:** Corrects grammar in (5).

**Regulation 1024, Right to Amend:** Corrects grammar.

**Regulation 1027, Certification of Civil Traffic Wardens:** Establishes the certification of unarmed traffic wardens with limited law enforcement authority to investigate traffic accidents and issue citations associated with them.

**Regulation 1028, Certification of Law Enforcement Canines:** Adds the word “also” to (6).

**Regulation 1030, Certification of Law Enforcement Canine:** (6) adds language requiring service as a certifying official with a nationally recognized police canine organization, (7) deletes existing language and adds requirement for attendance of 8 hour certifying official course.

**Regulation 1032, Retired Officer Elected as Constable:** Establishes the right for a retired law enforcement officer to continue as an instructor and retain law enforcement certification under certain circumstances.

**Regulation 1033, Marijuana Leaf Field Technician:** Establishes a certification for full-time law enforcement officers to act as field test technicians for marijuana and defines instructors.

This will reduce the submissions to the Arkansas State Crime Lab on misdemeanor marijuana cases which equates to less analysis and man hours by the Crime Lab as well as the reduction of travel and court hours for Crime Lab personnel to testify in court. Other states that have similar programs have drastically reduced their submissions to their crime lab which has led to a positive and significant financial impact on the labs. The Arkansas State Crime Lab received 2600 submissions of misdemeanor marijuana cases last year. Minimum impact to law enforcement agencies will be the costs of the field test kits (\$2.00 per kit); however, this will be offset by man-hours and travel costs to the State Crime Lab for submissions.

**Specification S-1, Citizenship and Age Verification:** Substitutes “must” for “shall” under Requirement.

**Specification S-3, The Background Investigation:** Corrects grammar in (3) under Requirements.

**Specification S-4, High School Education:** Under (2), adds that Home School diplomas will not substitute for a diploma from a high school accredited by the Department of Education or GED unless approved by the Commission.

**Specification S-5, Physical Examination:** Under section 3, Vision, adds Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty bringing this requirement in line with the hearing requirement (4). Grammatical clean up in Section (5).

**Specification S-6, Personal Interview:** Grammar corrected under Requirements, and in (2) “the agencies” substituted for “your”.

**Specification S-7, Psychological Examination Report:** Section 2 under Requirements, “or later manual” added. Under (h)(1) the reference to Regulation 1002(3)(i) is corrected.

**Specification S-9, The Basic Police Training Course:** Under (1), changes minimum hours from 432 to 480, under (2), adds 80% as minimum firearms score, under (5), deletes paragraph two assigning 60 hours of credit for field training. Increased training hours to 520.

All academies in Arkansas, with the exception of Fort Smith PD, train a minimum of 520 hours in the basic police course. Fort Smith’s Basic Academy is 515 hours so they will have to add 5 hours to their curriculum.

**Specification S-13, The Law Enforcement Officer Refresher Course:** Under Requirements, (1) deletes “study of latent techniques in crime scene search and adds “other topics deemed relevant by and approved by the Deputy Director of Training to provide students in the course with up to date changes in laws and procedures.”

**Specification S-15, Certification of Law Enforcement Officers:** In section 15, adds the Chief of Police Certification, which is not mandatory.

**Specification S-16, Certification of Instructors:** Under certification of instructors, removes section 2 which is the five year expiration of instructor certification. Deleting the requirement to recertify as an instructor every 5 years will alleviate the man hours spent in the Office of Law Enforcement Standards in auditing these requirements and approving the renewal of the certification. In addition, the cost of the Instructor re-Certification certificates to individual officers and postage to mail these certificates will be eliminated. This change will not yield a huge financial impact but will lend to a more efficient operation with a small decrease in supplies.

**Specification S-17, Police Traffic Radar Operators and Instructors:** Under requirements, section 2, deletes the refresher course requirement for operators and instructors. Section 4 deletes the five year expiration for operators and instructors. Section 5 inserts reference to regulation 1015 (6) in reference to revoking radar operator or instructor certification. Deleting the requirement to recertify as a radar operator every 5 years will alleviate the man hours spent in the Office of Law Enforcement Standards in auditing these requirements, certifying the refresher training, and approving the renewal of the certification. In addition, the cost of the Radar re-Certification cards to individual officers and postage to mail these cards will be eliminated. This change will not yield a huge financial impact but will lend to a more efficient operation with a small decrease in supplies.

**Specification S-18, Certification of Schools or Courses:** Under guidelines, section 3, deletes the reference to certificates of completion.

**Specification S-19, Certification of Field Training Officers:** Deletes section 4 under Recommendations.

**Specification S-20, Certification of Specialized Police Personnel:** In section 5, deletes Livestock and Poultry.

**Specification S-22, Certification of Marijuana Leaf Technician:** Outlines the requirements for certification of Marijuana Leaf Technicians. This is a partnership with the AR State Crime Lab and CLEST. We have met with the Attorney General who has endorsed the program as well as the AR Chiefs Association and the AR Sheriffs Association. We have made presentations to the AR Prosecutors Association and will continue marketing the program to district judges.

**PUBLIC COMMENT:** A public hearing was held on January 14, 2016. The public comment period expired on January 13, 2016. No public comments were submitted to the agency.

Jessica Sutton, an attorney with the Bureau of Legislative Research, asked the following questions:

(1) Regulation 1001. Concerning the definition of "Act," the end citation of the act is noted to be 12-9-116. Should that read 12-9-117 (end of subchapter) or 12-9-603 (end of

chapter)? Also, regarding the definition of “Auxiliary Law Enforcement Officer,” where did you get that definition? In other words, where is it stated in the law that “no salary or wages” is received for performance of any assigned duty? Ark. Code Ann. § 12-9-307(d) states that “an auxiliary law enforcement officer may receive such compensation, per diem, expenses, or other allowances for his or her services, for such purposes as transporting juveniles, as may be agreed to by the appointing authority.” Can you reconcile this for me? **RESPONSE:** It should read 12-9-117. If an officer receives a “salary or wage,” they would be “employed,” and not “appointed.” And if they are employed, they would fall into another category. The intent of the auxiliary officers was to allow volunteers to receive training and assist agencies. I expect the clarification was made in the regulation to more clearly state the difference. Transporting juveniles and prisoners often requires travel that requires overnight stays, etc., so I expect this is allowed so that the auxiliary officers will not have to pay out of his own pocket for providing these services.

Although it does not change the intent or processes in place for auxiliary officers, the agency changed the regulation’s definition of “auxiliary officer” to parallel the law.

(2) Regulation 1002 . I noted a few typographical errors in paragraph 10(b). Should that say “ineligible to attend another course”? The word “longer” is misspelled as “linger.” **RESPONSE:** Yes, changes will be made.

(3) Regulation 1002 and Specification S-4. Why is there language excluding home school diplomas unless they are approved by the Commission? Did something prompt this exclusion? In what situation would a home school diploma be accepted? Is your reasoning/authority for distinguishing these diplomas from other high school diplomas because home schools are not accredited by the Department of Education? **RESPONSE:** Previously, there was no exception to the requirement for a diploma from an accredited high school or GED. This addition allows for the commission to grant an exception if they find the home school diploma to be valid and equivalent to that of an accredited high school and/or GED. Home school diplomas have never been accepted so this is not a new exclusion but rather an avenue to review solid home school programs and allow for an exception. There are many solid programs that are used in home schooling; the commission will look at the diplomas as they are received to determine the parameters and requirements for achievement. If it is a legitimate program, they may grant an exception. If it is a matter of purchasing the diploma on-line, an exception will not be granted. Since these diplomas are not regulated by the Department of Education, it is difficult to determine which will and will not be accepted, which is why the commission will review these requests for exceptions individually as received. Diplomas are readily available for purchase on-line with no credentials required. This language was added to benefit those who have received home school diplomas from good programs; in the past, they have been made to take the GED. This system has worked well but the commission recognizes that good home school programs exist and are willing to accept those diplomas.

(4) Regulation 1003. Are “temporary employment” and “probationary employment” used to mean the same thing? Or are those different terms? Can you explain this to me?

**RESPONSE:** They are basically meant to be the same thing.

**FOLLOW-UP QUESTION:** Regarding “temporary employment” and “probationary employment,” my question was prompted by § 12-9-106. It states that a person shall not be appointed as a law enforcement officer, “except on a temporary basis not to exceed one year.” The statute goes on to say that extraordinary circumstances may exist to merit approval of an extension of temporary employment for no more than an 8-month period. However, the rules state that the probationary period is no less than 12 months. If the statute is saying that it can’t exceed 12 months, and the rules state that it is no less than 12 months, then is it 12 months exactly, assuming no extraordinary circumstances apply that would extend it? Additionally, the “extraordinary circumstances” is being struck from the rules, however it is still used in the statute. **RESPONSE:** Yes, the probationary employment is 12 months. “Extraordinary circumstances” is being struck from the rule. It is not the Board’s practice to find “extraordinary circumstances” and extend this 12-month time period. Under the statute, if it is determined that extraordinary circumstances exist, the commission may approve an extension of temporary employment for no more than an 8-month period. This is discretionary, however. The commission does not generally grant extensions of time due to extraordinary circumstances.

(5) Regulation 1005 and 1011. Both of these regulations require a minimum of 110 hours of Commission approved law enforcement training for an auxiliary law enforcement officer. Originally, you had a minimum of 100 hours, which is the minimum that the statute (§ 12-9-304) requires. Can you explain this discrepancy for me?

**RESPONSE:** The basic training was increased to 110 hours as deemed necessary by the Commission. The statute also requires that the Commission establish training requirements for auxiliary and they determined that the additional 10 hours was a necessary addition to this mandate.

(6) Regulation 1005. Regarding the requirement that anyone who has been separated from law enforcement over 10 years is required to attend a new basic law enforcement course without exception, are you comfortable that this complies with Act 1066 of 2015, which calls for reduced requirements for reinstatement of licenses/certifications?

**RESPONSE:** Yes; the reinstatement of the certifications for police officers is achievable in staged increments based on their separation from service. However, after 10 years, I would be hesitant to reinstate the certification without a new academy due to the continuous legal, best practices, tactics, and protocol changes that face the profession.

(7) Regulation 1012. How many hours of Commission-approved training does a Part-Time Officer I have to complete? I only see the 110 hour requirement for a Part-Time Officer II. **RESPONSE:** See Regulation 1005 and Specification 9; 520 hours.

(8) Regulation 1027. Do these “civil traffic wardens” already exist? Where is the Commission’s authority or jurisdiction over them? **RESPONSE:** Yes, Little Rock PD is the only agency that uses them. This regulation was voted on some time ago by the commission but was never promulgated. Authority is under Ark. Code Ann. § 12-9-110.

(9) Specification S-7. What does “or later manual” mean? I don’t believe you can refer to a manual that is going to be in effect at a later time. The manual that you refer to in your rules needs to be the manual as it exists on the effective date of your rules. If that manual changes or if there is a revised manual, then you would need to amend your rules at that time. **RESPONSE:** Ok, that change will be made.

(10) Specification S-17. Are you getting rid of the refresher course for police traffic radar operators and instructors? Why? **RESPONSE:** Yes; it is not needed. It is unnecessary and creates a burden on officers, agencies, and the commission.

(11) Specification S-22. This rule discusses the ability of the Commission to revoke the certification of the marijuana leaf field test technician. Would the revocation be subject to a hearing/administrative process? **RESPONSE:** CLEST offers many certifications that are voluntary and not required to be a police officer in the State of Arkansas. For an officer to be decertified, there is an administrative due process. However, for the voluntary certifications such as Instructors, Radar, Marijuana Leaf, etc., there is no administrative process for revocation. Losing these certifications due to expirations, non-compliance, etc., does not affect a person’s law enforcement certification.

The proposed effective date is March 1, 2016.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas Commission on Law Enforcement Standards and Training is authorized to promulgate rules for the administration of Ark. Code Ann. § 12-9-101 *et seq.* See Ark. Code Ann. § 12-9-104(1)(A). The commission may (1) establish minimum selection and training standards for admission to employment as a law enforcement officer; (2) establish minimum curriculum requirements for preparatory, in-service, and advanced courses and programs of schools operated by or for the state and political subdivisions for the specific purpose of training recruits as law enforcement officers; (3) consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, community colleges, and other institutions or organizations concerning the development of police training schools and programs or courses of instruction; (4) approve institutions and facilities to be used by or for the state or any political subdivision of the state for the specific purpose of training law enforcement officers and recruits; (5) adopt rules and minimum standards for schools; (6) develop and implement suggested selection and training requirements and non-mandatory basic and advanced levels of certification for chiefs of police; and (7) establish minimum training and certification requirements for law enforcement canine officers utilizing canines as an aid for performing searches, seizures, and other law enforcement functions. Ark. Code Ann. § 12-9-104.





**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Commission on Law Enforcement Standards and Training  
DIVISION Office of Law Enforcement Standards  
DIVISION DIRECTOR Jami Cook  
CONTACT PERSON Jami Cook  
ADDRESS 4 State Police Plaza Drive Little Rock, AR 72209  
PHONE NO. 5016822260 FAX NO. 5016821582 E-MAIL jami.l.cook@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Jami Cook  
PRESENTER E-MAIL jami.l.cook@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201**

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1. What is the short title of this rule? Administrative Rules for the Arkansas Commission on Law Enforcement Standards and Training
2. What is the subject of the proposed rule? Regulations and Specifications for law enforcement officers and training standards
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation. 12-9-104
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No   
If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule? Yes  No   
If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes  No   
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule? Yes  No   
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. 12-9-104

7. What is the purpose of this proposed rule? Why is it necessary? After being appointed as Director, I asked the staff of the Office of Law Enforcement Standards to review our Administrative Rules on file with the Secretary of State. We found that some of the regulations and specifications previously voted on by the Commission had not been promulgated. It was at this point that we began a "line-by-line" review of all of the regulations and specifications. While this has been a tedious and time-consuming project, the staff in the Office of Law Enforcement Standards, along with the Commission's Secretary and the Assistant Attorney General assigned to the Commission, have completed the review and recommended revisions. Twenty of our thirty-four regulations, along with fifteen of our twenty-two specifications, have been revised and/or are new.

I am very happy to report that while most of these revisions are simply "clean up" revisions, a few will lend to a positive financial impact for the State of Arkansas. None of the revisions or new regulations/specifications will contribute to a negative financial impact. I believe that the revisions offer a more comprehensible, efficient, and legally sound Rule Book for governing the certification and training of law enforcement officers.

At our meeting held on Thursday, October 8, the Commission approved all of the revisions and new regulations/specifications. With their vote of approval, along with Governor Hutchinson's approval (received November 30, 2015), I submit to you our revisions, along with all of the required documentation.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). CLEST.org

9. Will a public hearing be held on this proposed rule? Yes  No

If yes, please complete the following:

Date: January 14, 2016

Time: 10:00am

Place: ALETA, East Camden, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

January 13, 2016

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

March 1, 2016

12. Do you expect this rule to be controversial?    Yes     No

If yes, please explain. \_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?  
Please provide their position (for or against) if known.

\_\_\_\_\_

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**      Commission on Law Enforcement Standards and Training  
**DIVISION**        Office of Law Enforcement Standards  
**PERSON COMPLETING THIS STATEMENT**   Jami L. Cook  
**TELEPHONE NO.**   501-682-2260   **FAX NO.**   501-682-1582   **EMAIL:**   jami.l.cook@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**      Administrative Rules for the Arkansas Commission on Law Enforcement Standards and Training

- 1. Does this proposed, amended, or repealed rule have a financial impact?      Yes       No
- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?      Yes       No
- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?      Yes       No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;  
\_\_\_\_\_
- (b) The reason for adoption of the more costly rule;  
\_\_\_\_\_
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
\_\_\_\_\_
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total 0

Total 0

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue 0  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total 0

**Next Fiscal Year**

General Revenue 0  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
  - (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
  - (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
  - (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
    - (a) the rule is achieving the statutory objectives;
    - (b) the benefits of the rule continue to justify its costs; and
    - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**Arkansas Commission on Law Enforcement Standards and Training**  
**Regulations and Specifications Revisions**  
**Summaries**

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**Regulation 1005, Minimum Standards for Training (Full-Time and Part-time I Officers):** Clarifies the training requirement for officers separated from law enforcement more than 7 years but less than 10 years and establishes the criteria for the comprehensive written exam. Corrects the minimum training hours for the part-time II/reserve basic training class and adds “specialized” to the list. Corrects the maximum time period for obtaining basic training.

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**Regulation 1030, Certification of Law Enforcement Canine:** (6) adds language requiring service as a certifying official with a nationally recognized police canine organization, (7) deletes existing language and adds requirement for attendance of 8 hour certifying official course.

**Regulation 1032, Retired Officer Elected as Constable:** Establishes the right for a retired law enforcement officer to continue as an instructor and retain law enforcement certification under certain circumstances.

**Regulation 1033, Marijuana Leaf Field Technician:** Establishes a certification for full-time law enforcement officers to act as field test technicians for marijuana and defines instructors. This will reduce the submissions to the Arkansas State Crime Lab on misdemeanor marijuana cases which equates to less analysis and man hours by the Crime Lab as well as the reduction of travel and court hours for Crime Lab personnel to testify in court. Other states that have similar programs have drastically reduced their submissions to their crime lab which has led to a positive and significant financial impact on the labs. The Arkansas State Crime Lab received 2600 submissions of misdemeanor marijuana cases last year. Minimum impact to law enforcement agencies will be the costs of the field test kits (\$2.00 per kit); however, this will be offset by man-hours and travel costs to the State Crime Lab for submissions.



**Specification S-1, Citizenship and Age Verification:** Substitutes “must” for “shall” under Requirement

**Specification S-3, The Background Investigation:** Corrects grammar in (3) under Requirements.

**Specification S-4, High School Education:** Under (2), adds that Home School diplomas will not substitute for a diploma from a high school accredited by the Department of Education or GED unless approved by the Commission.

**Specification S-5, Physical Examination:** Under section 3, Vision, adds Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty bringing this requirement in line with the hearing requirement (4). Grammatical clean up in Section (5).

**Specification S-6, Personal Interview:** Grammar corrected under Requirements, and in (2) “the agencies” substituted for “your”.

**Specification S-7, Psychological Examination Report:** Section 2 under Requirements, “or later manual” added. Under (h)(1) the reference to Regulation 1002 (3)(i) is corrected.

**Specification S-9, The Basic Police Training Course:** Under (1), changes minimum hours from 432 to 480, under (2), adds 80% as minimum firearms score, under (5), deletes paragraph two assigning 60 hours of credit for field training. Increased training hours to 520. All academies in Arkansas, with the exception of Fort Smith PD, train a minimum of 520 hours in the basic police course. Fort Smith’s Basic Academy is 515 hours so they will have to add 5 hours to their curriculum.

**Specification S-13, The Law Enforcement Officer Refresher Course:** Under Requirements, (1) deletes “study of latent techniques in crime scene search and adds “other topics deemed relevant by and approved by the Deputy Director of Training to provide students in the course with up to date changes in laws and procedures.”

**Specification S-15, Certification of Law Enforcement Officers:** In section 15, adds the Chief of Police Certification, which is not mandatory.

**Specification S-16, Certification of Instructors:** Under certification of instructors, removes section 2 which is the five year expiration of instructor certification. Deleting the requirement to recertify as an instructor every 5 years will alleviate the man hours spent in the Office of Law Enforcement Standards in auditing these requirements and approving the renewal of the certification. In addition, the cost of the Instructor re-Certification certificates to individual officers and postage to mail these certificates will be eliminated. This change will not yield a huge financial impact but will lend to a more efficient operation with a small decrease in supplies.

**Specification S-17, Police Traffic Radar Operators and Instructors:** Under requirements, section 2, deletes the refresher course requirement for operators and instructors. Section 4 deletes the five year expiration for operators and instructors. Section 5 inserts reference to regulation 1015 (6) in reference to revoking radar operator or instructor certification. Deleting the requirement to recertify as a radar operator every 5 years will alleviate the man hours spent in the Office of Law Enforcement Standards in auditing these requirements, certifying the refresher training, and approving the renewal of the certification. In addition, the cost of the Radar re-Certification cards to individual officers and postage to mail these cards will be eliminated. This change will not yield a huge financial impact but will lend to a more efficient operation with a small decrease in supplies.

**Specification S-18, Certification of Schools or Courses:** Under guidelines, section 3, deletes the reference to certificates of completion

**Specification S-19, Certification of Field Training Officers:** Deletes section 4 under Recommendations

**Specification S-20, Certification of Specialized Police Personnel:** In section 5, deletes Livestock and Poultry.

**Specification S-22, Certification of Marijuana Leaf Technician:** Outlines the requirements for certification of Marijuana Leaf Technicians. This is a partnership with the AR State Crime Lab and CLEST. We have met with the Attorney General who has endorsed the program as well as the AR Chiefs Association and the AR Sheriffs Association. We have made presentations to the AR Prosecutors Association and will continue marketing the program to district judges.