

EXHIBIT K

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 N/A

DIVISION DIRECTOR Ken Jones

CONTACT PERSON Ken Jones

ADDRESS P. O. Box 3106, East Camden, Arkansas 71711

PHONE NO. (870) 574-1810

E-MAIL Ken.Jones@arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Ken Jones

PRESENTER E-MAIL ken.jones@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
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule?

Regulation 1005 MINIMUM STANDARDS FOR TRAINING (FULL-PART TIME I OFFICERS)

2. What is the subject of the proposed rule?

Minimum training requirements for law enforcement officers who have been separated from law enforcement for more than seven (7) years but not longer than ten (10) years.

3. Is this rule required to comply with a federal statute, rule, or regulation?

Yes__ No X

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes_____ No X

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 X

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes_____ No X

If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 X__ 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 Arkansas Code citation. A. C. A. 12-9-104

7. What is the purpose of this proposed rule? Why is it necessary?

The proposed amendment to the rules of the Commission include requiring an individual who has been out of law enforcement for seven (7) but less than ten (10) years, in lieu of attending the twelve (12) week basic training class to take an examination, and if passed, attend a Forty Hour (40) Hour Refresher Course.

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).

www.clest.org

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

If yes, please complete the following:

Date: July 14, 2011

Time: 10:00 A. M.

Place: Arkansas Law Enforcement Training Academy, East Camden, AR

10. When does the public comment period expire for permanent promulgation?
(Must provide a date.) July 29, 2011

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

September 15, 2011

12. Do you expect this rule to be controversial? Yes _____ No X
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 N/A

PERSON COMPLETING THIS STATEMENT Ken Jones

TELEPHONE NO. (870) 574-1810 **FAX NO.** (870) 574-2706

EMAIL: Ken.Jones@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE:

Regulation 1005. Minimum Standards for Training (Full-Time and Part-Time I Officers)

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X
2. Does this proposed, amended, or repealed rule affect small businesses?
Yes _____ No X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program. N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected. N/A

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain. N/A

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

**ECONOMIC IMPACT STATEMENT
OF PROPOSED RULES OR REGULATIONS
EO 05-04: Regulatory Flexibility**

Department

Commission on Law Enforcement Standards and Training

Division

N/A

Contact Person

Ken Jones
Director
Commission on Law Enforcement Standards and Training

Date

June 27, 2011

Contact Phone

(870) 574-1810

Contact Email

Ken.Jones@arkansas.gov

Title or Subject

Regulation 1005. Minimum Standards for Training (Full-Time and Part-Time I
Officers)

Benefits of the Proposed Rule or Regulation

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints.

The Commission receives more requests for waivers from this regulation than any other. This should reduce or eliminate these requests.

2. What are the top three benefits of the proposed rule or regulation?

- (1) Allows former officers with certain training to test their recertification as opposed to retraining.
- (2) Allows officers from other states who have had certain training to test for their Arkansas certification instead of attending Arkansas training that would duplicate the training they already obtained from other states.

- (3) Eliminates the need for former officers and officers from other states or Federal Government agencies having to be paid for the 430 hours they are in training that only duplicates training they already have received.

3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?

A continuance of requests from law enforcement agencies for the commission to waive their rules and regulations pertaining to Regulation 1005.

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting those alternatives.

No market-based alternatives or voluntary standards were considered, as they would not solve the problem.

Impact of Proposed Rule or Regulation

5. Estimate the cost to state government of collecting information, completing paperwork, filing, record keeping, auditing and inspecting associated with this new rule or regulation.

There is no expectation of cost to state government associated with the proposed change to the regulation.

6. What types of small businesses will be required to comply with the proposed rule or regulation? Please estimate the number of small businesses affected.

No small business is required to comply with the proposed regulation, as it applies only to law enforcement applicants.

7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.

8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.

There are no additional requirements for small business owners, as the proposed regulation applies only to law enforcement applicants.

9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary.

The proposed regulation does not contain different requirements for different sized entities.

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation.

Small business owners will not be required to implement any changes as a result of the change in the regulation.

11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?

The wording for this rule was taken from the Texas Rules and Regulations and it is similar to the wording from other states.

12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.

The agency has received no input from small businesses or small business advocates about the proposed regulation change.

SUMMARY OF RULE CHANGE

The proposed amendment to the rules of the Commission include requiring an individual who has been out of law enforcement for seven (7) but less than ten (10) years, in lieu of attending the twelve (12) week basic training course to take an examination, and if passed, attend a Forty (40) Hour Refresher Course.

NOTICE OF RULE MAKING

Pursuant to Arkansas Code Annotated § 25-15-201 et seq. notice is hereby given that the Commission on Law Enforcement Standards and Training is adopting a proposed amended rule. A public hearing will be held on Thursday July 14, 2011 at 10:00 A. M. at the Arkansas Law Enforcement Training Academy, 6373 Hussey Road, East Camden, AR 71701. Written comments from the public will be accepted in advance of the meeting if received prior to July 14, 2011. Written comments should be mailed to the Commission at P. O. Box 3106 East Camden, AR 71711. The proposed amendment to the rules of the Commission include requiring an individual who has been out of law enforcement for seven (7) but less than ten (10) years, in lieu of attending the twelve (12) week basic training class to take an examination, and if passed, attend a Forty (40) Hour Refresher course.

"Mark-up"

REGULATION 1005

1005. MINIMUM STANDARDS FOR TRAINING (FULL-TIME AND PART-TIME I OFFICERS)

(1) Basic Police Training Course

- (a) Each Full-time Law Enforcement Officer, and each Part-time I Law Enforcement Officer ~~who is employed and working twenty (20) hours per week but less than forty (40) hours per week,~~ must satisfactorily complete the Basic Police Training Course as prescribed in Specification S-9, within the time period established in Regulation 1003(4).
- (b) Any Full-time or Part-time I Law Enforcement Officer who has previously met the minimum training requirements, and has been separated from law enforcement for more than ~~five (5)~~ seven (7) years but less than ten (10) years may, at the request of a sponsoring agency, prior to employment by the sponsoring agency, ~~which has either employed the individual or made a conditional offer of employment to the individual,~~ be allowed to take a comprehensive examination prepared, administered, scheduled and graded by ALETA/CLEST. If the law enforcement applicant successfully passes the written exam, he or she may forego attending the full Basic Police Training Course provided he or she attends the 40-hour Refresher Course currently offered, as well as meet~~meets~~ the other selection requirements, prior to being eligible for certification.
 - (i) The examination will be administered at the ALETA Campus located in East Camden, Arkansas, at a time and date scheduled by the Commission and will consist of questions taken from the current edition of *Arkansas Criminal and Traffic Law Manual*, published by Lexis Nexis, and *CLEST Rules and Regulations Manual*, published by CLEST.
 - (ii) Law enforcement applicants who desire to challenge the exam must have completed a state or federal law enforcement academy consisting of at least the current number of required hours to complete the ALETA basic training, subject to Regulation 1008.
 - (ii) An applicant who fails to pass the two-hundred and fifty (250) question examination with a minimum score of 70%

after two attempts is required to complete the basic training course in order to be eligible for certification.

- (iii) Anyone who has been separated from law enforcement for over ten (10) years is required to attend a new Basic Law Enforcement Course without exception.
- (c) Appointment or employment as an Auxiliary, Part-time II, or Specialized Police Person during ~~five (5) to the ten (10) year~~ or less period of separation will not exclude the Full-time or Part-time I Law Enforcement Officer from complying with the requirements of (1)(b).
- (d) ~~Part-time II Law Enforcement Officers who are employed and working less than 20 hours per week.~~ Specialized and Auxiliary Law Enforcement Officers including Specialized and Auxiliary Law Enforcement Officers will be required to satisfactorily complete not less than ~~100~~ 110 hours of a Commission approved Law Enforcement Training including the Firearms Qualification Course equivalent to the Firearms Qualification requirements for a full-time Law Enforcement Officer. Separation from law enforcement for three (3) years will result in the Auxiliary and the Part-time II Law Enforcement Officer being required to attend a new ~~100~~ 110 hour training course.
- (e) Any Full-time or Part-time I Law Enforcement Officer who fails to satisfactorily complete the Basic Police Training Course within the time period allowed by regulation 1003(4), or who once enrolled in the Course, fails the course or is expelled from the course, will not be eligible for training nor certification for twenty-four (24) months following the date of failure or expulsion from the training course or the date of expiration of the probationary period. In the event a Full-time or Part-time I Law Enforcement Officer fails the course or is expelled from the course, said officer shall not be eligible to serve, be employed, or otherwise function as a law enforcement officer in this State from that date until the expiration of twenty-four months following the date of failure or expulsion from the training course. If an officer properly appeals his failure or expulsion, said officer may retain his eligibility to serve as a law enforcement officer until such time as the Commission has ruled upon said appeal or expiration of the time period allowed by Regulation 1003(4), whichever occurs first.
- (f) If an officer fails to satisfactorily complete the required training in a total of twenty (20) months from the original date of employment

or appointment, he shall not be eligible to be retained as a law enforcement officer in this State.

- (g) Reappointment or reemployment as a law enforcement officer will be considered only after the person has been separated from law enforcement for at least twenty-four (24) months. Upon reappointment or reemployment, an officer would be eligible to begin a new twelve (12) month probationary period.
- (h) Should the officer fail to meet the minimum training requirement for a second time, he or she will not be eligible for certification as a Full-time, Part-time, Auxiliary or in any other law enforcement officer position.

(2) Supervisory Course

- (a) It is recommended, but not required, that all officers promoted, appointed or transferred to a first level supervisory position should satisfactorily complete the Supervisory Course as prescribed in Specification S-10.
- (b) Officers must have satisfactorily completed the Basic Police Training Course prior to enrollment in the Supervisory Course.

(3) Middle Management Course

- (a) The Middle Management Course shall be optional and voluntary. Specification S-11 describes the Middle Management Course.
- (b) The Commission recommends, but does not require, that each officer promoted, appointed or transferred to a middle management position should satisfactorily complete the prescribed Middle Management Course.
- (c) Officers must have satisfactorily completed a Police Supervision Course before enrollment in the Middle Management Course.

(4) Executive Course

- (a) Executive Courses shall be optional and voluntary for Department Heads. Specification S-12 describes the Executive Courses.
- (b) As a condition of course certification by the Commission, enrollment and attendance shall be restricted to Department Heads, Assistant Department Heads and Division Heads unless special

approval to attend is granted by the Commission. Officers who are not Department Heads should have successfully completed the recommended Middle Management course prior to enrollment in an Executive Course.

(5) Law Enforcement Refresher Course

- (a) The Refresher Course will be required for all Full-time and Part-time I Law Enforcement Officers who are new employees and completed their training in another state.
- (b) The Refresher Course will be required for all Full-time and Part-time I Law Enforcement Officers who have previously met the training requirements, but have been separated from law enforcement for a period of ~~five~~ three (3) to ~~ten~~ seven (7) years. (See Specification S-13).
- (c) Appointment or employment as an Auxiliary, Part-time II, Specialized Police ~~Person~~ Officer during a ~~five~~ three (3) to ~~ten~~ seven (7) year period of separation will not exclude the Full-time or Part-time I Law Enforcement Officer from mandatory attendance of the Refresher Course.
- (d) Any Full-time Officer or Part-time I Officer not required to attend the Refresher Course may voluntarily apply, and if accepted, receive the training.

(6) Specialized Courses

- (a) Specialized Courses shall be optional and voluntary courses.
- (b) Specification S-14 describes the Specialized Courses.