

1001. DEFINITIONS

- (1) "Commission" is the Commission on Law Enforcement Standards and Training.
- (2) "Chairman" is the Chairman of the Commission.
- (3) "Director" is the Director of the Commission.
- (4) "Political Subdivision" means any county, municipality, township or other specific local unit of government.
- (5) "Department Head" is a chief of police, sheriff, or chief administrator of any law enforcement agency of the state or any political subdivision who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic or highway laws of this state.
- (6) "Assistant Department Head" is an officer occupying the first position(s) subordinate to a Department Head, and for which commensurate pay is authorized.
- (7) "Middle Management Position" are those positions which are between first level supervisory positions and Assistant Department Head positions as defined in this section and for which commensurate pay is authorized.
- (8) "First Level Supervisory Positions" are positions occupied by a law enforcement officer, deputy sheriff or other employee who, in the upward chain of command, directly supervises law enforcement officers as defined in this section and for which commensurate pay is authorized.
- (9) "Law Enforcement Officer" as recognized by this Commission for certification will be an appointed law enforcement officer who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state, excluding only those officers who are elected by a vote of the people. The definition does not apply to employees of organizations or state departments and other like agencies not primarily involved in law enforcement. The criteria to determine if a person is a law enforcement officer are that he or she:
 - (a) Is employed by a law enforcement agency; and
 - (b) Serves a law enforcement function for that agency; and
 - (c) Receives a salary authorized by that agency; or

- (d) Is a legally appointed Auxiliary Officer.
- (10) "Law Enforcement Agency" means:
 - (a) A private college or university law enforcement agency as described in § 12-20-101 et seq.;
 - (b) The Arkansas Commission on Law Enforcement Standards and Training and the Black River Technical College Law Enforcement Training Academy as designated under § 12-9-210; and
 - (c) Any other entity designated by law as a law enforcement agency;
- (11) "School" is any school, college, university, academy, or local training program which offers law enforcement training or education and includes within its meaning the combination of course curriculum instructor, and facilities.
- (12) "Course" is a grouping of classes or series of lessons or lectures combined to attain a particular educational or law enforcement training objective.
- (13) "Class" is a single meeting or session devoted to a specific law enforcement related subject or topic.
- (14) "School Director" or "School Coordinator" is an individual charged with the responsibility of conducting a training class, course or school under the provisions of the act. A School Director or Coordinator must be a qualified law enforcement officer or an official of a college or university, or Director of the State Law Enforcement Training Academy.
- (15) "High School" is a school accredited as a high school by the Arkansas Department of Education or a school accredited as a high school by the state university of the state in which the high school is located.
- (16) "The Act" refers to Act 452 of 1975, codified at Ark. Code Ann. §§ 12-9-101, et seq., as amended.
- ~~(17) "Specification" is a description supplementing a section of Regulations.~~
- (18) "Educational Credits" are credits earned for studies or courses satisfactorily completed at a college or university approved as a degree granting institution.
- (19) "Accredited Institution" means any community college, college, university, where the curriculum is approved as such by the department of education of the state in which the community college,

college or university is located or the recognized national or regional accrediting body.

(2019) "Full-time Law Enforcement Officer" is one who:

- (a) Is employed by and receives a salary authorized by a law enforcement agency;
- (b) Has the statutory authority to enforce the criminal, traffic or highway laws of the state;
- (c) ~~Works 40 or more hours per week. Works more than twenty-four~~
(24) hours per week.

(2120) "Part-time Law Enforcement Officer-I" is one who:

- (a) Is employed by and receives a salary authorized by a law enforcement agency;
- (b) Has the statutory authority to enforce the criminal, traffic or highway laws of this state;
- (c) ~~Works 20 or more hours but less than 40 hours per week. Works~~
twenty-four (24) hours per week or less.

~~(22) "Part-time Law Enforcement Officer II" is one who:~~

- ~~(a) Is employed by and receives a salary authorized by a law enforcement agency;~~
- ~~(b) Has the statutory authority to enforce the criminal, traffic or highway laws of this state;~~
- ~~(c) Works less than 20 hours per week.~~

(2321) "Auxiliary Law Enforcement Officer" means a person who meets the minimum standards and training requirements prescribed for such officers by law and regulations, and who is appointed by a political subdivision or a law enforcement agency as a reserve officer, volunteer officer, or mounted patrol, ~~not including but does not include~~ any officer or deputy county sheriff employed by a planned community property owners' association, and who receives no salary or wages for the performance of duties.

(2422) "Police Traffic Radar Operator" means a ~~person full-time, part-time, or auxiliary law enforcement officer who meets~~ has met the minimum standards and training requirements prescribed for such officers ~~by law and regulations~~, and who is appointed by a political subdivision or a law enforcement agency, ~~as a reserve officer, volunteer officer, or mounted patrol, but does not include any officer or deputy county sheriff employed by a planned community property owners' association.~~

(2523) "Specialized Police Personnel" are those Full-time or Part-time officers authorized by statute or employed by a law enforcement agency whose duty as prescribed by law or ordinance is enforcing some part of the criminal ~~traffic~~ or highway laws of this state and their authority is limited to the facility or area in which they work.

(24) "Division" means the Office of Law Enforcement Standards and Training.

1002. MINIMUM STANDARDS FOR EMPLOYMENT OR
APPOINTMENT OR CONTINUED EMPLOYMENT

- (1) Subject to the provisions of A.C.A. 12-9-106(e), no individual shall serve, be employed or otherwise function as a law enforcement officer in this State unless the person has satisfactorily completed a program of law enforcement training at a Commission-approved school, except that an individual may serve, be employed or otherwise function as a law enforcement officer for a term of nine (9) months from his initial employment or appointment date as a law enforcement officer. ~~(See Regulation 1608 for exceptions.)~~
 - (a) Upon the finding of extraordinary circumstances, the Commission, by majority vote, may extend this initial nine (9) month period.
 - (b) All requests for extensions must be submitted and received by the Commission prior to the end of the nine (9) month period.
- (2) Verification of minimum employment standards must be maintained by the employing department.
- (3) Every officer employed by a law enforcement agency shall:
 - (a) Be a citizen of the United States. ~~(See Specification 8-1.)~~
 - (i) Verification of place and date of birth may be established by any of the following means:
 - (A) Birth Certificate
 - (B) Family Bible Records
 - (C) Religious Documents (Certificate of baptism, birth, etc.)
 - (D) Copy of Department of Defense Notice of Separation (DD-214), if such information is included on the form.
 - (E) Local voter registration records
 - (F) Naturalization or other citizenship records
 - (G) Any other official documents approved by the Commission

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Copies of the documents used for verification will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.

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(b) Be at least 21 years of age. ~~(See Specification S-1)~~

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(i) Every officer employment by a law enforcement agency must be a citizen of the United State of America and must be at least twenty-one (21) years of age.

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(ii) A person may be employed by a law enforcement agency at twenty (20) years of age for the purposes of attending a basic law enforcement training academy. However, no individual shall perform the functions of a law enforcement officer until they have reached twenty-one (21) years of age.

(c) Be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record. ~~Procedure is prescribed in Specification S-2, Fingerprint Record Check.~~

(i) A criminal records search will be conducted through the Arkansas Crime Information Center (ACIC) and National Crime Information Center (NCIC) on each candidate for employment.

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(ii) Each candidate for employment is fingerprinted on the standard applicant fingerprint form (FBI Card FD-258), which is to be forwarded to the Arkansas State Police, Little Rock, Arkansas. State files will be checked and the card forwarded to the FBI in Washington, D.C.

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(iii) Applicants with criminal records as defined by CLEST Rules will be rejected. Applicants with criminal records other than felony offenses will be evaluated and a final decision reached by the department concerned.

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(iv) Any department head who certifies to the Commission that an applicant's fingerprints have been taken and submitted as required, when they have not, shall be in violation of Ark. Code Ann. 5-53-103. False swearing is a Class A misdemeanor.

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- (d) Be free of a felony record. A felony record shall mean having entered a plea of guilty, been found guilty, or otherwise having been convicted of an offense, the punishment for which could have been imprisonment in a federal penitentiary or a state penitentiary. The fact that an individual has received a pardon, or their record has been expunged shall not release the individual from having a felony record for the purposes of this regulation. ~~(See Specification S-2).~~

- (i) ~~Any applicant who has entered a plea of guilty or has been convicted by any state or by the Federal Government of a crime, the punishment for which could have been imprisonment in a federal penitentiary or a state prison will not be eligible for certification~~

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- (ii) ~~Retention on a permanent basis by the employing agency will depend upon the satisfactory results of the fingerprint record check on all law enforcement officers employed under the Act.~~

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- (e) Be of good character as determined by a thorough background investigation ~~as prescribed in Specification S-3. The Background Investigation:~~

- (i) ~~The background investigation must be conducted on each applicant to determine character traits and habits indicative of moral character.~~

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- (ii) ~~Only applicants of good character should be employed.~~

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- (iii) ~~For all law enforcement officers employed under the Act, retention on a permanent basis by the employing agency will depend on the satisfactory results of the background investigation.~~

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- (f) Be a high school graduate or have passed the General Education Development (GED) Test indicating high school graduation level. ~~(See Specification S-4) Home school diplomas will not substitute for the above unless approved by the Commission.~~

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- ~~(g) Applicants for the position of law enforcement officer under the Act will be required to furnish documentary evidence of one of the following:~~

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(A) Graduation from a high school accredited by the Arkansas or other state's department of education.

(B) Successful completion of the General Development Test.

(ii) Applicants may be required to obtain an Arkansas certificate at the discretion of the Commission.

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(iii) Documentary evidence shall consist of a copy of official transcripts, diplomas, or G.E.D. test report forms. In unusual circumstances the Commission may be requested to accept other documentation, and in such cases the decision of the Commission shall be final. Home schooling diplomas will not be accepted unless approved by the Commission.

(iv) A transcript from an accredited higher education institution that documents a minimum of twelve (12) hours of completed course work with at least a "C" average will substitute for a high school diploma or GED.

(g) Be examined by a licensed physician and meet the physical requirements prescribed in Specification S-5, Physical Examination.

(i) Law enforcement officer must be physically sound and free of any defect which might adversely affect the performance of duty. The officer's personal safety and the safety and lives of others will be endangered if these important physical qualifications are not met.

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(ii) REQUIREMENTS

(A) Medical examination administered by a licensed physician.

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(B) A medical history statement, Form F-2a or an equivalent Form will be supplied to the examining physician upon request. The medical history should include information on past diseases, injuries and operations.

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(C) VISION – Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty.

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(1) There should be no apparent eye deviation.

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(D) HEARING – Applicant must be free of any hearing defect which in the opinion of the examining physician would adversely affect the performance of duty.

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(E) For all law enforcement officers employed under the Act, retention on a permanent basis by the employing agency will depend on the satisfactory results of the physical examination.

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(F) The physician's report after examination must conclude and clearly state that, in his opinion, the applicant has the ability to physically perform the duties of a law enforcement officer in the State of Arkansas.

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- (h) Be interviewed personally prior to employment by the department head or his representative, or representatives to determine such things as the applicant's motivation, appearance, demeanor, attitude and ability to communicate. Commission Form E-11, Qualifications Appraisal Guide, or other appropriate form may be used to record the interview. (See Specification 5-6)

(i) An applicant will be personally interviewed by the department head or his representative prior to employment.

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- (i) Be examined by an individual licensed to practice psychiatry or psychology and qualified to perform such evaluations in the State of Arkansas, who after examination finds the officer to be competent and recommends the agency hire the individual. (See Specification 5-7)

(j) All applicants will be examined to determine emotional stability.

(ii) No person will be eligible for certification if they have any condition listed in the Diagnostic and Statistical Manual, 5th edition (DSM-5) of the American Psychiatric Association which would limit the police officer's ability to cope with the stress of modern day police work such as:

- (A) Any organic mental disorder or organic brain syndrome that currently results in impairment in memory, cognitive functions, judgment and personality.
- (B) Any substance use, whether legal or illegal, which impairs social or occupational functioning due to an inability to control use or stop taking the substance and the development of serious withdrawal symptoms after cessation or reduction in substance use. Previous substance use should be in remission for three (3) years.
- (C) Any psychotic reaction showing disturbance in content of thought involving delusions, fragmented thoughts, distortions of reality, breakdown of ego defenses or hallucinations. Any previous psychotic episodes should be in

remission for three (3) years and be currently evaluated as showing no residual symptoms.

(D) Any neurotic disorder such as excessive anxiety, panic, or convulsions which would indicate that irrational behavior would occur under stress.

(E) Any impulse control problem, particularly with anger, having resulted in husband/wife or child abuse or revealed in explosive outbreaks.

(F) Any environmental stresses such as divorce, loss of job, business difficulty, or death, in family can result in maladaptive reactions resulting in either impairment in social or occupational functioning that are in excess of a normal and expected reaction.

(G) Any personality disorder showing a pervasive and unwarranted suspicion and mistrust of people, hypersensitivity, emotional coldness and aloofness resulting in an ability to make and maintain relationships. Any history of continuous and chronic antisocial behavior.

(H) Behavior disorders as evidenced by:

(1) Frequent encounters with law enforcement agencies or antisocial attitudes or behavior which, while not a cause for rejection under this rule are tangible evidence of an impaired characterological capacity to adapt to the demands of law enforcement service.

(2) Behavior disorders where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy and dependency will seriously interfere with the performance of law enforcement duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers and fellow workers, and other social groups.

(iii) PROCEDURES

1. An actual interview and psychometric evaluation will be utilized:

(A) The employing agency will determine the examiner to be utilized.

(B) Applicants will complete any preliminary history forms required by the examiner. The applicant will provide the examiner with a release of information to the potential employing authority.

(C) The results of the first examination will be binding. When the original examiner determines that additional tests are needed, the additional tests or

interviews will be considered a part of the original examination. If extenuating circumstances exist that create a doubt as to the validity of the results of the first examination, the employing agency may petition the Commission for the approval of a second examination to be administered by a different examiner.

(D) The psychometric evaluation shall include such standardized tests as the Minnesota Multiphasic Personality Inventory, or others that may be necessary such as Bender Gestalt and Rorschach or the equivalent of each test as are appropriate and are validated by proper authority to evaluate personality traits and other mental health characteristics. These tests will be interpreted by licensed qualified individuals to ensure results.

(E) During the diagnostic interview, the examiner will evaluate each individual sufficiently for any evidence of disorganized or unclear thinking, of unusual thought control; of undue suspiciousness or of apathy or "strangeness" and any discovered evidence will be noted. Any unusual emotional expression such as depression, expansiveness, withdrawal or marked anxiety, which is out of keeping with the content of the interview will be noted and carefully evaluated.

(iv) The results of the evaluation will be recorded. A report of the evaluation will be forwarded to the employing agency. The report will be signed by a licensed psychologist or psychiatrist designating the applicant as RECOMMENDED or NOT RECOMMENDED. The results of tests or interviews administered by licensed psychological examiners must be reviewed and countersigned by either a licensed Psychologist or Psychiatrist. The form F-2h or equivalent should be used.

- (j) Possess a valid driver's license.
- (k) Successfully complete a CLEST firearms qualification and review departmental policies, specifically policies covering the use of force, criminal law, and emergency vehicle operations. (No officer may carry a firearm in the course of employment or in the performance of official duties until this requirement is met and ~~documented on the Initial Employment Report (I-E)~~ reported, in a manner adopted by the Commission, to the Office of Law Enforcement Standards.
- (l) For continued employment, must successfully complete a minimum of ~~sixteen (16) hours of CLEST certified training annually~~ twenty-four (24) ~~hour of CLEST certified training annually~~ (to include firearms qualification and racial profiling.)

- (m) Be free of a misdemeanor domestic violence conviction, in accordance with 18 USC section 922,
- (4) It is emphasized that these are minimum standards for employment or appointment. Higher standards are recommended whenever the availability of qualified applicants meets the demand. Copies of documents and/or records required by Rule 1002(3) shall be maintained and/or retained by the employing agency and shall be made available for examination at any reasonable time by representatives of the Commission.
- (5) The minimum standards for employment or appointment must be complied with as contained herein before employment. The decision to employ an applicant should depend upon the results and recommendations received by the investigators and examiners, except, for items (3)(g) and (3)(i). In accordance with the Americans with Disabilities Act, a determination to hire or not hire individuals should be made prior to the examinations required by (3)(g) and (3)(i). An offer of employment, if any, is to then be made contingent upon the successful completion of (3)(g) and (3)(i).
- (6) Law enforcement officers who have complied with the minimum standards for employment or appointment who separate from their employment and are reemployed by a law enforcement agency within six (6) months following their separation date, may transfer the required documentation evidencing compliance with the standards to the files of the new agency. The only pre-employment requirement that the new employer will be required to complete is a new background investigation and oral interview. The employing agency may require the officer to meet any or all pre-employment requirements, again, if they so desire.
- (7) Any individual who fails the required training course, as set out herein, or is expelled from the required training course, will not be eligible to serve as a law enforcement officer for twenty-four (24) months following the date of failure or expulsion from the training course.
- (8) Any individual who fails to meet the physical or mental minimum standards of this Regulation shall be individually reviewed to determine if said person can perform the essential functions of the duties of a law enforcement officer, with or without reasonable accommodations. The employing or appointing agency shall first determine if the individual can perform the essential functions of the duties of a law enforcement officer. If the agency believes that individual can perform the essential functions of the duties of a law enforcement officer, with or without reasonable accommodations, the employing or appointing agency shall request the Commission to determine if said person can perform the essential functions of the duties of a law enforcement officer. If the Commission determines, by a

majority vote, that the individual can perform the essential functions of a law enforcement officer, with or without reasonable accommodations, and the employing or appointing agency and/or the individual agrees to the reasonable accommodations, then the Commission shall waive the minimum standard in question.

~~(9) The Commission on Law Enforcement Standards and Training (CLEST) administers the program "Veterans to Law Enforcement," which allows qualified military veterans interested in pursuing a career in law enforcement, to attend the police academy.~~

~~(a) To be eligible to apply for the program, applicants must meet the following requirements:~~

~~(i) Shall have served at least six (6) months active duty in the armed services within ten (10) years prior to application.~~

~~(ii) Meet minimum standards as required of an Arkansas law enforcement officer as specified in CLEST Regulation 1002.~~

~~(iii) Pay the non-refundable cost of the training prior to attending the basic training course.~~

~~(iv) The Director of CLEST will be the final approving authority for an applicant's acceptance into the program.~~

~~(b) Veterans in the Veterans to Law Enforcement program that fail any portion of the basic police training course are ineligible to attend another course for a 24 month period as specified in CLEST Regulation 1005 and are no longer eligible to apply for the Veterans to Law Enforcement program.~~

~~(c) Veterans in the Veterans to Law Enforcement program that successfully complete the basic police training course must begin employment with a law enforcement agency as a full-time or part-time I officer within three (3) years of the date of the completion of the basic training course for the training to remain valid.~~

(94) A law enforcement officer shall not have more than one CLEST law enforcement classification within a law enforcement agency.

1004. COLLEGE EDUCATION CREDIT

- (1) Credit for college education will not be accepted in lieu of the Basic Police Training Course described in Section Rule 1005 (1) of these regulations.
- (2) College credits may be combined with experience and training in determining eligibility for law enforcement officer certification as prescribed in Specification S-15, Certification of Law Enforcement Officers by CLEST Rules.
 - (a) College credits used for certification must have been earned at a college or university approved as a degree granting institution. The Commission shall only recognize those credit hours awarded from a community college, college or university, where the curriculum is approved as such by the Department of Education of the state in which the community college, college or university is located or the recognized national or regional accrediting body.
 - (b) College credits shall be applicable in determining eligibility for General, Intermediate, Advanced and Senior certificates
- (3) Individuals claiming college credits toward certificates shall furnish to the Commission copies of transcripts or other verifying documents. College credits will be recognized by the Commission only upon receipt of an official transcript bearing a certifying signature with the official college seal superimposed or a notarized copy of an original.

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

(1) Basic Police Training Course

(a) Each Full-time Law Enforcement Officer, ~~and each Part-time I Law Enforcement Officer,~~ must satisfactorily complete the Basic Police Training Course ~~as prescribed in Specification S-9,~~ within the time period established in Regulation Rule 1002.

(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 seven (7) years, but less than ten (10) years may, at the request of a sponsoring agency, prior to employment by the sponsoring agency, be allowed to take a comprehensive written examination prepared, administered, scheduled and graded by ~~ALETA/CLEST~~ the Division. If the law enforcement applicant successfully passes the comprehensive written exam, he or she may forego attending the full Basic Police Training Course provided he or she attends the Refresher Course currently offered, as well as 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~~ Division 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 take the comprehensive written 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 Rule~~ 1008.

(iii) 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.

(iv) 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) Part-time ~~I~~ Law Enforcement Officers, Specialized, and Auxiliary Law Enforcement Officers will be required to satisfactorily complete not less than 110 hours of Commission approved Law Enforcement Training including Firearms Qualification Course equivalent to the Firearms Qualification requirements for a full time Enforcement Officer. Separation from law enforcement for three (3)

years will result in the Auxiliary, Specialized and the Part-time ~~II~~—Law Enforcement Officer being required to attend a new 110 hour training course.

- (d) 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~~ Rule 1002, 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 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~~ Rule 1002(1), whichever occurs first.
- (e) If an officer fails to satisfactorily complete the required training in a total of nine (9) months from the original date of employment or appointment, plus any extension granted by the Commission, he shall not be eligible to be retained as a law enforcement officer in this State. 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 probationary period. 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.

(f) The minimum amount of training for which certification will be granted in the Basic Police Training Course shall be 520 hours.

(g) REQUIREMENTS

(i) Successful completion of a minimum of 520 hours of instruction at a certified training school.

(ii) The Commission will not accept satisfactory completion of the Basic Police Training Course unless the trainee has attained at least 70% in each academic block of instruction and attains a passing score of 80% on the Commission approved firearms course.

(iii) A minimum academic score of 70% on each examination administered in the course will be required for successful completion of the training program.

(iv) To be eligible for retention on a permanent basis an officer must satisfactorily complete a Basic Police Training Course or its equivalent within nine (9) months or with an approved extension, a total of twelve (12) months from the date of employment. Any requests for a three (3) month extension not received by the Commission prior to completion of the nine (9) month period will not be considered. (For exception, see Rule 1008 (4)).

~~(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.~~

(25) 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, ~~federal agency, or military police.~~
- (b) The refresher course will be required for all Full-time ~~and Part-time I~~ law enforcement officers who have been separated from law enforcement for a period of three (3) to seven (7) years. ~~(See Specification S-13).~~
- (c) An Auxiliary, Part-time ~~II~~, or Specialized Police Officer who was previously a Full-time ~~or Part-time I~~ Law Enforcement Officer may return to Full-time status if he meets the yearly training requirements each year he is an Auxiliary, Part-time or Specialized Police Officer. If such officer fails to meet the yearly training requirements, he is subject to the requirements of either 1(b) or (5)(b), whichever is applicable, of this ~~Regulation~~ Rule if he wants to return to Full-time ~~or Part-time I~~ status.
- (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.

(e) REQUIREMENTS

- 1. The Law Enforcement Officer Refresher Course shall primarily consist of the current course for part-time and auxiliary law enforcement officers.
- 2. Any person attending the Law Enforcement Officer Refresher Course to supplement previous training and fails to satisfactorily complete the training will be required to attend a Basic Police Training Course at a Commission approved training facility.
- 3. The Commission may approve changes in this course when it is determined that such change is compatible with the needs of law enforcement officers and agencies.

~~(6) — Specialized Courses~~

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

1006. EXTENSION OF TIME LIMIT FOR COURSE COMPLETION

| The Commission may grant an extension of time limit for completion of any course required by ~~Section 1005 of the Regulations~~ CLEST Rules upon presentation of evidence by a department that an officer was unable to complete the required course within the time limit prescribed due to illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction.

1007. EXAMINATIONS

~~Written examinations are recommended and may be required of each trainee in each course certified by the Commission.~~

1007. PERSONNEL ACTION REPORTS

- (1) All law enforcement agencies shall furnish to the Commission-Division completed initial Employment information, in a manner adopted by the Commission Division, within ten (10) days after employment or appointment.
- (2) When an officer is promoted or demoted, it shall be reported to the Commission Division in a manner adopted by the Commission Division, within ten (10) days of the action.
- (3) When an officer retires, resigns, is discharged, separates from, or otherwise terminates employment from a position for any reason or changes name, the department shall report the change to the Commission Division, in a manner adopted by the Commission Division, within ten (10) days.
- (4) When an officer changes his or her employment, the change shall be reported to the Commission-Division in a manner adopted by the Commission Division.
- (5) Within ten (10) days following an employment change from one classification to another, the information shall be reported to the Commission-Division in a manner adopted by the Commission Division.

1008. ~~WAIVER FOR EQUIVALENT TRAINING RECIPROCITY~~

- (1) The Commission may waive the completion of any course required by ~~Section 1005 of the Regulations~~ CLEST Rule upon presentation of documentary evidence by a department that an officer has satisfactorily completed equivalent training.
- (2) Training received in a state with laws governing or regulating law enforcement training must, if subject to such review, have been approved or certified in the state in which the training was received.
- (3) The Commission may elect to prescribe as a condition of certification the satisfactory completion of the Law Enforcement Officer Refresher Course or other supplementary or remedial training necessary to equate previous training with current standards.
- (4) ~~The Commission Division is authorized to enter into standing reciprocity compacts or agreements with those~~ accept training from states, federal agencies, or military police which by law regulate and supervise the quality of law enforcement training and which require a minimum number of hours of classroom training in the Basic or Recruit Course equivalent to standards established by the Commission.
- (5) For certification purposes, those Full-time Law Enforcement Officers who have not met the minimum classroom hours of training, but have accumulated at least 50% of the required hours may, at the discretion of the Commission, receive ten (10) classroom hours of credit for each year of Full-time law enforcement experience.

Those who qualify for this equivalent training waiver will be required to satisfactorily complete the Law Enforcement Refresher Course.

Should the officer fail to satisfactorily complete the Refresher Course, he or she will be required to attend the Basic Police Training Course at a Commission approved training facility.

- (6) ~~In such circumstances, where approved by the Commission,~~ individuals who meet all other requirements of certification, and who receive a waiver under this ~~regulation Rule~~, shall be entitled to certification after the completion of the appropriate probationary period.

(7) VETERAN'S TO LAW ENFORCEMENT

The Commission on Law Enforcement Standards and Training (CLEST) administers the program "Veterans to Law Enforcement" which allows qualified military veterans interested in pursuing a career in law enforcement, to attend the police academy.

- (a) To be eligible to apply for the program, applicants must meet the following requirements:
 - (i) Shall have served at least six (6) months active duty in the armed services within ten (10) years prior to application.
 - (ii) Meet minimum standards as required of an Arkansas law enforcement officer as specified in CLEST Rule 1002.
 - (iii) Pay the non-refundable cost of the training prior to attending the basic training course.
 - (iv) The Director of the Division will be the final approving authority for an applicant's acceptance into the program.
- (b) Veterans in the Veterans to Law Enforcement program that fail any portion of the basic police training course are ineligible to attend another course for a 24 month period as specified in CLEST Rule 1005 and are no longer eligible to apply for the Veterans to Law Enforcement program.
- (c) Veterans in the Veterans to law Enforcement program that successfully complete the basic police training course must begin employment with a law enforcement agency as a full-time or part-time officer within three (3) years of the date of the completion of the basic training course for the training to remain valid.

1009. PERSONNEL ACTION REPORTS

- ~~(1) All law enforcement agencies shall furnish to the Commission completed initial Employment Report, Form F-1, within ten (10) days after employment or appointment.~~
- ~~(2) When an officer is promoted or demoted, it shall be reported to the Commission on the Personnel Change in Status Report, Form F-4, within ten (10) days of the action.~~
- ~~(3) When an officer retires, resigns, is discharged, separates from, or otherwise terminates employment from a position or changes name, the department shall forward to the Commission within ten (10) days appropriate information on the Commission Personnel Change in Status Report, Form F-4, following separation from employment for any reason.~~
- ~~(4) When an officer changes his or her employment, an F-4 shall be submitted terminating that employment.~~

~~An F-4 shall be submitted within ten (10) days following employment change one classification to another.~~

1009. REQUIREMENTS TO OBTAIN LAW ENFORCEMENT CERTIFICATION

(1) GENERAL PROVISIONS

- (a) To be eligible for the award of a certificate, each applicant must be a law enforcement officer appointed by a law enforcement agency located within the State of Arkansas.
- (b) Each applicant shall meet the Commission's prescribed minimum standards for employment established pursuant to Rule 1002 except those Full-time law enforcement officers who were employed before January 1, 1978. Those persons are "grandfathered" and exempt from meeting any selection or training requirements, provided they have been continually employed by the same agency since December 31, 1977.
- (c) Each applicant should attest that he subscribes to the Law Enforcement Code of Ethics.
- (d) All applications for an award of the Basic, General, Intermediate, Advanced or Senior Certificates shall be completed in a manner adopted by the Commission Division.

(e) In addition to the requirements set forth above for the award of a General, Intermediate, Advanced or Senior Certificate, each applicant shall have completed the designated education and training combined with the prescribed law enforcement experience.

(f) Education and training must be supported by copies of transcripts, certificates, diplomas, or other verifying documents attached to the application. Each training document must verify the number of classroom hours claimed.

(2) EDUCATION POINTS

(a) Each semester credit hour granted by a college or university, approved in accordance with Rule 1004, operating on a semester schedule, shall equal one education point.

(b) Each quarter credit hour granted by a college or university, approved in accordance with Rule 1004, operating on a quarter schedules, shall equal .75 education points.

(3) TRAINING POINTS

(a) Twenty (20) classroom hours of police training approved by the Division equals one training point.

(b) Basic, Refresher, Supervisory, Middle Management, Executive, or Specialized courses certified, sponsored, or presented by the ~~Commission~~-Division will be acceptable for training credit.

(c) The ~~Commission~~-Division may approve departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must confirm successful completion and must include the date completed, course or subject title, sponsoring agency, classroom training hours and/or college credit hours.

(d) Training completed in other states, federal agencies, military police training, or other specialized training, if properly documented and approved by the ~~Commission~~-Division as being required and/or useful to the department, may be allowed.

(e) Certified Instructors may claim course completion credit for the first time the law enforcement class is instructed.

- (f) College credits earned in law enforcement related subjects may be counted for either training points or education points, whichever is to the advantage of the applicant.

(4) LAW ENFORCEMENT EXPERIENCE

- (a) Experience acquired as a sworn law enforcement officer employed full-time and having statutory authority to enforce state or federal criminal, traffic, or highway laws may be approved. Experience acquired with a police agency whose standards are lower than minimum standards established by the Commission will be rejected.
- (b) Law Enforcement experience claimed is subject to staff evaluation and final approval of the Commission Division.

(5) ELIGIBILITY QUESTIONS

- (a) Any person approved for certification will be required to meet the minimum standards for employment or appointment as defined in Regulation Rule 1002 and the training requirements established or approved by the Commission.

(6) THE BASIC CERTIFICATE

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of a Basic Certificate:
- (1) Shall have completed a probationary period of not less than twelve (12) months with his present department.
- (2) Shall have successfully completed the required Basic Police Training Course or the equivalent as determined by the Division.

(7) THE GENERAL CERTIFICATE

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of a General Certificate:
- (1) Shall possess the Basic Certificate.
- (2) Shall have satisfactorily completed the Basic Police Training Course approved by the Commission and have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience.

GENERAL

<u>Education Points and/or</u>	<u>25</u>	<u>33</u>	<u>40</u>	<u>48</u>
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<u>Training Points</u>				
<u>AND</u>	<u>&</u>	<u>&</u>	<u>&</u>	<u>&</u>
<u>Years of Experience</u>	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>

(8) THE INTERMEDIATE CERTIFICATE

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of an Intermediate Certificate:

- (1) Shall possess or be eligible to possess a General Certificate.
- (2) Shall have satisfactorily completed six (6) semester hours of college English or its equivalent from a college or university, approved in accordance with CLEST Rules, with at least a 2.0 grade average on a 4.0 point scale.
- (3) Equivalency will be determined in writing from the English Department Head of the college or university granting credit for the course
- (4) Shall have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience:

<u>Education Points And/or Training Points</u>	<u>40</u>	<u>55</u>	<u>70</u>	<u>85</u>	<u>Associate Degree</u>
<u>AND</u>	<u>&</u>	<u>&</u>	<u>&</u>	<u>&</u>	<u>&</u>
<u>Years of Experience</u>	<u>8</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>4</u>

(9) THE ADVANCED CERTIFICATE

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of an Advanced Certificate:

- (1) Shall possess or be eligible to possess the Intermediate Certificate.

- (2) Shall have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience and have attained the college level indicated with an overall grade average of at least 2.0:

<u>Semester Hours</u>	<u>6</u>	<u>15</u>	<u>30</u>	<u>45</u>	<u>Associate Degree</u>	<u>Bachelor's Degree</u>
<u>Training Hours</u>	<u>620</u>	<u>560</u>	<u>500</u>	<u>440</u>	<u>410</u>	<u>410</u>
<u>Years of Experience</u>	<u>16</u>	<u>14</u>	<u>12</u>	<u>10</u>	<u>8</u>	<u>6</u>

(10) THE SENIOR CERTIFICATE

- (a) In addition to the requirements set forth in this Rule the following are required for the award of a Senior Certificate:

- (1) Shall possess or be eligible to possess the Advanced Certificate.
- (2) Shall have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience and have attained the college level indicated with an overall grade average of at least 2.0:

<u>Semester Hours</u>	<u>30</u>	<u>45</u>	<u>Associate Degree</u>	<u>Bachelor's Degree</u>	<u>Master's Degree</u>
<u>Training Hours</u>	<u>920</u>	<u>800</u>	<u>680</u>	<u>560</u>	<u>440</u>
<u>Years of Experience</u>	<u>18</u>	<u>15</u>	<u>12</u>	<u>9</u>	<u>6</u>

(11) GENERAL INFORMATION

- (a) An auxiliary law enforcement officer who does not meet the minimum standards for employment or training shall not take any official action as a law enforcement officer and any action taken shall be held as invalid.
- (b) All persons who were serving as Auxiliary law enforcement officers prior to March 24, 1993 must be a citizen of the United States, at least 21 years of age and never entered a plea or found guilty of a felony at any time.

- (c) All persons serving as Auxiliary law enforcement officers prior to the effective date of the Act shall have one (1) year from that date to complete or have completed the training requirements or its equivalent as determined by the Commission.

(12) CERTIFICATES REMAIN PROPERTY OF THE COMMISSION

- (a) Certificates remain the property of the Commission, and the Commission shall have the power to recall or revoke any certificate as provided in the Act and Rule 1034.

(13) CHIEF OF POLICE DEPARTMENT HEAD CERTIFICATE - (NON-MANDATORY)

In accordance with Arkansas Code Annotated § 12-9-104, the following are suggested selection and training requirements and non-mandatory basic and advanced levels of certification for Chiefs of Police Department Heads.

A. LEVEL ONE CERTIFICATE CHIEF

In addition to the requirements set forth in this Rule, a Chief of Police Department Head seeking the award of a Chief of Police Certificate—Level One Certificate should:

- i. Hold intermediate law enforcement officer certification or higher.
- ii. Complete a minimum of forty (40) hours of police supervision/management training.
- iii. Possess a minimum of two (2) years of police supervisory or management experience.

B. LEVEL TWO CHIEF CERTIFICATE

In addition to the requirements set forth in this Rule, a Chief of Police Department Head seeking the award of a Police Certificate—Level Two Certificate should:

- (1) Hold advanced law enforcement officer certification or higher.
- (2) Successfully complete police supervision and/or management course of instruction of four (4) week or more duration, such as the FBI Academy or the School of Police Supervision offered by the Arkansas Criminal Justice Institute or a comparable course such as those offered by the Southwestern Legal Foundation, Southern Police Institute, or Northwestern University.

- (3) Possess a minimum of five (5) years' experience as a police chief/department head or staff level command officer.

C. SENIOR CHIEF CERTIFICATE

In addition to the requirements set forth in this Rule, a Chief of Police/Department Head seeking the award of a Chief of Police Certificate—Senior Certificate Chief should:

- (1) Hold the senior law enforcement officer certification.
- (2) Successfully complete police supervision and/or management course of instruction of four (4) weeks or more duration, such as the FBI Academy or the School of Police Supervision offered by the Arkansas Criminal Justice Institute or a comparable course such as those offered by the Southwestern Legal Foundation, Southern Police Institute, or Northwestern University.
- (3) Possess a minimum of five (5) years' experience as police chief/department head.

PROCEDURE

Applications for Chief's department head certification shall be made in a manner adopted by the Commission Division.

**1010. CERTIFICATION OF LAW ENFORCEMENT OFFICERS
(ALL OFFICERS)**

(1) CERTIFICATION REQUIRED

No later than ninety (90) days after the completion of the officer's probationary period, every law enforcement officer must apply to the ~~Commission Division~~ for the certificate appropriate to the officer's classification.

(a) If a law enforcement officer applies for his certificate as required, the law enforcement officer may continue to serve as a law enforcement officer after the completion of the officer's probationary period.

(b) If the ~~Commission Division~~ denies a law enforcement officer's application for a certificate, that officer is no longer eligible to serve, be employed, or otherwise function as a law enforcement officer.

(2) Should an officer become ineligible for employment or training as a direct result of the employing agency's failure to take an action required by the Commission, the agency may within ten business (10) days after notification that certification has expired, request an audience before the Commission to ask for an extension of time, which is permitted as stated herein. During the extension period, the officer will be scheduled for the required training course.

(3) The certification of any law enforcement officer shall expire if the officer does not serve as a law enforcement officer for three (3) consecutive years.

(4) Requirements for the Basic, General, Intermediate, Advanced, and Senior certificates are prescribed in ~~Specification S-15~~ Rule 1009, "~~Certification of Law Enforcement Officers~~."

(5) Requirements for the Part-time I-Law Enforcement Officer, ~~Part-time II-Law Enforcement Officer~~, Specialized Police Personnel and Auxiliary Law Enforcement Officer certificates are prescribed in ~~Specification S-15 and S-20~~ Rules 1009, 1011, and 1012.

1011. CERTIFICATION OF AUXILIARY LAW ENFORCEMENT OFFICERS

~~(SEE SPECIFICATION S-15/13)~~

- (1) Act 757 of 1983, as amended, established statutory guidelines for the appointment, authority and supervisory control of Auxiliary Law Enforcement Officers.
- (2) Any person appointed after March 24, 1983, will be required to meet the minimum standards for employment or appointment as outlined in Regulation Rule 1002(2).
- (3) It shall be the responsibility of the appointing law enforcement agency to provide or have provided not less than 110 hours of Commission approved law enforcement training which shall include a Firearms Qualification Course equivalent to the Firearms Qualification requirements for a Full-time Law Enforcement Officer.
- (4) Every Auxiliary law enforcement officer shall satisfactorily complete a probationary period of not less than twelve (12) months.
- (5) Auxiliary officers who have been separated from law enforcement for a period of three (3) years must satisfactorily complete the approved ~~110-hour Auxiliary Part-time~~ Training Course of not less than 110 hours before becoming eligible for re-certification.

1012. PART-TIME LAW ENFORCEMENT OFFICERS

(SEE SPECIFICATIONS 15/11-12)

~~(1) Part-time Law Enforcement Officers are divided into two (2) separate classifications for training purposes: Part-time Law Enforcement Officer I and II.~~

~~(2) Part-time Officer I is any officer who is:~~

~~(a) Employed by a law enforcement agency;~~

~~(b) Authorized by law to enforce the criminal, traffic, or highway laws of this State;~~

~~(c) Authorized salary or wages by the law enforcement agency;~~

~~(d) Authorized to work for twenty (20) or more hours per week but less than 40 hours per week.~~

(3) Part-time Officer II is any officer who is:

(a) Employed by a law enforcement agency;

(b) Authorized by law to enforce the criminal, traffic, or highway laws of this State;

(c) Authorized salary or wages by the law enforcement agency;

(d) Authorized to work ~~less than 20 hours a week~~ twenty-four (24) hours per week or less.

Selection and Training – A Part-time Officer II is required to satisfactorily complete the minimum standards for employment or appointment as authorized in Regulation Rule 1002(3) and have satisfactorily completed not less than 110 hours of Commission approved training which will include a firearms qualification equivalent to Firearms Qualification Course for Full-time law enforcement officers.

(4) Certification of Part-time II-Law Enforcement Officers:

A Part-time II-Officer who has met the minimum standards for employment or appointment, completed the minimum training requirement and completed a twelve (12) month probation period with their present department may be eligible for certification by applying to the ~~Commission Division~~, on Form F-7.

(5) Any Part-time II-Law Enforcement Officer who fails to satisfactorily complete not less than the 110 hours of Commission approved law enforcement training within the time period allowed by ~~Regulation Rule 1002(1)~~ will not be eligible for training nor certification for twenty-four (24) months following the date of expiration of the probationary period.

1013 CERTIFICATION OF SPECIALIZED POLICE PERSONNEL

~~(SEE SPECIFICATION S-20)~~

(1) Specialized Police Personnel are identified in ~~Act 452 of 1975~~ the Act, as modified.

(2) ~~These officers may be either Full-time or Part-time officers whose Specialized~~ officers' duties are limited or restricted to the facility or area in which they work, and may include the enforcement of agency rules and regulations for which the penalty could be a fine or imprisonment.

(3) The ~~Commission~~ Division shall approve all training courses and certification provided for Specialized Police Personnel.

(4) Certificates may be issued to all specialized Police Personnel who have:

(a) Met the minimum employment or appointment requirements outlined in ~~Regulation Rule~~ 1002(3);

(b) Satisfactorily completed the minimum standards for training as approved by the ~~Commission~~ Division; and

(c) Completed a twelve (12) month probationary period as outlined in ~~Regulation Rule~~ 1003.

(5) Specialized Police persons who have previously met the training requirements but have been separated from law enforcement for a period of three (3) years, will be required to meet the minimum training requirements again.

(6) Any Specialized Police personnel who fails to satisfactorily complete the appropriate ~~Commission~~-approved law enforcement training within the time period allowed by ~~Regulation Rule~~ 1002(1), will not be eligible for training nor certification for twenty-four (24) months following the date of expiration of the probationary period.

(7) Specialized Police personnel may assist local law enforcement during emergency situations but shall not enforce the traffic laws of the State of Arkansas.

REQUIREMENTS

1. Any officer in this category must meet all minimum standards for employment or appointment as outlined in Rule 1002(3).

2. Shall complete a twelve (12) month probationary period with the employing department.
3. Must satisfactorily complete or have completed a Division approved Basic Police Training Course equivalent to the course required for Auxiliary and Part-time Officers.
4. The employing agency may require additional specialized training for job assignments such as: Jailers, Parole, Probation, etc.

CERTIFICATION

After completing all requirements a Commission certificate shall be issued upon application by the agency.

1014. CERTIFICATION OF FIELD TRAINING & SPECIALIZED FIELD TRAINING OFFICERS

- (1) ~~The Commission-Division shall certify law enforcement officers deemed qualified to be Field Training Officers for the purpose of training recruits. Certification will be in accordance with Specification S-19.~~
- (2) Field Training Officers will be certified on the basis of minimum qualifications in the area of education, training, experience, and the ability to express knowledge and experiences to the recruit. It shall be the responsibility of the department head to see that the Field Training Officers are supervised on a regular basis to insure a quality training experience is maintained
- (3) Field Training Officer certification may be revoked whenever a field training officer is deemed by the ~~agency-administrator~~department head or by the ~~Commission-Division~~ as unqualified to continue training. Such review may be initiated by the ~~Commission-Division~~ in the absence of external requests or complaints.
- (4) The Division shall certify law enforcement officers deemed qualified to be Specialized Field Training Officers for the purpose of training recruits.
- (5) Specialized Field Training Officer certification may be revoked whenever the officer is deemed by the department head or by the Division as unqualified to continue training. Such review may be initiated by the Division in the absence of external requests or complaints.
- (6) The actual evaluation and selection of the Field Training Officers will remain the responsibility of the department head. The department head is ultimately responsible for the quality of the instruction and training provided.

REQUIREMENTS FOR FIELD TRAINING OFFICERS

1. LAW ENFORCEMENT EXPERIENCE

A minimum of three years of full time experience in law enforcement is required.

2. EDUCATION

Possession of not less than the General Certificate.

3. TRAINING

New applicants for Field Training Officer certification will have completed a minimum of 32 hours of Division approved classroom instruction including, but not limited to, the following topics:

- (a) Communications
- (b) Techniques of Instruction
- (c) Evaluation of Training
- (d) Trainee Motivation and Counseling

VALIDATION OF CERTIFICATE

- (a) The Field Training Officer's Certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Division.
- (b) A Field Training Officer Certificate will be transferable should the officer change agencies.
- (c) The Field Training Officer Certificate will expire if the officer is separated from law enforcement for more than three (3) years.

REQUIREMENTS FOR SPECIALIZED FIELD TRAINING OFFICERS

1. Law Enforcement Experience

- a. A minimum of three years of experience in specialized law enforcement is required.

2. Education

- a. Possession of not less than the Specialized Certificate.

3. Training

- a. New applicants for Specialized Field Training Officer certification will have completed a minimum of 32 hours of Division-approved classroom instruction including, but not limited to, the following topics:
 - (1) Communications
 - (2) Techniques of Instruction
 - (3) Evaluation of Training
 - (4) Trainee Motivation and Counseling

(b) The Commission will not accept satisfactory completion of the Basic Course unless the recruit has attained at least 70% in his/her academic studies and consistently attains a passing score on the Commission-approved firearms training course.

VALIDATION OF CERTIFICATE

1. The Specialized Field Training Officer's Certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Commission.
2. The Specialized Field Training Officer Certificate will expire if the officer is separated from specialized law enforcement for more than three (3) years.

1015. POLICE TRAFFIC RADAR OPERATORS AND INSTRUCTORS

~~— (SEE SPECIFICATIONS 17)~~

- (1) Act 672 of 1983 as modified established a minimum training and certification standards for Police Traffic Radar/Lidar Operators and Instructors.
- ~~(2) Operator: Only Full-time law enforcement officers, Part-time I, Part-time II and Auxiliary Officers, who have completed the Commission approved training for their appropriate level of certification, shall be eligible for certification as a Police Traffic Radar Operator.~~
- (3) Instructor: Any Full-time certified law enforcement officer or any person employed by a law enforcement agency or Commission approved training facility that has satisfactorily completed a Police Traffic Radar/Lidar Course and the Instructor Development Course ~~shall be~~ is eligible for certification as a Police Traffic Radar/Lidar Instructor.
- (4) Officers applying to be operators and instructors shall successfully complete an Arkansas Commission approved Radar/Lidar Training Course and before operating a radar/lidar device, obtain a radar/lidar operator certificate from the Division evidencing certification to operate a radar/lidar device.
- (5) An officer who does not meet the standards and qualifications ~~set forth in the Act~~ shall not take any official action as a Police Traffic Radar/Lidar Operator or instructor and any action taken shall be held as invalid.
- (6) All certificates ~~and ID cards~~ remain the property of the Commission and the ~~Commission Division~~ shall have the power to recall or revoke any certificate issued. Any recall or revocation action will comply with the State Administrative Procedures Act.

REQUIREMENTS

1. An officer must have completed the Division approved training for their appropriate level of certification before being eligible for certification as Police Traffic Radar/Lidar Operator. ("Grandfathered" officers are exempt from this requirement.)
2. The Division shall establish the minimum curriculum requirements for the Police Traffic Radar/Lidar Operator Course.
3. The Division shall issue a certificate evidencing satisfactory completion of the requirements when evidence is submitted by the law enforcement department head.

that the police traffic radar/lidar operator or instructor has met the training requirements.

4. Police Traffic Radar/Lidar Operators shall obtain a certificate issued by the Division before taking any law enforcement action as a police traffic radar/lidar operator.
5. All certificates remain the property of the Commission and the Division shall have the power to revoke any certificate.

1016. CERTIFICATION OF INSTRUCTORS

- (1) The ~~Commission-Division~~ shall certify instructors deemed qualified to teach in one or more of the prescribed training courses. ~~Certification will be in accordance with Specification S-16, Certification of Instructors.~~
- (2) Certification –
 - (a) ~~Instructors~~ will be certified on a basis of minimum qualifications in the areas of education, training and experience. It shall be the responsibility of the school director/coordinators to see that instructors are assigned only topics which they are qualified to teach and are supervised on a regular basis to ~~insure-ensure~~ that instructional excellence is maintained.
 - (b) The actual evaluation and selection of instructors is the responsibility of the School Director/coordinator and the school director/coordinator is responsible for the quality of the instruction provided.
- (3) Firearms Instruction Certification – Firearms Instructor Certificates will be issued only to those persons who have satisfactorily completed a ~~Commission-Division~~ approved Instructor Development Course, a ~~Commission-Division~~ approved Firearms Instructor Course, and demonstrated instructional and range proficiency. Instructor Development shall be a prerequisite to take the ~~Commission-Division~~ approved Firearms Instructor Course.
- (4) Revocation of Instructor Certificate – Instructor certification may be revoked whenever an instructor is deemed by the Commission to be unqualified to continue teaching.

TYPES OF CERTIFICATION

For purposes of certification of instructors, all approved law enforcement training will be designated as follows:

PROFESSIONAL – Professional subjects will be those subjects which are clearly law enforcement in nature.

REQUIREMENTS

1. LAW ENFORCEMENT EXPERIENCE

- (a) A minimum of three years of law enforcement experience is required for personnel instructing law enforcement subjects.

(b) The Division may grant an individual with specialized skills or knowledge the authority to teach professional courses when the individual lacks law enforcement experience and the Division believes the best interests of law enforcement will be served.

2. TRAINING

(a) New applicants for instructor certification must have completed an Instructor Development Training Course consisting of a minimum of 32 hours of Division approved classroom instruction or the equivalent including, but not limited to, the following topics:

Communications

Psychology of Learning

Techniques of Instruction

Use of Instructional Aids

Preparing and Using Lesson Plans

Evaluation of Training

Preparing and Administering Tests

Teaching Resources

Planning for Instruction and Learning

Trainee Motivation and Counseling

Practical Exercises in the Application of Instructional Principles Presented in the Course

(b) An Instructor's Certificate may be issued without completion of the required Instructor Development Course if an individual has documented expertise in the area of instruction. Documented expertise may include the completion of specialized and advanced education or training, acceptance as expert by court, association or society or other recognizing body, and/or experience in the subject area. The Division retains the right to accept or reject submitted documentation as evidence of expertise. Any certificate issued shall only entitle the individual to teach the subject(s) specified in Division approved courses.

(c) FIREARMS – Firearms training is a professional subject, therefore, a Firearm Instructor Certificate will be issued only to those officers who have successfully met the requirements outlined in this Rule and have successfully completed a Firearms Instructor Course approved by the Division.

(d) GENERAL – General subjects will be those subjects which are clearly NOT law enforcement in nature, i.e., Criminal Law, Human Relations, Management subjects, etc.

REQUIREMENTS

1. At least three years of experience in the subject area to be instructed.
2. Recommendation of school director.
3. A Baccalaureate Degree with a major or concentration of courses in the discipline or an area to be taught or as required by the Division; or
4. An associate degree with course work in the discipline or area to be taught or as required by the Division and three (3) years' experience in a Criminal Justice occupation or a related occupation; or
5. The equivalent of 3 and 4 above as determined by the Division.
6. Usual formalities of certification may be waived by the Division for those teaching general subjects.

CERTIFICATION OF INSTRUCTORS

1. Applications for instructor certification, both professional and general, will be made in a manner adopted by the Division. Once a person has been certified as an instructor, he or she need not report to the Division again except to report changes or request certification to instruct in additional subject areas.

1017. CERTIFICATION OF SCHOOLS OR COURSES

(A) RULES AND REQUIREMENTS

- (1) The ~~Commission~~ Division may certify those schools deemed adequate to effectively teach one or more approved law enforcement or police science courses.
- (2) The ~~Commission~~ Division may certify those courses deemed adequate to effectively teach one or more law enforcement or police science subjects.
- (3) School or course certification shall be issued as prescribed by CLEST Rules in Specification S-18, Certification of Schools or Courses.
- (4) Certification may be revoked by the Division Director or the Deputy Director of the ~~Office of Law Enforcement Standards~~ Division, whenever a school or course is deemed inadequate. The school or course may be recertified by the ~~Commission~~ Division when the deficiencies have been corrected.
- (5) Certification of schools will generally be offered on the basis of onsite inspections conducted by the Division staff members. Such inspections will be conducted according to guidelines established by the Division and will include, but are not limited to, examination of instruction, facilities and administration.
- (6) Certification of courses will generally be offered on the basis of information supplied in a manner adopted by the Division. On-site evaluations may be conducted by Division staff members.

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(B) PROCEDURES

1. An outline and course description of the subject material being offered, a schedule of classes, brief background showing qualifications of instructors, and name of the school director or coordinator should accompany the request.
2. Unless otherwise provided, agencies or schools shall request course approval from the Division before holding the course. A copy of the course outline, course descriptions, and applicants for instructor certification, and any other documents required by the Division shall accompany the request.
3. Within ten (10) days of completion of the course, an attendance roster of those attending the classes offered must be reported to the Division in a manner adopted by the Division. The report shall show full name, department, CLEST ID, and examination score, if applicable, for each student completing the course.

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If the course was a seminar and no examination was given, indicate satisfactory or unsatisfactory participation.

(C) GUIDELINES -- CERTIFIED COURSES

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1. Law enforcement agencies or any college, university, or academy may align their training or education programs with the Rules set by the Commission on Law Enforcement Standards and Training and apply for course certification.

2. SUMMARY OF STEPS

(a) Select a school director or coordinator and facilities.

(b) Select instructors

(c) Apply to the Division for course approval

(d) Forward class attendance roster to the Division within ten (10) days of completion of the course.

3. Course approval will be announced in a manner adopted by the Commission. School directors and coordinators are encouraged to design and distribute their own certificates.

4. The school director or coordinator has the responsibility for administering the course and supervising the preparation of the curriculum to ensure its compliance with the requirements of the Commission. He also selects facilities to be used for the course, obtains instructors and develops rules and regulations for governing the operation of the facilities and conduct of the trainees. The school director or coordinator maintains all forms required by the Division and forwards them within the stipulated time period.

5. Each trainee shall be required to attend ALL sessions of the course. The school director or coordinator may authorize absences of no more than 10% of the class hours. Training credit will be awarded ONLY for actual hours and classes completed.

1018. CURRICULUM

- | (1) The ~~Commission Division~~ shall approve the curriculum for all law enforcement courses prescribing the subject areas, classes, and hours of instruction per class.
- | (2) The ~~Commission Division~~ may make or approve requested changes of curriculum when such a change is compatible with the public interest.

1019. TRAINING RECORDS

Upon receipt by the ~~Commission~~ Division of an Initial Employment Report Form F-1, employment information properly identifying an individual officer, in a manner adopted by the Commission, the ~~Commission~~ Division will maintain a file for that officer and record certified training completed, as well as other personnel information, if properly documented. It must be emphasized, however, that each officer should maintain his own training and education records, documented by transcripts, certificates, diplomas, letters, or notices of course completion. (See Forms F-6, F-10, and F-18)

1020. THE LAW ENFORCEMENT CODE OF ETHICS

The Law Enforcement Code of Ethics is located in ~~Specification S-21~~ and ~~must~~ shall be subscribed to by each certified law enforcement officer. Violation of any portion of the Code may, upon Commission direction, result in revocation of law enforcement certification.

TITLE: THE LAW ENFORCEMENT CODE OF ETHICS

The LAW ENFORCEMENT CODE OF ETHICS should be administered as an oath to all trainees during the Basic Course.

THE LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency; I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life. I will be exemplary in obeying the law, and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement.

1023. COMMISSION PUBLICATIONS

The Commission may from time to time publish guidelines, information bulletins, and specifications establishing and disseminating procedures and policies dealing with the implementation of the Act and all such publications shall be considered as comprising Commission ~~regulations~~ rules, if so designated.

1024. RIGHT TO AMEND

The Commission reserves the right to amend these rules ~~and regulations~~ by deletion or addition at such times as deemed appropriate, pursuant to ~~act 452 of 1975~~ the Act, as amended, ~~the same being Ark. Code Ann. 12-9-101 thru 12-9-109.~~

1025. RETIRED OFFICER'S RIGHT TO CARRY WEAPON

This regulation is enacted ~~to implement Public Law 108-277~~ pursuant to Federal Law to authorize retired law enforcement officers to carry a firearm nationwide without a permit if they satisfy the following requirements:

1. The officer is a retired law enforcement officer as defined ~~in P.L. 108-277 by~~ Federal Law.
2. The officer carries a photographic identification card from his or her former law enforcement agency as defined ~~in P.L. 108-277 by~~ Federal Law.
3. During the most recent 12 month period, the officer has met, ~~at~~ at his or her own expense, the state's standard for training and qualification of active law enforcement officers to carry firearms.

1026. ARKANSAS STATE STANDARD FOR FIREARMS TRAINING AND QUALIFICATION

- 1) The Arkansas State standard for ~~training and qualification~~ for active law enforcement officers to carry ~~firearms~~ a handgun shall be the ~~Law Enforcement Training Academy (AETA) Standard Qualification~~ CLEST-approved Course of Fire for one target.
- 2) All active law enforcement officers shall, annually, successfully complete a CLEST-approved firearms training and qualification course for handguns and any type of firearm available to them in the course of their duties, ~~that meets the Arkansas Law Enforcement Standards and Training (AETA) Standard Qualification Course of Fire for one target~~.
- 3) ~~For handguns~~. The ~~AETA~~ CLEST-approved course of fire requires a passing score of 80% based on 50 rounds.

1027. CERTIFICATION OF CIVIL TRAFFIC WARDENS

- (1) The Commission shall certify individuals deemed qualified to be Civil Traffic Wardens for the purpose of:
 1. Issuing citations for parking violations occurring within the corporate limits of a municipality of the first class; and
 2. Preparing traffic accident reports and, in connection with any such reporting, issue any necessary traffic citations.
- (2) Persons employed as Civil Traffic Wardens shall not carry firearms or take any other official law enforcement action except as prescribed by these ~~regulations~~ rules.
- (3) No person shall serve as, be employed or otherwise function as a Civil Traffic Warden unless or until they have met the following minimum standards as set forth in ~~Regulation Rule~~ 1002(3):
 - (a) Be a citizen of the United States.
 - (b) Be at least 21 years of age.
 - (c) Be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record.
 - (d) Be free of a felony record. A felony record shall mean having entered a plea of guilty, been found guilty, or otherwise having been convicted of an offense, the punishment for which could have been imprisonment in a federal penitentiary or a state penitentiary. The fact that an individual has received a pardon, or their record has been expunged shall not release the individual from having a felony record for the purposes of this rule.
 - (e) Be of good character as determined by a thorough background investigation.
 - (f) Be a high school graduate or have passed the General Education Development (GED) Test indicating high school graduation level. Home school diplomas will not substitute for the above unless approved by the Commission.
 - (g) Be examined by a licensed physician and meet the physical requirements.
 - (h) Be interviewed personally prior to employment by the department head or his representative, or representatives to determine such things as the

applicant's motivation, appearance, demeanor, attitude and ability to communicate.

(i) Be examined by an individual licensed to practice psychiatry or psychology and qualified to perform such evaluations in the State of Arkansas, who after examination finds the officer to be competent and recommends the agency hire the individual.

(j) Possess a valid driver's license.

(4) Prior to assuming the duties listed above, individuals must successfully complete a basic course developed by the employing agency.

(a) The basic course shall be known as the At-Scene Traffic Accident Investigation Course and contain a minimum of the following Instruction:

(i) Two (2) hours regarding the Principles of Accident Scene Management.

(ii) Six (6) hours regarding the Accident Report Form.

(iii) Eight (8) hours regarding Arkansas Traffic Laws.

(iv) Four (4) hours regarding Evidence Collection.

(v) Four (4) hours regarding Measurements and Diagramming.

(vi) Six (6) hours regarding Practical Exercise involving a Mock Traffic Accident.

(vii) A two-hour Final Examination.

(b) Candidates must be tested on each aspect of the At-Scene Traffic Accident Investigation course and obtain a minimum score of 75% prior to assuming the duties of a Civil Traffic Warden.

(5) In addition to meeting these minimum standards for employment, a municipality of the first class or the State Police may mandate local requirements such as written testing or other precursors to employment as desired for their jurisdiction.

**1028. CERTIFICATION OF LAW ENFORCEMENT CANINES & LAW
ENFORCEMENT CANINE QUALIFYING OFFICIALS**

(a) CANINE QUALIFICATION

- (1) A canine used as ~~a~~ law enforcement tool in the State of Arkansas may be ~~certified~~ qualified by a Law Enforcement Canine Qualifying ~~Certifying~~ Official in accordance with Canine Certification standards approved by CLEST.
- (2) Agencies that choose to use the CLEST canine ~~certification~~ qualification program shall meet or exceed the minimum standards approved by CLEST for law enforcement canines the type of canine being qualified.
- (3) Law Enforcement Canine Certifications shall expire ~~one (1) year after the date of issue~~.
- (3) Law Enforcement Canine Qualifying Official certificates issued by the Division remain the property of CLEST and the Division shall have the power to revoke or recall any certificate.

(b) LAW ENFORCEMENT CANINE QUALIFYING OFFICIAL CERTIFICATION

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- (1) A person desiring to qualify law enforcement canines in the State of Arkansas may be certified by the Division as a Law Enforcement Canine Qualifying Official.
- (2) A person desiring to obtain a Law Enforcement Canine Qualifying Official certificate must:
 - (A) Submit an application to the Division;
 - (B) Submit a letter confirming compliance with 1028(b)(3); and
 - (C) Submit proof of completion of the Arkansas Qualifying Official course.
- (3) Applicants must have five (5) years of experience as a canine officer, or be actively serving as a qualifying official with a nationally recognized police canine organization, to be eligible for a Law Enforcement Canine Qualifying Official certificate.

~~1029. DECERTIFICATION OF LAW ENFORCEMENT CANINES~~

~~(1) Law Enforcement Canine Certificates issued by the Commission remain the property of CLEST and the Commission shall have the power to revoke or recall any certificate for the following reasons:~~

~~(a) The Law Enforcement Canine is found to be a danger to the public.~~

~~(b) The Law Enforcement Canine is no longer in use by a Law Enforcement Agency.~~

~~(2) The Law Enforcement Agency utilizing the Law Enforcement Canine shall have the right to a hearing before the Commission prior to a final decision to decertify a Law Enforcement Canine.~~

~~1030. CERTIFICATION OF LAW ENFORCEMENT CANINE
— CERTIFYING OFFICIAL~~

- ~~(1) In order to certify Law Enforcement Canines in the State of Arkansas, a person must be certified by CLEST as a Law Enforcement Canine Certifying Official.~~
- ~~(2) A person may be certified as a Dual Purpose Certifying Official or a Single Purpose Certifying Official.~~
 - ~~(a) A Dual Purpose Certification will be issued to a person who is trained to certify Law Enforcement Canines in narcotics/explosives and patrol work.~~
 - ~~(b) A Single Purpose Certification will be issued to a person who is trained to certify Law Enforcement Canines in narcotics/explosives work only.~~
 - ~~(c) A Dual Purpose Certifying Official may certify a Single Purpose Canine, but a Single Purpose Certifying Official may not certify a Dual Purpose Canine.~~
- ~~(3) A person desiring to become a Law Enforcement Canine Certifying Official must submit an application to the Commission.~~
- ~~(4) An applicant for Law Enforcement Canine Certifying Official Certification must be a Certified Law Enforcement or Corrections Officer in the State of Arkansas.~~
- ~~(5) Applicants who are certified as Law Enforcement or Corrections Officers must have completed a CLEST approved Instructor Development Course.~~
- ~~(6) Applicants must have five (5) years of experience as a Dual or Single Purpose Canine Officer, or be actively serving as a certifying official with a nationally recognized police canine organization to qualify as a Certifying Official in that respective field.~~
- ~~(7) All applicants for Law Enforcement Canine Certifying Official Certification must attend the eight (8) hour Certifying Official Course.~~
- ~~(8) All Applicants must conduct the certification process for each Law Enforcement Canine in accordance Arkansas Certifications Requirements approved by CLEST.~~

~~1031. DECERTIFICATION OF LAW ENFORCEMENT CANINE
— CERTIFYING OFFICIALS~~

~~Decertification of Law Enforcement Canine Certifying Officials will be handled in accordance with rules set forth in Regulation 1010 regarding decertification of Law Enforcement Officers.~~

1032. RETIRED OFFICER ELECTED AS CONSTABLE

1. A Full-Time Law Enforcement Officer, as ~~described by Regulation 1001(9)~~ defined by CLEST Rule, who retires from an Arkansas law enforcement agency and serves as or is elected as Constable within six months of retirement from the law enforcement agency, will ~~not be~~ not be subject to either Regulation Rule 1005(1)(b) or the refresher course if:
 - a. That person is reappointed as a law enforcement officer as described by ~~Regulation Rule~~ 1001(9); and
 - b. The person has successfully completed a minimum of ~~sixteen (16)~~ twenty-four (24) hours of CLEST certified training annually, to include firearms qualification and Racial Profiling; and
 - c. The person has a non-forfeitable right to benefits under a State of Arkansas retirement plan.
2. If a person meets the requirements of paragraph 1, ~~their~~ his instructor certification(s), except instructor certification regarding radar, held at retirement will continue.

1033. MARIJUANA LEAF FIELD TEST TECHNICIAN

- (1) Only Full-time law enforcement officers who have completed the ~~Commission~~ Division approved training for Certified Law Enforcement Officers shall be eligible for certification as a Marijuana Leaf Field Test Technician.
- (2) Only Full Time Arkansas Law Enforcement Training Academy (ALETa) Instructors or Arkansas State Crime Laboratory Chemical Analysis Technicians shall be eligible to instruct the Marijuana Leaf Field Test Class.
- (3) All applicants for Marijuana Leaf Field Test Technician Certification must attend the eight (8) hour certification course conducted or coordinated through the Arkansas Law Enforcement Training Academy (ALETa).
- (4) All certificates ~~and ID cards~~ remain the property of the Commission and the Commission shall have the power to revoke any certificate issued. Technicians shall be required to attend any re-training or refresher training as required by ~~ALETa~~ the Division.
- (5) The Marijuana Leaf Field Test Technician will be certified on the basis of minimum qualifications in the area of education, training, experience, and the ability to perform the task of drug identification according to established protocol. It shall be the responsibility of the department head to ensure that the Marijuana Leaf Field Test Technician is supervised on a regular basis to insure a professional standard is maintained.

REQUIREMENTS

1. Law Enforcement Experience

- a. A minimum of three years of full time experience in law enforcement is required.

2. Education

- a. Possession of a Basic Certificate

3. Training

- a. New applicants for Marijuana Leaf Field Test Technician will have completed the certification course.

4. General

- a. The Division shall establish the minimum curriculum requirements for the Marijuana Leaf Field Test Technician Course for Law Enforcement Officer and Instructors.
- b. The Commission shall revoke certification when it is determined the Technician is unqualified, ineffective, or not complying with standardization, protocol, or training guidelines.

VALIDATION OF CERTIFICATE

1. The Marijuana Leaf Field Test Technician certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Division.
2. The Marijuana Leaf Field Test Technician certificate will be transferable should the officer change agencies.

1034. DECERTIFICATION, DISCIPLINARY ACTION, AND HEARINGS

(1) DECERTIFICATION

- (a) Certificates remain the property of the Commission and the Commission shall have the power to revoke or recall any certificate, including eligibility for certification, and ability to act as a law enforcement officer, as provided ~~in the Act~~ by law.
- (b) The Commission may revoke the certification, eligibility for certification, or ability to act as a law enforcement officer of any law enforcement officer after written notice and a hearing for any of the following reasons:
 - (i) The law enforcement officer was separated from his or her employment due to a failure to meet the minimum qualifications for employment or appointment as a law enforcement officer,
 - (ii) The law enforcement officer left employment due to conduct or involvement in any act which is punishable by law,
 - (iii) The law enforcement officer was dismissed from employment for a violation of the Rules or Regulations of the law enforcement agency for which he was employed
 - (iv) The law enforcement officer resigned while he was the subject of a pending internal investigation.
 - (v) The law enforcement officer falsified any information required to obtain certification.
 - (vi) The certification was issued in error or mistake by the ~~Commission~~Division.
 - (vii) The individual has ceased to meet the minimum standards for employment or appointment as established by ~~Regulation~~ Rule 1002.
 - (viii) Committed a violation of the Law Enforcement Code of Ethics ~~as set out in Specification S-21~~.
- (c) The Commission shall notify a law enforcement officer in writing if the Commission believes there is a reasonable basis for revoking the law enforcement officer's certification, eligibility for certification, or ability to act as a law enforcement officer. If the officer wishes to contest the decertification, the officer may request a hearing within twenty (20) days of the date of the notice.

(d) An individual who has been decertified by the Commission or by another state or who has surrendered a law enforcement certification in Arkansas or in another state is not eligible for certification in Arkansas until the commission, at its discretion and by majority vote, is satisfied that the individual is eligible for re-certification.

(e) Recommendations to the Commission from a department head or other authorized entity requesting decertification of a law enforcement officer shall be supported by a letter of justification or other documentation as required by the Commission.

(2) DISCIPLINARY ACTION

If an officer is determined by the Director or Deputy Director to be in noncompliance with minimum standards, the Director or Deputy Director will notify the employing agency in writing. The Director or Deputy Director shall give the individual and the employing agency a reasonable amount of time to remedy the deficiency. If, at the end of the period allowed for the individual to remedy the deficiency, including any extensions thereof, if the officer remains in noncompliance, the Director may:

- (a) Temporarily suspend the officer's ability to serve as a law enforcement officer.
 - i. If the Director issues a temporary suspension, the Director will promptly notify the law enforcement officer and the officer's employing law enforcement agency.
 - ii. The Director may lift the suspension upon the receipt of evidence showing that the noncompliance has been corrected, or the Director may set the matter for a hearing before the Commission; or
- (b) Provide written notice of the violation to the agency, which shall respond within thirty (30) days of receipt of the notice.
 - i. If the agency fails to respond within the required thirty (30) days, the Commission may issue a default order and administrative penalty against the agency.
 - ii. In its response to the notice of violation, the agency may request a hearing before the Commission to contest the allegations contained within the notice.

- (c) Commence an action consisting of both (2)(a) and (2)(b).

(3) ADMINISTRATIVE PENALTIES

- (a) After notice and a hearing, or as otherwise provided by law, the Commission may assess an administrative penalty against an agency as follows;
 - i. For appointing a person who does not meet minimum standards as a law enforcement officer, an administrative penalty of no more than one thousand dollars (\$1,000); and
 - ii. For failing to timely submit any required appointment or separation documents, an administrative penalty of no more than three hundred fifty dollars (\$350).
- (b) When determining the amount of an administrative penalty assessed against an agency, the Commission shall consider:
 - i. The seriousness of the violation;
 - ii. The agency's history of violations;
 - iii. The amount the Commission believes is necessary to deter future similar violations;
 - iv. Efforts made by the law enforcement agency to correct the violation; including the immediacy and degree of corrective action; and
 - v. Any other consideration that the Commission believes important.
- (c) The administrative penalties may be assessed on a per-day basis, with each day considered a separate violation.

(4) HEARINGS

- (a) All hearings before the Commission shall be conducted in accordance with the Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201 et seq.
- (b) Should any portion of this procedure ever be in conflict with any provisions of the State Administrative Procedures Act, the State Administrative Procedures Act will be followed in every case.

(5) SUBPOENAS

- (a) The Commission Chair or Director shall sign a subpoena.

(b) A party seeking a subpoena shall have the burden of preparing the subpoena for signature, obtaining service of process, and tendering appropriate mileage fees and witness fees calculated in accordance with Rule 45 of the Arkansas Rules of Civil Procedure.

~~SPECIFICATION S-1~~

~~S-1~~

~~TITLE: CITIZENSHIP AND AGE VERIFICATION~~

~~This requirement supplements Section 1002(3)(a) and (b) of the Regulations. Verification of U.S. citizenship and age of an applicant is required.~~

~~REQUIREMENT~~

~~Every officer employment by a law enforcement agency must be a citizen of the United State of America and must be at least twenty one (21) years of age.~~

~~PROCEDURES~~

- ~~1. Verification of place and date of birth may be established by any of the following means:~~

~~(a) Birth Certificate~~

~~(b) Family Bible Records~~

~~(c) Religious Documents (Certificate of baptism, birth, etc.)~~

~~(d) Copy of Department of Defense Notice of Separation (DD-214)~~

~~(e) Local voter registration records~~

~~(f) Naturalization or other citizenship records~~

~~(g) Any other official documents approved by the Commission~~

- ~~2.1. Copies of the documents used for verification will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.~~

SPECIFICATION S-2

S-2

~~TITLE: FINGERPRINT RECORD CHECK~~

~~This requirement supplements Section 1002(3)(c), (d) and (e) of the Regulations. The fingerprint record check is conducted to implement the minimum employment or appointment standard that prohibits the employment of applicants who have pled guilty or been convicted of crimes, the punishment for which could have been imprisonment in a federal penitentiary or state prison.~~

~~REQUIREMENTS~~

- ~~1. A search of state and national files to disclose any criminal record.~~
- ~~2. Any applicant who has entered a plea of guilty or has been convicted by any state or by the Federal Government of a crime, the punishment for which could have been imprisonment in a federal penitentiary or a state prison will not be eligible for certification.~~
- ~~3. Retention on a permanent basis by the employing agency will depend upon the satisfactory results of the fingerprint record check on all law enforcement officers employed under the Act.~~

~~PROCEDURES~~

- ~~1. A criminal records search will be conducted through the Arkansas Crime Information Center (ACIC) and National Crime Information Center (NCIC) on each candidate for employment.~~
- ~~2. Each candidate for employment is fingerprinted on the standard applicant fingerprint form (FBI Card FD-258), which is to be forwarded to the Arkansas State Police, Little Rock, Arkansas. State files will be checked and the card forwarded to the FBI in Washington, D.C.~~
- ~~3. Applicants with criminal records as defined in Requirement 2 of this Specification will be rejected. Applicants with criminal records other than felony offenses will be evaluated and a final decision reached by the department concerned.~~
- ~~4. The results of all ACIC, NCIC, and fingerprint records checks will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission. Records checks will be maintained regardless of the results of the inquiry.~~

~~5. Examination by the Commission shall be expressly for the purpose of verifying agency compliance to the Regulations.~~

~~6. FALSIFICATION OF FINGERPRINT AND CRIMINAL HISTORY RECORDS~~

~~Any department head who certifies to the Commission that an applicant's fingerprints have been taken and submitted as required, when they have not, shall be in violation of Ark. Code Ann. 5-53-03. False swearing is a Class A misdemeanor.~~

~~SPECIFICATION S-3~~

~~S-3~~

~~TITLE: THE BACKGROUND INVESTIGATION~~

~~In compliance with Section 1002(3)(c) of the Regulations, a background investigation must be conducted for each applicant employed as a law enforcement officer under the Act. The purpose of the background investigation is to find character traits which might prevent the applicant from becoming a successful law enforcement officer.~~

~~REQUIREMENTS~~

- ~~1. The background investigation must be conducted on each applicant to determine character traits and habits indicative of moral character.~~
- ~~2. Only applicants of good character should be employed.~~
- ~~3. For all law enforcement officers employed under the Act, retention on a permanent basis by the employing agency will depend on the satisfactory results of the background investigation.~~

~~RECOMMENDED PROCEDURES~~

- ~~1. The applicant should complete a detailed personal history statement on which the investigation will be based.~~
- ~~2. If no other department forms are available, the form F-3, Personal History Statement, with appropriate instruction sheet may be utilized for the personal history statement or application form.~~
- ~~3. The background investigation should be conducted by an experienced officer.~~
- ~~4. All results of the personal history investigation should be considered confidential and processed accordingly.~~
- ~~5. Some suggested questions to be answered during the investigation are, does the applicant:~~
 - ~~(a) Ever display temper?~~
 - ~~(b) Drink to excess?~~

- ~~(c) Lose control when confronted by danger, crisis or stressful situations?~~
 - ~~(d) Have any evidence or indication of instability?~~
 - ~~(e) Appear to be well-adjusted and will the applicant make a good law enforcement officer?~~
 - ~~(f) Demonstrate high ethics and morals?~~
 - ~~(g) Appear to be intolerant or highly prejudiced against other races or religious or political causes?~~
 - ~~(h) Appear to be honest and trustworthy?~~
 - ~~(i) Demonstrate reasonable loyalty to his former employers?~~
 - ~~(j) Have a good past work record indicating dependability and punctuality?~~
 - ~~(k) Have a complete list of all former employers?~~
- ~~6. What are the applicant's reasons for seeking a law enforcement officer position?~~
- ~~7. Names of the spouse and close relatives may be checked through appropriate files to determine whether they have criminal records, are in prison, or are in any status or position which might adversely affect the applicant's obligation as a law enforcement officer.~~
- ~~8. It is recommended that the investigation include a check of as many of the following sources as possible:~~
- ~~(a) Military records.~~
 - ~~(b) Documents, including driver's license, high school diploma or other suitable record of graduation.~~
 - ~~(c) Birth or naturalization records to determine age and citizenship.~~
 - ~~(d) All local law enforcement files.~~
 - ~~(e) Police files in cities where the applicant has lived or worked.~~

~~(f) State criminal records.~~

~~(g) FBI records.~~

~~(h) State department granting driver's license and statewide traffic offenses.~~

~~(i) Previous employers.~~

~~(j) All schools attended.~~

~~(k) Present and past neighbors and landlords.~~

~~(l) Fraternal and social organizations.~~

~~(m) Credit records.~~

~~(n) Obtain a signed release of medical information.~~

~~(o) Any other source of information which previous contacts show to be important.~~

~~9. The final step in the background investigation should be an interview with the applicant's present employer following permission from the applicant.~~

~~10. The results of the background investigation shall ultimately be evaluated by the department head and/or the hiring authority to determine whether the applicant is suitable for employment. All doubts in personnel suitability matters should be resolved in favor of the department.~~

~~11. Background investigation results will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.~~

~~SPECIFICATION S-4~~

~~S-4~~

~~TITLE: HIGH SCHOOL EDUCATION~~

~~This Specification supplements Section 1002(3) (f) of the Regulations which require high school graduation or the equivalent as a minimum standard for employment or appointment.~~

~~REQUIREMENTS~~

- ~~1. Applicants for the position of a law enforcement officer must be high school graduates or have passed the General Education Development Test.~~

~~RECOMMENDED PROCEDURES~~

- ~~1. Applicants for the position of law enforcement officer under the Act will be required to furnish documentary evidence of one of the following:
 - ~~(a) Graduation from a high school accredited by the Arkansas or other state's department of education.~~
 - ~~(b) Successful completion of the General Development Test.~~
 - ~~(1) Applicants may be required to obtain an Arkansas certificate at the discretion of the Commission.~~~~
- ~~2. Documentary evidence of the above shall consist of a copy of official transcripts, diplomas, or G.E.D. test report forms. In unusual circumstances the Commission may be requested to accept other documentation, and in such cases the decision of the Commission shall be final. Home schooling diplomas will not be accepted unless approved by the by the Commission.~~
- ~~3. Copies of documents used for verification will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.~~

SPECIFICATIONS-5

S-5

~~TITLE: PHYSICAL EXAMINATION~~

~~This requirement supplements Section 1002(3)(g) of the Regulations. It is in keeping with the concept that in order to render proper service to the community, a law enforcement officer must be physically sound and free of any defect which might adversely affect the performance of duty. The officer's personal safety and the safety and lives of others will be endangered if these important physical qualifications are not met.~~

~~REQUIREMENTS~~

- ~~1. Medical examination administered by a licensed physician.~~
- ~~2. A medical history statement, Form F-2a or an equivalent Form will be supplied to the examining physician upon request. The medical history should include information on past diseases, injuries and operations. Commission Form F-2 or an equivalent Medical Examination Report should be utilized.~~
- ~~3. **VISION** Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty.~~
 - ~~(a) It is recommended that applicant possess normal color discrimination, normal depth perception and peripheral vision of at least 75 degrees in each eye.~~
 - ~~(b) It is recommended that applicants possess uncorrected visual acuity of 20/100 or better in each eye, corrected to 20/20 in each eye, both at 16 inches and 0 feet. Vision correction, when required, may be either glasses or Contact lenses. Should have no active internal or external eye pathology. Should an eye pathology be found, the applicant should be referred to an appropriate practitioner.~~
 - ~~(c) There should be no apparent eye deviation.~~
- ~~4. **HEARING** Applicant must be free of any hearing defect which in the opinion of the examining physician would adversely affect the performance of duty.~~
 - ~~(a) Hearing may be considered normal when a whispered conversation can be heard at 15 feet.~~

~~5. For all law enforcement officers employed under the Act, retention on a permanent basis by the employing agency will depend on the satisfactory results of the physical examination.~~

~~6. The physician's report after examination must conclude and clearly state that, in his opinion, the applicant has the ability to physically perform the duties of a law enforcement officer in the State of Arkansas.~~

RECOMMENDED PROCEDURES

~~1. Completion of Medical History questionnaire by the applicant.
(Form F-2a or equivalent form)~~

~~2. The physical examination will be conducted by a licensed physician after review of the applicant's Medical History questionnaire.~~

~~3. The physician shall record his findings and shall note for evaluation by the hiring authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature. (Form F-2 or equivalent form should be used)~~

~~4. The examining physician should carefully consider the response to question 23 of the Medical Examination Report.~~

~~A department head should consider the form incomplete until question 23 is completed by the examining physician.~~

SPECIFICATION S-6

S-6

~~TITLE: PERSONAL INTERVIEW~~

~~This Specification supplements Section 1002 (3) (b) of the Regulations. The personal interview is for the purpose of providing the applicant with the opportunity to discuss his goals and objectives with top management personnel within the department.~~

~~It also provides the department head or his staff the opportunity to observe an applicant to determine such things as the applicant's ability to communicate effectively and to observe his or her appearance, demeanor, and attitude.~~

REQUIREMENTS

~~An applicant will be personally interviewed by the department head or his representative prior to employment.~~

RECOMMENDED PROCEDURES

- ~~1. Verification of the personal interview may be indicated in the space provided on the backside of the Initial Employment Report, Form F-1, 32(h).~~
- ~~2. For the agencies' convenience, the Qualifications Appraisal Guide, Form F-11, is provided. It is not intended to replace any form used locally. It is offered only for those agencies that do not have such a document.~~
- ~~3. The interview should consist of, but not limited to, developing information in the following areas:~~

(a) ~~APPEARANCE, MANNER AND BEARING~~

- ~~(1) Will the applicant's appearance, manner or bearing help or hinder in the job?~~
- ~~(2) Will the applicant be impressive when speaking or talking to the public or in court?~~
- ~~(3) Does the applicant appear to have the necessary motivation and incentive to serve as a law enforcement officer?~~

(b) ~~ABILITY TO PRESENT IDEAS~~

- ~~(1) Will his or her ability to express themselves be adequate for this job?~~
- ~~(2) Is the applicant logical, convincing or persuasive?~~

~~(c) SOCIAL ADAPTABILITY~~

- ~~(1) Is he or she at ease, friendly and confident?~~
- ~~(2) Will the applicant have the tact and adaptability necessary to deal with public offenses, irate citizens, coworkers, etc., under difficult conditions?~~
- ~~(3) Would he or she tend to be submissive, overbearing or impatient?~~

~~(d) ALERTNESS~~

- ~~(1) Does he or she grasp ideas quickly or does the applicant appear to be slow to understand?~~
- ~~(2) Do his or her responses indicate they would be quick to understand the problems of the job or would he or she understand only the more obvious points?~~

~~(e) JUDGMENT~~

- ~~(1) Does applicant consider all facts before reaching a decision?~~
- ~~(2) Will he or she know when to act and when to get more information before taking law enforcement action?~~
- ~~(3) Does the applicant know when a situation justifies departure from agency policy and when it doesn't?~~
- ~~(4) Would you trust his judgment?~~

~~(f) ADEQUACY OF BACKGROUND~~

- ~~(1) Will the applicant's background be suitable for the duties of a law enforcement officer?~~
- ~~(2) Has the applicant previously met all selection requirements?~~
- ~~(3) Has he or she met your minimum training requirements for the position?~~
- ~~(4) Is the applicant eligible for certification as a law enforcement officer in this state?~~

~~(g) OVERALL EVALUATION~~

- ~~(1) After comparing the applicant with the above factors and other qualifications, would you select him/her for employment as a law enforcement officer in your department?~~
- ~~(2) To what extent does he or she meet your selection criteria?~~
- ~~(3) Personal interview verification will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.~~

SPECIFICATION S-7

S-7

TITLE: PSYCHOLOGICAL EXAMINATION REPORT

Section 1002(3) (i) of the Regulations requires that applicants be examined for emotional stability by an individual licensed to practice Psychiatry or Psychology and qualified to perform such evaluations in the State of Arkansas. The emotional stability to withstand the pressures of modern law enforcement work is an essential qualification for applicants for law enforcement service and although psychological tests and interviews have recognized limitations, many personality defects can and are identified through screening by trained professionals.

REQUIREMENTS

1. All applicants will be examined to determine emotional stability.
2. No person will be eligible for certification if they have any condition listed in the Diagnostic and Statistical Manual, 5th edition (DSM-5) of the American Psychiatric Association which would limit the police officer's ability to cope with the stress of modern day police work such as:
 - (a) Any organic mental disorder or organic brain syndrome that currently results in impairment in memory, cognitive functions, judgment and personality.
 - (b) Any substance use such as alcohol, barbiturate, opium, cocaine, amphetamine, hallucinogenic and cannabis which impairs social or occupational functioning due to an inability to control use or stop taking the substance and the development of serious withdrawal symptoms after cessation or reduction in substance use. Previous substance use should be in remission for three (3) years.
 - (c) Any psychotic reaction showing disturbance in content of thought involving delusions, fragmented thoughts, distortions of reality, breakdown of ego defenses or hallucinations. Any previous psychotic episodes should be in remission for three (3) years and be currently evaluated as showing no residual symptoms.
 - (d) Any neurotic disorder such as excessive anxiety, panic, or convulsions which would indicate that irrational behavior would occur under stress.
 - (e) Any impulse control problem, particularly with anger, having resulted in husband/wife or child abuse or revealed in explosive outbreaks.

(f) Any environmental stresses such as divorce, loss of job, business difficulty, or death in family can result in maladaptive reactions resulting in either impairment in social or occupational functioning that are in excess of a normal and expected reaction.

(g) Any personality disorder showing a pervasive and unwarranted suspicion and mistrust of people, hypersensitivity, emotional coldness and aloofness resulting in an ability to make and maintain relationships. Any history of continuous and chronic antisocial behavior.

(h) Behavior disorders as evidenced by:

(1) Frequent encounters with law enforcement agencies or antisocial attitudes or behavior which, while not a cause for rejection under Regulation 1002(3) (i) are tangible evidence of an impaired characterological capacity to adapt to the demands of law enforcement service.

(2) Behavior disorders where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy and dependency will seriously interfere with the performance of law enforcement duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers and fellow workers, and other social groups.

PROCEDURES

1. An actual interview and psychometric evaluation will be utilized:

(a) The employing agency will determine the examiner to be utilized.

(b) Applicants will complete any preliminary history forms required by the examiner. The applicant will provide the examiner with a release of information to the potential employing authority.

(c) The results of the first examination will be binding. When the original examiner determines that additional tests are needed, the additional tests or interviews will be considered a part of the original examination. If extenuating circumstances exist that create a doubt as to the validity of the results of the first examination, the employing agency may petition the Commission for the approval of a second examination to be administered by a different examiner.

(d) The psychometric evaluation shall include such standardized tests as the Minnesota Multiphasic Personality Inventory, or others that may be necessary.

~~such as Bender-Gestalt and Rorschach or the equivalent of each test as are appropriate and are validated by proper authority to evaluate personality traits and other mental health characteristics. These tests will be interpreted by licensed qualified individuals to assure results.~~

~~(e) During the diagnostic interview, the examiner will evaluate each individual sufficiently for any evidence of disorganized or unclear thinking, of unusual thought control, of undue suspiciousness or of apathy or "strangeness" and any discovered evidence will be noted. Any unusual emotional expression such as depression, expansiveness, withdrawal or marked anxiety, which is out of keeping with the content of the interview will be noted and carefully evaluated.~~

- ~~2. The results of the evaluation will be recorded. A report of the evaluation will be forwarded to the employing agency. The report will be signed by a licensed psychologist or psychiatrist designating the applicant as RECOMMENDED or NOT RECOMMENDED. The results of tests or interviews administered by licensed psychological examiners must be reviewed and countersigned by either a licensed Psychologist or Psychiatrist. The form F-2b or equivalent should be used.~~
- ~~3. The evaluation will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.~~

~~SPECIFICATION S-8~~

~~S-8~~

~~TITLE: COLLEGE EDUCATION CREDITS~~

~~Section 1004 of the Regulations authorizes the recognition of college credits in connection with General, Intermediate, Advanced and Senior law enforcement officer certification.~~

~~REQUIREMENTS~~

~~1. GENERAL~~

- ~~(a) College credits used for certification must have been earned at a college or university approved as a degree granting institution. The Commission shall only recognize those units awarded from a community college, college or university, where the curriculum is approved as such by the Department of Education of the state in which the community college, college or university is located or the recognized national or regional accrediting body.~~

~~2. CERTIFICATION CREDIT~~

~~College credits shall be applicable in determining eligibility for General, Intermediate, Advanced and Senior certification subject to the conditions prescribed in Section 4 of this specification and specification S-15, Certification of Law Enforcement Officers.~~

~~PROCEDURES~~

- ~~1. Personnel claiming college credits toward certification shall furnish to the Commission copies of transcripts or other verifying documents. College credits will be recognized by the Commission only upon receipt of an official transcript bearing a certifying signature with the official college seal superimposed or a notarized copy of an original.~~

SPECIFICATION S-9

S-9

~~TITLE: THE BASIC POLICE TRAINING COURSE~~

~~The minimum amount of training for which certification will be granted in the Basic Police Training Course shall be 520 hours.~~

~~REQUIREMENTS~~

- ~~1. Successful completion of a minimum of 520 hours of instruction at a certified training school.~~
- ~~2. The Commission will not accept satisfactory completion of the Basic Police Training Course unless the trainee has attained at least 70% in each academic block of instruction and attains a passing score of 80% on the Commission approved firearms course.~~
- ~~3. A minimum academic score of 70% on each examination administered in the course will be required for successful completion of the training program.~~
- ~~4. To be eligible for retention on a permanent basis an officer must satisfactorily complete a Basic Police Training Course or its equivalent within nine (9) months or with an approved extension, a total of twelve (12) months from the date of employment. Any requests for a three (3) month extension not received by the Commission prior to completion of the nine (9) month period will not be considered. (For exception, see Regulation 1008 (4)).~~

~~The Commission may approve changes from the course content listed in this specification upon written application from a school director presenting evidence that such change is compatible with the public interest.~~

SPECIFICATION S-10

S-10

~~TITLE: THE SUPERVISORY COURSE~~

~~In accordance with Section 1005(2) of the Regulations, The Supervisory Course should consist of a minimum of thirty-two (32) classroom hours and shall include, but not be limited to, the subjects set forth below:~~

~~RECOMMENDED/BUT NOT REQUIRED~~

- ~~1. Successful completion of 32 hours of instruction in the following minimum prescribed subject areas at a certified training school:~~
 - ~~(a) Introduction to Supervision~~
 - ~~(b) Organizational Principles~~
 - ~~(c) Police Planning~~
 - ~~(d) Police Personnel Management~~
 - ~~(e) Community and Human Relations~~
 - ~~(f) Handling Personnel Problems~~
 - ~~(g) Decision Making~~
 - ~~(h) Personnel Evaluation Systems~~
 - ~~(i) Administrative Devices and Control~~
 - ~~(j) Inspections~~
 - ~~(k) Examination~~
- ~~2. The prescribed minimum course should be completed before or within twelve (12) months after initial promotion, appointment or transfer to a first level supervisory position:~~
- ~~3. Instruction beyond the thirty-two (32) hour minimum is recommended, including such courses as listed below:~~
 - ~~(a) The Supervisor's Role in Training~~
 - ~~(b) Management by Objective~~
 - ~~(c) Supervised Field Training~~
 - ~~(d) Psychological Aspects in Supervision~~
 - ~~(e) Challenge of Crime in Our Society~~
 - ~~(f) Supervisory and Executive Development~~
 - ~~(g) News Media—Police Relations~~
 - ~~(h) Task Analysis~~
 - ~~(i) Preparation of Job Descriptions~~
 - ~~(j) Development of Performance Standards~~
 - ~~(k) Personnel Performance Evaluation~~

PROCEDURES

1. It is ~~RECOMMENDED, BUT NOT REQUIRED~~, that all newly promoted, appointed or assigned first level supervisors be enrolled in a certified supervisory course in sufficient time to permit completion of the course during the twelve (12) month period following promotion, appointment or assignment. (See Regulation 1008 for exceptions)
2. The Commission has approved three (3) levels of supervisory training. Following the satisfactory completion of supervision I, an officer will be eligible to attend Supervision II. An officer must complete Supervision I and II to be eligible to attend Supervision III. Certificates of completion indicating the hours of training will be awarded following each course completion.
3. The school director shall submit to the Commission within ten (10) days following the completion of a supervisory course, a list of officers successfully completing such course, their respective organization, rank, record accomplishments, exam score, and hours of attendance.

COURSE CHANGES

The Commission may approve changes from the course content listed in this specification upon written application from a school director presenting evidence that such change is compatible with the public interest.

SPECIFICATION S-11

S-11

~~TITLE: THE MIDDLE MANAGEMENT COURSE~~

~~In accordance with Section 1005(3) of the Regulations, the Middle Management Course should include, but not be limited to, the subjects set forth below:~~

~~RECOMMENDED/BUT NOT REQUIRED~~

~~1. Successful completion of the following subjects at a certified training school:~~

~~(a) INTRODUCTION~~

~~Course Orientation
Role of the Law Enforcement Officer in Society~~

~~(b) ORGANIZATION AND MANAGEMENT~~

~~Principles of Administration
Modern Law Enforcement Organization
Line Functions
Administrative Functions
Auxiliary Functions~~

~~(c) MOTIVATION~~

~~Human Relations in Management
Techniques of Supervision
Psychology of Leadership
Effective Communication
Instructor Development
Conference Leadership~~

~~(d) IMPLEMENTATION~~

~~Research, Planning, Analysis & computer Concepts
Deployment and Utilization of Personnel
Financial Planning, Execution & Control Management by Objectives
Community Relations Program Management
Information Management
Training Program Management
Personnel Management
Planning for the Future~~

~~(e) EXAMINATIONS~~

~~Written examination covering the subject matter in the Middle Management Course.~~

~~(f) SPECIAL PROJECT (Suggested for extra credit)~~

~~Each trainee should complete a study project related to one or more of the subjects in the Middle Management Course and submit a written report of the project, including findings and conclusions, to the course administrator.~~

~~2. The prescribed minimum course should be completed within twelve (12) months of promotion beyond first-line supervisor.~~

PROCEDURES

~~1. Newly promoted, appointed or assigned middle management personnel may be enrolled in the 80 hour certified Middle Management Course. (See Regulation 1008 for exceptions)~~

COURSE CHANGE

~~The Commission may approve changes from the course content listed in this specification upon written application from a school director presenting evidence that such change is compatible with the public interest.~~

SPECIFICATION S-12

S-12

~~TITLE: EXECUTIVE COURSE~~

~~In accordance with Section 1005(4) of the Regulations, the Executive Course should include, but not be limited to, the subjects set forth below.~~

~~RECOMMENDED/BUT NOT REQUIRED~~

~~1. Successful completion of the following subjects at a certified training school:~~

~~(a) INTRODUCTION~~

~~Introduction and Overview of the Course~~

~~The Challenge of Crime in Our Society~~

~~(b) TECHNICAL KNOWLEDGE~~

~~The Application of Science and Technology~~ ~~Office Management:~~

~~Improving Departmental Organization~~

~~Work Planning~~

~~Records Systems~~

~~Fiscal Management:~~

~~Sources of Revenue~~

~~Budget Preparation and Presentation~~

~~Wage and Salary Administration~~

~~Inventory & Control of Equipment and Facility~~

~~Operations Management:~~

~~Formulation & Implementation of Policy~~

~~Staff Inspection~~

~~Internal Investigation~~

~~Improving Supervision~~

~~Improving Middle Management~~

~~Improving Field Operations~~

~~(c) PERSONAL SKILLS~~

~~Personnel Administration and Management:~~

~~Management by Objectives~~

~~Motivation Techniques~~

~~Training as a Management Tool~~

~~Counseling and Interviewing~~

~~Performance Review and Evaluation~~

Grievance Procedures
Delegation of Authority
Morale and Discipline

Communication Skills:
Conference Leadership
Oral and Written Reports
Effective Speaking, Reading, and Writing

(d) COMMUNITY RELATIONS

The Importance of Adequate Policy and Procedures
Gaining and Maintaining a Good Public Image Within the Community
Effective Methods of Processing Citizen Complaints
Working with Public Information Media
Working with Identifiable Groups Within the Community
Working with Other Agencies
Law Enforcement's Role in Crime Prevention and Control

COURSE CHANGES

The Commission may approve changes from the course content listed in this specification upon written application from a school director presenting evidence that such change is compatible with the public interest.

~~SPECIFICATION S-13~~

~~S-13~~

~~TITLE: THE LAW ENFORCEMENT OFFICER REFRESHER COURSE~~

~~The Refresher Course is designed and intended for experienced personnel and its content will be updated periodically. This specification supplements Section 1005(5) of the Regulations.~~

~~REQUIREMENTS~~

- ~~1. The Law Enforcement Officer Refresher Course shall primarily consist of a review of the Arkansas Criminal and Traffic Laws, Rules of Criminal Procedure, Officer Survival Techniques, and Firearms Qualification, and 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.~~
- ~~2. Any person attending the Law Enforcement Officer Refresher Course to supplement previous training and fails to satisfactorily complete the training will be required to attend a Basic Police Training Course at a Commission approved training facility.~~
- ~~3. The Commission may approve changes in this course when it is determined that such change is compatible with the needs of law enforcement officers and agencies.~~

SPECIFICATIONS 14

S-14

~~TITLE: THE SPECIALIZED TRAINING COURSES~~

~~Specialized Courses (Section 1005(6) of the Regulations) are short-term courses; they may be conducted regionally or at an academy. Examples of Specialized training courses are: Officer Survival, Jail Standards, Firearms, Instructor Development, Supervision or any other law enforcement related subject.~~

~~REQUIREMENTS~~

~~Specialized courses should be certified in advance of their presentation by the Commission upon submission of an Application for Certification of Course, Form F-5, which includes a detailed analysis of the course content and the time period to be devoted to each subject area. A list of instructional personnel, using Form F-8, should also be submitted to the Commission. Included in the short course proposal should also be a description of the level of the proposed training and a list of the police personnel to who it will be directed.~~

~~PROCEDURES~~

- ~~1. A proposed short course regional training program may be developed by an individual department, a college or the Commission on Law Enforcement Standards and Training. The Commission staff is available to assist when instructors are not available in the local region.~~
- ~~2. Regional training courses of statewide interest may be developed and sponsored by the Commission staff.~~
- ~~3. A short course training proposal should be submitted to the Commission at least thirty (30) days prior to the planned starting date.~~
- ~~4. The Commission will take one of the following actions: Send notice of certification of the course by letter; or withhold certification of the course stating the defects in the course.~~
- ~~5. If certified, the course announcements and publicity may contain the information that the course is certified by the Commission.~~
- ~~6. The course director or coordinator should submit to the Commission within ten (10) days following the completion of a specialized course, a list of officers successfully completing such course and their respective departments. Commission Form F-18 is provided for this purpose.~~

~~7- Certificates of completion may be issued by the Commission to those satisfactorily completing certified schools, when requested by the school director/coordinator; however, school directors are encouraged to issue certificates developed by the school sponsor. Form F-6 may be used in lieu of a certificate.~~

SPECIFICATION S-15

S-15

~~TITLE: CERTIFICATION OF LAW ENFORCEMENT OFFICERS~~

~~This specification supplements Section 1010, 1011, and 1012 of the Regulations which provides for the issue of Basic, General, Intermediate, Advanced, Senior, Part-time I, Part-time II and Auxiliary Certificates to law enforcement officers meeting prescribed standards of training, education and experience.~~

~~REQUIREMENTS~~

~~1. GENERAL PROVISIONS~~

- ~~(a) To be eligible for the award of a certificate, each applicant must be a law enforcement officer appointed by a law enforcement agency located within the State of Arkansas. (Refer to Regulation 1001(9))~~
- ~~(b) Each applicant shall meet the Commission's prescribed minimum standards for employment established pursuant to Regulation 1002 except those Full-time law enforcement officers who were employed before January 1, 1978. These persons are "grandfathered" and exempt from meeting any selection or training requirements, provided they have been continually employed by the same agency since December 31, 1977.~~
- ~~(c) Each applicant should attest that he subscribes to the Law Enforcement Code of Ethics.~~
- ~~(d) All applications for an award of the Basic, General, Intermediate, Advanced or Senior Certificates shall be completed on the Form F-7, Application for Award of Law Enforcement Officer Certificate.~~
- ~~(e) In addition to the requirements set forth above for the award of a General, Intermediate, Advanced or Senior Certificate, each applicant shall have completed the designated education and training combined with the prescribed law enforcement experience.~~
- ~~(f) Education and training must be supported by copies of transcripts, certificates, diplomas, or other verifying documents attached to the application. Each training document must verify the number of classroom hours claimed.~~

~~2. EDUCATION POINTS~~

- ~~(a) Each semester credit unit granted by a college or university, approved in accordance with Specification S-8, paragraph 1(a), operating on a semester schedule, shall equal one education point.~~

- ~~(b) Each quarter credit unit granted by a college or university, approved in accordance with Specification S-8, paragraph 1(a), operating on a quarter schedule, shall equal .75 education points.~~

~~3. TRAINING POINTS~~

~~Twenty (20) classroom hours of police training approved by the Commission shall equal one training point.~~

- ~~(a) Basic, Refresher, Supervisory, Middle Management, Executive, or Specialized courses certified, sponsored, or presented by the Commission will be acceptable for training credit.~~
- ~~(b) The Commission may approve departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must confirm successful completion and must include the date completed, course or subject title, sponsoring agency, classroom training hours and/or college credit hours. (See Form F-10 for sample training log form)~~
- ~~(c) Training completed in other states, military police training, and other specialized training, if properly documented and approved by the Commission as being required and/or useful to the department, may be allowed.~~
- ~~(d) With proper documentation Certified Instructors may claim course completion credit for the first time the law enforcement class is instructed.~~
- ~~(e) College credits earned in law enforcement related subjects may be counted for either training points or education points, whichever is to the advantage of the applicant.~~

~~4. LAW ENFORCEMENT EXPERIENCE~~

~~Experience acquired as a sworn law enforcement officer employed full-time and having statutory authority to enforce state or federal criminal, traffic, or highway laws may be approved. Experience acquired with a police agency whose standards are lower than minimum standards established by the Commission will be rejected.~~

~~Law Enforcement experience claimed is subject to staff evaluation and final approval of the Commission.~~

~~5. ELIGIBILITY QUESTIONS~~

~~When determination of "eligibility of certification" of persons defined in Act 452 of 1975, becomes necessary for establishing qualifications to apply for, file for, or hold~~

certain positions or elective office, as required by laws, the following procedures shall apply:

- (a) ~~The applicant shall submit a letter to the commission requesting voluntary participation in the certification program. The commission also reserves the right to initiate the exploration of eligibility.~~
- (b) ~~Any person approved for certification will be required to meet the minimum standards for employment or appointment as defined in Regulation 1002 and the training requirements established or approved by the Commission.~~
- (c) ~~The acceptance of previous military police experience will be determined on an individual basis. That experience which is limited to the enforcement of the Uniform Code of Military Justice is not acceptable as being the equivalent experience of a federal, state, county, or municipal law enforcement officer who enforces the criminal, traffic, or highway laws of the Federal Government or a state.~~

~~6. THE BASIC CERTIFICATE~~

~~In addition to the requirements set forth in Section 1 of this specification, the following are required for the award of the Basic Certificate:~~

- (a) ~~Shall have completed a probationary period of not less than twelve (12) months with his present department. (Refer to Regulation 1003)~~
- (b) ~~Shall have successfully completed the required Basic Police Training Course (Refer to Specification S-9) or the equivalent as determined by the Commission.~~

~~7. THE GENERAL CERTIFICATE~~

~~In addition to the requirements set forth in Section 1 of this specification, the following are required for the award of the General Certificate:~~

- (a) ~~Shall possess the Basic Certificate.~~
- (b) ~~Shall have satisfactorily completed the Basic Police Training Course approved by the Commission and have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience.~~

GENERAL

Education Points and/or Training Points	15	23	30	38
AND	&	&	&	&
Years of Experience	5	4	3	2

8. ~~THE INTERMEDIATE CERTIFICATE~~

In addition to the requirements set forth in Section 1 of this specification, the following are required for the award of the ~~Intermediate Certificate~~:

- (a) ~~Shall possess or be eligible to possess a General Certificate.~~
- (b) ~~Shall have satisfactorily completed six (6) semester hours of college English or its equivalent from a college or university, approved in accordance with Specification S-8, paragraph 1(a) with at least a 2.0 grade average on a 4.0 point scale. (Note: Equivalency will be determined in writing from the English Department Head of the college or university granting credit for the course)~~
- (c) ~~Shall have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience:~~

Education Points And/or Training Points	30	45	60	75	Associate Degree
AND	&	&	&	&	&
Years of Experience	8	7	6	5	4

9. ~~THE ADVANCED CERTIFICATE~~

In addition to the requirements set forth in Section 1 of this specification, the following are required for the award of the ~~Advanced Certificate~~:

- (a) ~~Shall possess or be eligible to possess the Intermediate Certificate.~~

- (b) ~~Shall have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience and have attained the college level indicated with an overall grade average of at least 2.0:~~

Semester Hours	6	15	30	45	Associate Degree	Bachelor's Degree
Training Hours	420	360	300	240	210	210
Years of Experience	16	14	12	10	8	6

~~10. THE SENIOR CERTIFICATE~~

~~In addition to the requirements set forth in Section 1 of this specification, the following are required for the award of the Senior Certificate:~~

- (a) ~~Shall possess or be eligible to possess the Advanced Certificate.~~
- (b) ~~Shall have acquired the following combinations of education and training points combined with the prescribed years of law enforcement experience and have attained the college level indicated with an overall grade average of at least 2.0:~~

Semester Hours	30	45	Associate Degree	Bachelor's Degree	Master's Degree
Training Hours	720	600	480	360	240
Years of Experience	18	15	12	9	6

~~11. PART-TIME LAW ENFORCEMENT OFFICER~~

~~(Authorized to be employed 20 or more, but less than 40 hours per week). Refer to Regulation 1001(21).~~

~~The following is required for the award of this certificate. The applicant shall have:~~

- (a) ~~Completed the minimum standards for employment or appointment as outlined in Regulation 1002;~~
- (b) ~~Satisfactorily completed the prescribed Basic Police Training or its equivalent, as required for Full-time law enforcement officers. (See Specification S-9)~~

~~(c) Completed the twelve (12) months probationary period with the employing department. (See Regulation 1003)~~

~~(d) Application for award of this certificate will be made on Commission Form F-7.~~

~~12. PART-TIME II LAW ENFORCEMENT OFFICER~~

~~(Authorized to be employed less than 20 hours per week) Refer to Regulation 1001 (22).~~

~~The following is required for the award of this certificate. The applicant shall have:~~

~~(a) Completed the minimum standards for employment or appointment as outlined in Regulation 1002;~~

~~(b) Satisfactorily completed the prescribed Part-time Basic Police Training Course consisting of not less than 110 hour or its equivalent;~~

~~(c) Completed the twelve (12) month probationary period with the employing department.~~

~~(d) Application for award of this certificate will be made on Commission Form F-7.~~

~~13. AUXILIARY LAW ENFORCEMENT OFFICER~~

~~(This supplements Regulation 1011)~~

~~(a) REQUIREMENTS~~

~~(1) An Auxiliary law enforcement officer is any reserve, volunteer, mounted patrol and other similar terms in common usage and refers to persons appointed and who receive no salary or wages for the performance of any duties.~~

~~(2) To be eligible for award of this certificate an Auxiliary law enforcement officer must:~~

~~(a) Meet the minimum standards for employment or appointment as outlined in Regulation 1002.~~

~~(b) Complete the twelve (12) month probationary period with its appointing department as prescribed in Regulation 1003.~~

~~(c) Satisfactorily complete not less than 110 hours of Commission approved law enforcement training prior to being appointed as an Auxiliary officer.~~

- ~~(d) Satisfactorily complete a Commission approved firearms qualification course equivalent to the firearms qualification course required for full-time law enforcement officers.~~

~~(b) GENERAL INFORMATION~~

- ~~(1) An auxiliary law enforcement officer who does not meet the minimum standards for employment or training shall not take any official action as a law enforcement officer and any action taken shall be held as invalid.~~
- ~~(2) All persons who were serving as Auxiliary law enforcement officers prior to March 24, 1993 must be a citizen of the United States, at least 21 years of age and never entered a plea or found guilty of a felony at any time.~~
- ~~(3) All persons serving as Auxiliary law enforcement officers prior to the effective date of the Act shall have one (1) year to complete or have completed the training requirements or its equivalent as determined by the Commission.~~

~~14. CERTIFICATES REMAIN PROPERTY OF THE COMMISSION~~

~~Certificates remain the property of the Commission, and the Commission shall have the power to recall or revoke any certificate as provided in the Act.~~

- ~~(a) The Commission may revoke the certification of any law enforcement officer after written notice and hearing, based upon a finding that the officer falsified any information required to obtain certification or has been discharged from employment as a law enforcement officer for conduct or involvement in any act which is prohibited by law.~~
- ~~(b) Recommendations to the Commission from a department head for recalling certification of an officer will be supported by a letter of justification. Upon receipt of the recommendation and letter of justification, the matter will be reviewed by the Commission and upon approval, the recall action will comply with the State Administrative Procedures Act.~~
- ~~(c) The certification of any law enforcement officer shall expire if the officer does not serve as a law enforcement officer for three (3) consecutive years.~~

~~15. CHIEF OF POLICE CERTIFICATE (NON-MANDATORY)~~

~~In accordance with Arkansas Code Annotated § 12-9-104, the following are suggested selection and training requirements and non-mandatory basic and advanced levels of certification for Chiefs of Police.~~

~~A. LEVEL ONE CHIEF~~

~~In addition to the requirements set forth in Section I of this specification, a Chief of Police seeking the award of Chief of Police Certificate—Level One should:~~

- ~~(1) Hold intermediate law enforcement officer certification or higher.~~
- ~~(2) Complete a minimum of forty (40) hours of police supervision/management training.~~
- ~~(3) Possess a minimum of two (2) years of police supervisory or management experience.~~

~~B. LEVEL TWO CHIEF~~

~~In addition to the requirements set forth in Section I of this specification, a Chief of Police seeking the award of Police Certificate—Level Two should:~~

- ~~(1) Hold advanced law enforcement officer certification or higher.~~
- ~~(2) Successfully complete police supervision and/or management course of instruction of four (4) week or more duration, such as the FBI Academy or the School of Police Supervision offered by the Arkansas Criminal Justice Institute or a comparable course such as those offered by the Southwestern Legal Foundation, Southern Police Institute, or Northwestern University.~~
- ~~(3) Possess a minimum of five (5) years' experience as a police chief or staff level command officer.~~

~~C. SENIOR CHIEF~~

~~In addition to the requirements set forth in Section I of this specification, a Chief of Police seeking the award of Chief of Police Certificate—Senior Chief should:~~

- ~~(1) Hold the senior law enforcement officer certification.~~
- ~~(2) Successfully complete police supervision and/or management course of instruction of four (4) weeks or more duration, such as the FBI Academy or the School of Police Supervision offered by the Arkansas Criminal Justice Institute or a comparable course such as those offered by the Southwestern Legal Foundation, Southern Police Institute, or Northwestern University.~~
- ~~(3) Possess a minimum of five (5) years' experience as police chief.~~

PROCEDURE

~~Applications for Chief's certification shall be made on Form 7a.~~

SPECIFICATION S-16

S-16

~~TITLE: CERTIFICATION OF INSTRUCTORS~~

~~The following requirements are intended to assure the Commission that instructors in approved law enforcement training meet minimal qualifications as to training and experience as authorized in Section 1016 of the Regulations. The actual evaluation and selection of instructors will remain the responsibility of the School Director (or Coordinator) that is ultimately responsible for the quality of the instruction provided.~~

~~TYPES OF CERTIFICATION~~

~~For purposes of certification of instructors, all approved law enforcement training will be designated as follows:~~

~~PROFESSIONAL—Professional subjects will be those subjects which are clearly law enforcement in nature.~~

~~REQUIREMENTS~~

~~1. LAW ENFORCEMENT EXPERIENCE~~

- ~~(a) A minimum of three years of law enforcement experience is required for personnel instructing law enforcement subjects.~~
- ~~(b) The Commission may grant an individual with specialized skills or knowledge the authority to teach professional courses when the individual lacks law enforcement experience and the Commission believes the best interests of law enforcement will be served.~~

~~2. EDUCATION~~

~~The minimum education background as recognized by the Commission will be required for personnel instructing law enforcement subjects. (See 1002(3) (f) and Specification S-4)~~

~~3. TRAINING~~

- ~~(a) New applicants for instructor certification must have completed an Instructor Development Training Course consisting of a minimum of 32 hours of Commission approved classroom instruction or the equivalent including, but not limited to, the following topics:~~

~~Communications
Psychology of Learning~~

Techniques of Instruction
Use of Instructional Aids
Preparing and Using Lesson Plans
Evaluation of Training
Preparing and Administering Tests
Teaching Resources
Planning for Instruction and Learning
Trainee Motivation and Counseling
Practical Exercises in the Application of Instructional Principles Presented in the Course

- (b) ~~An Instructor's Certificate may be issued without completion of the required Instructor Development Course if an individual has documented expertise in the area of instruction. Documented expertise may include the completion of specialized and advanced education or training, acceptance as expert by court, association or society or other recognizing body, and/or experience in the subject area. The Commission retains the right to accept or reject submitted documentation as evidence of expertise. Any certificate issued shall only entitle the individual to teach the subject(s) specified in Commission approved courses.~~
- (c) ~~**FIREARMS** — Firearm training is a professional subject; therefore, a Firearm Instructor Certificate will be issued only to those officers who have successfully met Requirements 1, 2, & 3 of this specification and have successfully completed a Firearms Instructor Course approved by the Commission.~~
- (d) ~~**GENERAL** — General subjects will be those subjects which are clearly NOT law enforcement in nature, i.e., Criminal Law, Human Relations, Management subjects, etc.~~

REQUIREMENTS

- ~~1. At least three years of experience in the subject area to be instructed.~~
- ~~2. Recommendation of school director.~~
- ~~3. A Baccalaureate Degree with a major or concentration of courses in the discipline or an area to be taught or as required by the Commission; or~~
- ~~4. An associate degree with course work in the discipline or area to be taught or as required by the Commission and three (3) years' experience in a Criminal Justice occupation or a related occupation; or~~
- ~~5. The equivalent of 3 and 4 above as determined by the Commission.~~

- ~~6. Usual formalities of certification may be waived by the Commission for those teaching general subjects.~~

~~CERTIFICATION OF INSTRUCTORS~~

- ~~1. Applications for instructor certification, both professional and general, will be made on Commission Form F-8, Application for Instructor Certification. Once a person has been certified as an instructor and has a Form F-8 on file with the Commission, Form F-8 need not be completed and filed a second time except to report changes or requests for certification to instruct in additional subject areas.~~

~~SPECIFICATION S-17~~

~~S-17~~

~~TITLE: POLICE TRAFFIC RADAR OPERATORS AND INSTRUCTORS~~

~~This requirement supplements Regulation 1015 and is designed to increase the professionalism of those officers who operate police traffic radar for enforcement purposes.~~

~~REQUIREMENTS~~

- ~~1. An officer must have completed the Commission approved training for their appropriate level of certification before being eligible for certification as Police Traffic Radar Operator. ("Grandfathered" officers are exempt from this requirement.)~~
- ~~2. The Commission shall establish the minimum curriculum requirements for the Police Traffic Radar Operator Course.~~
- ~~3. The Commission may issue a certificate evidencing satisfactory completion of the requirements when evidence is submitted by the law enforcement agency director, chief or sheriff that the police traffic radar operator or instructor has met the training requirements.~~

~~All certificates and identification cards remain the property of the Commission and the Commission shall have the power to revoke any certificate pursuant to Regulation 1015(6).~~

SPECIFICATION S-18

S-18

~~A.C.A. 12-9-101, et seq. provides for the certification of training programs by the Commission.~~

~~TITLE: CERTIFICATION OF SCHOOLS OR COURSES~~ (Refer to Regulation 1017)

~~DEFINITIONS~~

~~"SCHOOL" is any school, college, university, academy or local training program which offers law enforcement training or education programs and includes within its meaning the combination of course curriculum, instructors, and facilities for training.~~

~~"COURSE" is any grouping of classes or series of lessons or lectures combined to attain a particular education or law enforcement training or educational objective.~~

~~"CLASS" is a single meeting or session devoted to a specific law enforcement related subject or topic.~~

~~REQUIREMENTS~~

- ~~1. Certification of schools will generally be offered on the basis of onsite inspections conducted by the Commission staff members. Such inspections will be conducted according to guidelines established by the Commission and will include, but are not limited to, examination of instruction, facilities and administration.~~
- ~~2. Certification of courses will generally be offered on the basis of information supplied on Form F-5. On-site evaluations may be conducted by Commission staff members. Certified courses should be open to all qualified area law enforcement officers.~~

~~PROCEDURES~~

- ~~1. An outline and course description of the subject material being offered, a schedule of classes, brief background showing qualifications of instructors, and name of the school director or coordinator should accompany the request.~~
- ~~2. Agencies or schools requesting course certification shall communicate in writing, using Commission Form F-5, at least thirty (30) days prior to the start of the course. A copy of the proposed course announcement (inviting area law~~

enforcement officers), a course outline, course descriptions, and applicants for instructor certification. Form F-8, if appropriate, shall accompany the request.

3. ~~Within ten (10) days of completion of the course, an attendance roster, Form F-18, listing those attending the classes offered must be forwarded to the Commission. The roster shall show full name, department, social security number and examination score for each student completing the course and be signed by the school director or coordinator. If the course was a seminar and no examination was given, indicate satisfactory or unsatisfactory participation.~~

~~GUIDELINES—CERTIFIED COURSES~~

1. ~~Law enforcement agencies or any college, university, or academy may align their training or education programs with the standards set by the Commission on Law Enforcement Standards and Training (See Specification S-9, S-10, S-11, S-12, S-13, and S-14) and apply for course certification. Certified courses should be open to qualified law enforcement officers in the general area. The Commission will assist in any way possible if requested.~~

~~2. SUMMARY OF STEPS~~

- (a) ~~Select a school director or coordinator and facilities. (See Regulation 1001(14).~~
- (b) ~~Select instructors and send completed Application for Instructor Certification Form F-8, if current F-8 is not already on file.~~
- (c) ~~Apply to the Commission for course certification on Form F-5.~~
- (d) ~~Forward class attendance roster on Form F-18 to the Commission within ten (10) days of completion of the course.~~
3. ~~Certification of a course by the Commission will consist of a letter from the Deputy Director for Standards subject to ratification by the Commission. School directors and coordinators are encouraged to design and distribute their own certificates. Commission Form F-6 may be used in lieu of a certificate.~~
4. ~~The school director or coordinator has the responsibility for administering the course and supervising the preparation of the curriculum to insure its compliance with the requirements of the Commission. He also selects facilities to be used for the course, obtains instructors and develops rules and regulations for governing the operation of the facilities and conduct of the trainees. The school director or coordinator maintains all forms required by the Commission and forwards them within the stipulated time period.~~

~~5. Each trainee shall be required to attend ALL sessions of the course. The school director or coordinator may authorize absences of no more than 10% of the class hours. Training credit will be awarded ONLY for actual hours and classes completed.~~

~~SPECIFICATION S-19~~

~~S-19~~

~~TITLE: CERTIFICATION OF FIELD TRAINING OFFICER~~

~~The following requirements are intended to assure the Commission that Field Training officers meet minimal qualifications as to training and experience as authorized in Section 1014 of the Regulations. The actual evaluation and selection of the Field Training Officers will remain the responsibility of the department head. The department head is ultimately responsible for the quality of the instruction and training provided.~~

~~REQUIREMENTS~~

~~1. LAW ENFORCEMENT EXPERIENCE~~

~~A minimum of three years of full time experience in law enforcement is required.~~

~~2. EDUCATION~~

~~Possession of not less than the General Certificate.~~

~~3. TRAINING~~

~~New applicants for Field Training Officer certification will have completed a minimum of 32 hours of Commission approved classroom instruction including, but not limited to, the following topics:~~

- ~~(a) Communications~~
- ~~(b) Techniques of Instruction~~
- ~~(c) Evaluation of Training~~
- ~~(d) Trainee Motivation and Counseling~~
- ~~(e) Complete review of the forms and their purpose in the Commission on Law Enforcement Standards and Training "Field Training Manual for Law Enforcement Recruits".~~

~~VALIDATION OF CERTIFICATE~~

- ~~(a) The Field Training Officer's Certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Commission.~~

~~(b) A Field Training Officer Certificate will be transferable should the officer change agencies.~~

~~(c) The Field Training Officer Certificate will expire if the officer is separated from law enforcement for more than six (6) months.~~

~~SPECIFICATION S-20~~

~~S-20~~

~~TITLE: CERTIFICATION OF SPECIALIZED POLICE PERSONNEL~~

~~This requirement supplements Regulation 1013 which establishes the authority, limitation, training and certification requirements.~~

~~REQUIREMENTS~~

- ~~1. Any officer in this category must meet all minimum standards for employment or appointment as outlined in Regulation 1002(3).~~
- ~~2. Must be either a Full-time or Part-time Officer as defined in Regulation 1001(20), (21), or (22) or appointed by statutory authority.~~
- ~~3. Shall complete a twelve (12) month probationary period with the employing department.~~
- ~~4. Must satisfactorily complete or have completed a Commission approved Basic Police Training Course equivalent to the course required for Auxiliary and Part-time II Officers.~~
- ~~5. The employing agency may require additional specialized training for job assignments such as: Jailers, Parole, Probation, etc.~~

~~CERTIFICATION~~

~~After completing all requirements a Commission certificate may be issued.~~

SPECIFICATION S-21

S-21

~~TITLE: THE LAW ENFORCEMENT CODE OF ETHICS~~

~~The LAW ENFORCEMENT CODE OF ETHICS should be administered as an oath to all trainees during the Basic Course. (See Regulation 1020)~~

~~THE LAW ENFORCEMENT CODE OF ETHICS~~

~~AS A LAW ENFORCEMENT OFFICER my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all men to liberty, equality and justice.~~

~~I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.~~

~~I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will; never employing unnecessary force or violence and never accepting gratuities.~~

~~I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement.~~

SPECIFICATION S-22

S-22

~~TITLE: CERTIFICATION OF MARIJUANA LEAF FIELD TEST TECHNICIAN~~

~~The following requirements are intended to assure the Commission that Marijuana Leaf Field Test Technicians (Officers) meet minimal qualifications as to training and experience as authorized in regulation 1033 of the Regulations. The actual evaluations and inspection will remain the responsibility of the department head.~~

~~REQUIREMENTS~~

~~1. Law Enforcement Experience~~

- ~~a. A minimum of three years of full time experience in law enforcement is required.~~

~~2. Education~~

- ~~a. Possession of a Basic Certificate~~

~~3. Training~~

- ~~a. New applicants for Marijuana Leaf Field Test Technician will have completed the certification course.~~

~~4. General~~

- ~~a. The Commission shall establish the minimum curriculum requirements for the Marijuana Leaf Field Test Technician Course for Law Enforcement Officer and Instructors.~~
- ~~b. The Commission shall revoke certification when it is determined the Technician is unqualified, ineffective, or not complying with standardization, protocol, or training guidelines.~~

~~VALIDATION OF CERTIFICATE~~

- ~~1. The Marijuana Leaf Field Test Technician certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Commission.~~
- ~~2. The Marijuana Leaf Field Test Technician certificate will be transferable should the officer change agencies.~~

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1248

By: Representative Tosh
By: Senator T. Garner

For An Act To Be Entitled

AN ACT CONCERNING LAW ENFORCEMENT OFFICERS AND LAW
ENFORCEMENT AGENCIES; CONCERNING THE ARKANSAS
COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING LAW ENFORCEMENT OFFICERS AND
LAW ENFORCEMENT AGENCIES; AND CONCERNING
THE ARKANSAS COMMISSION ON LAW
ENFORCEMENT STANDARDS AND TRAINING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 12-9-118 is amended to read as follows:
12-9-118. New or inactive law enforcement agency – Approval by
commission required – Definition.

(a) As used in this section, “inactive law enforcement agency” means a
law enforcement agency that existed and operated under a state law or local
ordinance in the past but that currently does not exist or has not operated
for at least one (1) year.

(b) The chief executive officer of an entity authorized by ~~ordinance~~
law to create a new law enforcement agency or reactivate an inactive law
enforcement agency shall appear before the Arkansas Commission on Law
Enforcement Standards and Training to request the creation of the new law
enforcement agency or reactivation of the inactive law enforcement agency and
present the ~~ordinance~~ law and documentation regarding:



(1) The funding mechanism, funding source or sources, and current budget proposal for the law enforcement agency;

(2) The proposed or enacted law enforcement agency policies, including without limitation policies regarding:

(A) Use of force;

(B) Vehicle pursuit;

(C) Professional conduct of law enforcement officers to be employed by the law enforcement agency; and

(D) Biased-based policing;

(3) The administrative structure and organizational chart of the law enforcement agency; and

(4) Any other information or documentation required by the commission.

(c) After the appearance and presentation under subsection (b) of this section, the commission shall approve or disapprove the request to create the new law enforcement agency or reactivate the inactive law enforcement agency.

SECTION 2. Arkansas Code § 12-9-209 is amended to read as follows:

12-9-209. ~~Counties, cities, etc.~~ Reimbursement for training costs.

(a)(1) If a county, city, ~~or town~~, or state agency pays the cost or expenses for training a law enforcement officer at a state-funded law enforcement training academy and another county, city, ~~or town~~, or state agency employs that law enforcement officer within eighteen (18) months after completion of the training in a position requiring a certificate of training from the state-funded law enforcement training academy, the ~~state agency~~, county, city, ~~or town~~, or state agency so employing the law enforcement officer, at the time of employing the law enforcement officer, shall reimburse the county, city, ~~or town~~, or state agency for all or a portion of the expenses incurred by the county, city, ~~or town~~, or state agency for the training of the law enforcement officer at the state-funded law enforcement training academy, unless the law enforcement officer has been terminated by the county, city, ~~or town~~, or state agency that paid the costs or expenses of training, in which case no reimbursement is required from the county, city, town, or state agency hiring the law enforcement officer.

(2) Reimbursement may be sought only from the first county, city, town, or state agency that employed the law enforcement officer after

1 the county, city, ~~or town~~, or state agency paid the costs or expenses of
2 training.

3 (3) Reimbursement shall include any salary, travel expenses,
4 food, lodging, or other costs required to be paid by the county, city, ~~or~~
5 town, or state agency, as follows:

6 (A) If the person is employed within two (2) months after
7 completion of the training, the employing agency shall reimburse the total
8 cost of the training;

9 (B) If the person is employed more than two (2) months but
10 not more than six (6) months after completion of the training, the employing
11 agency shall reimburse eighty percent (80%) of the cost of the training;

12 (C) If the person is employed more than six (6) months but
13 not more than ten (10) months after completion of the training, the employing
14 agency shall reimburse sixty percent (60%) of the cost of the training;

15 (D) If the person is employed more than ten (10) months
16 but not more than fourteen (14) months after completion of the training, the
17 employing agency shall reimburse forty percent (40%) of the cost of the
18 training; or

19 (E) If the person is employed more than fourteen (14)
20 months but not more than eighteen (18) months after completion of the
21 training, the employing agency shall reimburse twenty percent (20%) of the
22 cost of the training.

23 (b)(1) If any county, city, town, or state agency which employs an
24 officer whose training expense was paid by another county, city, ~~or town~~, or
25 state agency fails to make reimbursement for the expenses as required in
26 subsection (a) of this section, the county, city, ~~or town~~, or state agency
27 entitled to reimbursement shall notify the Treasurer of State.

28 (2) The Treasurer of State shall then withhold the amount of the
29 reimbursement due for training the officer from the county or municipal aid
30 of the employing county, city, ~~or town~~, or state agency or from funds
31 appropriated to the employing state agency and shall remit the amount to the
32 county, city, ~~or town~~, or state agency which is entitled to the reimbursement
33 under the provisions of this section.

34
35 SECTION 3. Arkansas Code § 12-9-301(7), concerning the definition of
36 "part-time law enforcement officer", is amended to read as follows:

(7) "Part-time law enforcement officer" means, as applied to employment and training requirements, ~~any officer working less than twenty~~ ~~(20)~~ a law enforcement officer who works twenty-four (24) hours per week or less and receiving receives a salary from the employing law enforcement agency; and

SECTION 4. Arkansas Code § 12-9-304(a), concerning appointment and training standards for an auxiliary law enforcement officer, is amended to read as follows:

(a)(1) ~~No person shall be appointed~~ A person shall not function as an auxiliary law enforcement officer until the minimum standards for appointment and training requirements have been completed.

(2) ~~Any~~ An auxiliary law enforcement officer who has not met ~~these the minimum standards for appointment and training~~ requirements shall have no law enforcement authority except that which is authorized for a private citizen.

SECTION 5. Arkansas Code § 12-9-307 is amended to read as follows:
12-9-307. Benefits.

(a) The auxiliary law enforcement officer or the governing political subdivision may elect to join the workers' compensation system for the benefit of the auxiliary law enforcement officer, and the auxiliary law enforcement officer may receive benefits therefrom as provided by statutes.

~~(b) Auxiliary law enforcement officers shall have no claim to the benefits of any police retirement and pension funds in this state. Any claim presented by an auxiliary law enforcement officer for benefits from any police retirement and pension fund shall be held null and void.~~

~~(e)(b)~~ The political subdivision may elect to provide liability insurance, uniforms, and such other equipment as may be necessary to perform the assigned tasks, and these provisions shall not be considered as salary or wages.

~~(d)(c)~~ 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.

SECTION 6. Arkansas Code § 12-9-401 is amended to read as follows:
12-9-401. Definitions.

As used in this subchapter:

~~(1) "Commission" means the Arkansas Commission on Law Enforcement Standards and Training as established by § 12-9-103;~~

~~(2)(1)~~ (1) "Full-time law enforcement officer" means any county sheriff, or any other law enforcement officer employed by a law enforcement agency who works ~~forty (40) or more hours per week~~ more than twenty-four (24) hours per week and receives a salary from the law enforcement agency;

~~(3)(2)~~ (2) "Law enforcement agency" means any police force or organization whose primary responsibility as established by statute or ordinance is the enforcement of the criminal, traffic, or highway laws of this state;

~~(4)(3)~~ (3) "Law enforcement officer" means any appointed law enforcement officer or county sheriff who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state;

~~(5)(4)~~ (4) "Part-time law enforcement officer" means ~~any officer working less than twenty (20)~~ a law enforcement officer who works twenty-four (24) hours per week or less and receiving receives a salary from the employing law enforcement agency;

~~(6)(5)~~ (5) "Police traffic radar" means any speed measurement device utilizing the Doppler principle or an infrared light system to measure the speed of motor vehicles; and

~~(7)(6)~~ (6) "Political subdivision" means any county, municipality, township, or other specific local unit of general government.

SECTION 7. Arkansas Code § 12-9-403 is amended to read as follows:
12-9-403. Appointment and training.

(a) ~~No person shall~~ A person shall not be appointed as a police traffic radar operator or police traffic radar instructor until the minimum standards for training requirements have been completed.

(b) The training requirements for police traffic radar operators or police traffic radar instructors shall be established by the Arkansas Commission on Law Enforcement Standards and Training.

(c) The commission ~~may~~ shall issue a certificate evidencing

~~satisfactory completion of the requirements of this subchapter when a law enforcement officer's certification to operate a police traffic radar after~~
evidence is submitted by the law enforcement agency director, chief, or county sheriff that the police traffic radar operator has met the training requirements.

~~(d) Nothing in this section shall be construed to~~ This section does not preclude any law enforcement agency from establishing qualifications and standards for appointing and training of police traffic radar operators and police traffic radar instructors that exceed those set by this subchapter or by the commission.

(e) Any A police traffic radar operator or police traffic radar instructor failing to meet the training requirements as set forth in this subchapter shall lose his or her authority to operate a police traffic radar for enforcement purposes.

(f) A law enforcement officer shall complete the commission-required training for law enforcement officer certification before being eligible for certification as a police traffic radar operator.

(g) Only a full-time law enforcement officer, ~~part-time I law enforcement officer, part-time II~~ part-time law enforcement officer, or an auxiliary law enforcement officer appointed as a reserve law enforcement officer as defined by commission rule is eligible for certification as a police traffic radar operator.

SECTION 8. Arkansas Code § 12-9-602 is amended to read as follows:

12-9-602. Notice of employment, appointment, or separation – Response by the law enforcement officer – Duty of commission.

(a)(1)~~(A)~~ An employing agency shall immediately notify the Arkansas Commission on Law Enforcement Standards and Training, ~~in writing, on a form~~ in a manner adopted by the commission, of the employment or appointment, or separation from employment or appointment, of any law enforcement officer.

~~(B) The employing agency must maintain the original form and submit, or electronically transmit, a copy of the form to the commission.~~

(2) Separation from employment or appointment includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence of any law enforcement officer.

(3) A submission to the commission related to the employment or

1 appointment, or separation from employment or appointment, of a law
2 enforcement officer is subject to the provisions of § 5-53-103 concerning
3 false swearing.

4 (b)(1)(A) In a case of separation from employment or appointment, the
5 employing agency shall ~~execute and maintain an affidavit of separation form~~
6 ~~adopted by the commission~~ notify the commission in a manner adopted by the
7 commission, setting forth in detail the facts and reasons for such the
8 separation.

9 ~~(B) A copy of the affidavit of separation form must be~~
10 ~~submitted, or electronically transmitted, to the commission.~~

11 ~~(C) The affidavit must be executed under oath and subject~~
12 ~~to the provisions of § 5-53-103 concerning false swearing.~~

13 (2) In a case of a separation from employment or appointment for
14 one (1) of the following reasons, the notice shall state that:

15 (A) The law enforcement officer was separated for his or
16 her failure to meet the minimum qualifications for employment or appointment
17 as a law enforcement officer;

18 (B) The law enforcement officer was dismissed for a
19 violation of state or federal law;

20 (C) The law enforcement officer was dismissed for a
21 violation of the regulations of the law enforcement agency; or

22 (D) The law enforcement officer resigned while he or she
23 was the subject of a pending internal investigation.

24 (3) Any law enforcement officer who has separated from
25 employment or appointment ~~must~~ shall be permitted to respond to the
26 separation, in writing, to the commission, setting forth the facts and
27 reasons for the separation as he or she understands them.

28 (c)(1) Before employing or appointing a law enforcement officer, a
29 subsequent employing agency ~~must~~ shall contact the commission to inquire as
30 to the facts and reasons a law enforcement officer became separated from any
31 previous employing agency.

32 (2) The commission shall, ~~upon request and without prejudice,~~
33 ~~provide to the subsequent employing agency all information that is required~~
34 ~~under subsections (a) and (b) of this section and that is in its possession~~
35 provide subsequent employing agencies with all information in the
36 commission's possession resulting from the requirements of subsection (b) of

1 this section.

2 (d)(1) An administrator of an employing agency who discloses
3 information ~~pursuant to~~ under this section is immune from civil liability for
4 such disclosure or its consequences.

5 (2) ~~No employing agency shall be~~ An employing agency is not
6 civilly liable for disclosure of information under this subchapter or
7 performing any other duties under this subchapter.

8 (e)(1) The commission, its members, and its employees who disclose
9 information ~~pursuant to~~ under this section are immune from civil liability
10 for such disclosure or its consequences.

11 (2) The commission, its members, and its employees ~~shall not be~~
12 are not civilly liable for:

13 (A) Disclosure of information under this subchapter; or

14 (B) Performing any other duties under this subchapter.

15

16 SECTION 9. Arkansas Code § 12-9-603 is amended to read as follows:

17 12-9-603. Certification review.

18 ~~The Arkansas Commission on Law Enforcement Standards and Training shall~~
19 ~~review the certification of a law enforcement officer to determine whether~~
20 ~~the certification should be suspended or revoked if an employing agency~~
21 ~~reports the law enforcement officer was separated from employment or~~
22 ~~appointment for one (1) of the reasons specified in § 12-9-602(b)(2)~~ When an
23 employing agency reports that a law enforcement officer was separated from
24 employment or appointment for one (1) or more of the reasons specified in §
25 12-9-602(b)(2), the Arkansas Commission on Law Enforcement Standards and
26 Training shall review the certification of the law enforcement officer, the
27 law enforcement officer's eligibility for certification, and the law
28 enforcement officer's ability to act as a law enforcement officer, to
29 determine whether to suspend or revoke the law enforcement officer's:

30 (1) Certification;

31 (2) Eligibility for certification; or

32 (3) Ability to act as a law enforcement officer.

33

34 SECTION 10. Arkansas Code § 14-14-1314(a)(2), concerning constable
35 training requirements for a constable holding office on July 31, 2007, is
36 amended to read as follows:

(2) A constable holding office on July 31, 2007, is exempt from the requirements of subdivision (a)(1) of this section if the constable has completed:

(A) The Part-time Law Enforcement Officer ~~II training~~ Officer training or higher level training course; and

(B) Mandatory racial profiling courses.

SECTION 11. Arkansas Code § 16-90-1416 is amended to read as follows:
16-90-1416. Release of sealed records.

(a) The custodian of a sealed record shall not disclose the existence of the sealed record or release the sealed record except when requested by:

(1) The person whose record was sealed or the person's attorney when authorized in writing by the person;

(2) A criminal justice agency, as defined in § 12-12-1001, and the request is accompanied by a statement that the request is being made in conjunction with:

(A) An application for employment with the criminal justice agency by the person whose record has been sealed; or

(B) A criminal background check under the Polygraph Examiners Licensing Act, § 17-39-101 et seq., or the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act, § 17-40-101 et seq.;

(3) A court, upon a showing of:

(A) A subsequent adjudication of guilt of the person whose record has been sealed; or

(B) Another good reason shown to be in the interests of justice;

(4) A prosecuting attorney, and the request is accompanied by a statement that the request is being made for a criminal justice purpose;

(5) A state agency or board engaged in the licensing of healthcare professionals; or

(6) The Arkansas Crime Information Center; or

(7) The Arkansas Commission on Law Enforcement Standards and Training.

(b)(1) As used in this section, "custodian" does not mean the Arkansas Crime Information Center.

1 (2) Access to data maintained by the center shall be governed by
2 § 12-12-1001 et seq.

3
4 SECTION 12. Arkansas Code § 16-90-1417(b)(2), concerning the effect of
5 sealing under the Comprehensive Criminal Record Sealing Act of 2013, is
6 amended to read as follows:

7 (2) This subchapter does not prevent the use of the record of a
8 prior conviction otherwise sealed under this subchapter for the following
9 purposes:

10 (A) A criminal proceeding for any purpose not otherwise
11 prohibited by law;

12 (B) Determination of offender status under the former § 5-
13 64-413;

14 (C) Habitual offender status, § 5-4-501 et seq.;

15 (D) Impeachment upon cross-examination as dictated by the
16 Arkansas Rules of Evidence;

17 (E) Healthcare professional licensure by a state agency or
18 board; ~~or~~

19 (F) Any disclosure mandated by Rule 17, 18, or 19 of the
20 Arkansas Rules of Criminal Procedure; or

21 (G) Determination of certification, eligibility for
22 certification, or of the ability to act as a law enforcement officer, by the
23 Arkansas Commission on Law Enforcement Standards and Training.

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