



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



Stan Witt
Director

September 11, 2013

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ARKANSAS
STATE POLICE
COMMISSION

Arkansas Legislative Council
Administrative Rules and Regulations Committee SEP 12 2013
C/O Ms. Donna Davis
One Capitol Mall, 5th Floor
Little Rock, AR 72201

BUREAU OF
LEGISLATIVE RESEARCH

Jane Dunlap Christenson
Chairman
Harrison

RE: Arkansas State Police Crimes Against Children Division
Investigation Deadline Extension Rule

Daniel "Woody" Futrell
Vice-Chairman
Nashville

Dear Ms. Davis,

Wallace Fowler
Secretary
Jonesboro

Please place the above referenced proposed changes on the next available meeting of the Administrative Rules and Regulations Committee.

Frank Guinn, Jr.
Paragould

The Public Hearing will be October 14, 2013.

Dr. Lewis Shepherd
Arkadelphia

The newspaper publication occurred in the Arkansas Democrat Gazette on August 30, 31st and September 1, 2013.

John Allison
Conway

Enclosed you will find a copy of the proposed rule. Please let me know if you need anything further from me. Thank you for your attention to this matter.

Bob Burns
Little Rock

Sincerely,

Cora Gentry, Lieutenant
Cora.gentry@asp.arkansas.gov
1 State Police Plaza Drive
Little Rock, AR 72209

FN: 10-17-13
PC: 10-15-13

Nov. 13
2374

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

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DEPARTMENT/AGENCY Arkansas State Police

DIVISION Crimes Against Children Division SEP 12 2013

DIVISION DIRECTOR Captain Ron Stayton

CONTACT PERSON Lt. Cora Gentry BUREAU OF LEGISLATIVE RESEARCH

ADDRESS 1 State Police Plaza Drive, Little Rock, AR 72209

PHONE NO. 501-618-8516 FAX NO. 501-618-8535 E-MAIL cora.gentry@asp.arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Lt. Cora Gentry & Captain Ron Stayton

PRESENTER E-MAIL cora.gentry@asp.arkansas.gov

INSTRUCTIONS

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

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

1. What is the short title of this rule? Investigation Deadline Extension Rule
2. What is the subject of the proposed rule? Establish criteria and procedures for extending the investigation conclusion deadline
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
 If yes, please provide the federal rule, regulation, and/or statute citation. Act 426 of 2013
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
 If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. Establish criteria and procedures for extending the child maltreatment investigation conclusion deadline from 45 days to 60 days.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 426 of 2013

7. What is the purpose of this proposed rule? Why is it necessary? Comply with Act 426 of 2013

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://asp.arkansas.gov/publications/>

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

If yes, please complete the following:

Date: October 14, 2013

Time: 11:00 am

Place: Arkansas State Police Headquarter

Place: (see address above)

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

October 15, 2013

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

November 15, 2013

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

If yes, please explain.

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

None known

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FINANCIAL IMPACT STATEMENT

SEP 12 2013

PLEASE ANSWER ALL QUESTIONS COMPLETELY BUREAU OF LEGISLATIVE RESEARCH

DEPARTMENT Arkansas State Police
DIVISION Crimes Against Children
PERSON COMPLETING THIS STATEMENT Lt. Cora Gentry
TELEPHONE NO. 501-618-8516 **FAX NO.** 501-618-8535 **EMAIL:** cora.gentry@asp.arkansas.gov

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

SHORT TITLE OF THIS RULE Investigation Deadline Extension Rule

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

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

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

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

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total 0

Total 0

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total 0

Total 0

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

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

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

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

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

Yes No

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

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:

(a) justifies the agency's need for the proposed rule; and

NOTICE OF PROPOSED RULE MAKING
Department of Arkansas State Police
Crimes Against Children Division (CACD)

In compliance with the Arkansas Administrative Procedures Act, and under the authority of Act 426 of 2013, notice is hereby given that the Department of Arkansas State Police intends to adopt a new rule concerning the Crimes Against Children Division (CACD) procedures that are necessary for the extension of the investigative determination deadline.

Copies of the proposed CACD rule may be obtained by visiting the website of the Arkansas State Police

<http://asp.arkansas.gov/publications/>

or writing the Arkansas State Police - CACD Section, 1 State Police Plaza Drive, Little Rock, AR 72209 or by calling (501) 618-8900.

A public hearing on these proposed rules will be held on Monday, October 14, 2013 at 11:00 a.m. at Arkansas State Police Headquarters, 1 State Police Plaza Drive, Little Rock, AR 72209. All interested parties may attend and present their comments on the rules. Written comments may be submitted to ASP CACD Section, 1 State Police Plaza Drive, Little Rock, AR 72209 or by fax to 501-618-8520 or e-mail through info@asp.arkansas.gov

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Issued August 21, 2013

**DEPARTMENT OF ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION
INVESTIGATION DEADLINE EXTENSION RULE**

PURPOSE: The purpose and authority for this Rule is contained in Act 426 of 2013 and Ark. Code Ann. §12-18-616 as amended. It is of critical importance that child maltreatment reports reach an "investigation determination" within forty-five (45) days; however that is not possible in all investigations.

EXPLANATION: This Act and law authorizes a fifteen (15) day extension to the forty-five (45) day "investigation determination" deadline. The purpose of this rule is to outline the process to extend the deadline from forty-five (45) days to sixty (60) days.

Crimes Against Children Division – Investigative Deadline Extension Rule 1.

REQUEST: If needed, an Arkansas State Police Crimes Against Children Division Investigator shall request approval for the fifteen (15) day extension to the "investigation determination" deadline in writing to their immediate supervisor. This request will be made no later than the fortieth (40th) day of the investigation. The reason for the request for extension shall be explained in detail in the request.

CRITERIA: A fifteen-day investigation determination extension may be approved under the following circumstances:

- A. When necessary documentation has been requested but has not been received, such as:
 1. Medical files and information;
 2. Police records and reports;
 3. Medical Examiner's reports;
 4. Arkansas Crime Lab reports; or
 5. Information or reports from other states.
- B. Postponement of determination due to request from a prosecuting attorney or law enforcement agency where there is a pending criminal investigation. or
- C. Multiple alleged offenders or victims are involved requiring additional time to conduct interviews and gather evidence.

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APPROVAL: The Arkansas State Police Crimes Against Children Division Investigator's supervisor shall review the extension request and the investigation to ensure the extension is warranted. A decision shall be made by the supervisor to grant or deny the request in writing no later than the forty-fifth (45th) day. The supervisor shall notify the investigator of their decision as soon as possible.

STATUS PENDING FURTHER DOCUMENTATION: An investigation shall not be transferred to inactive status while an investigator is awaiting further documentation.

REPORTING: The supervisor shall report the total number of extensions granted for all investigations and the reason(s) for the extension(s) on a monthly basis to the Arkansas State Police Crimes Against Children Division's Investigative Administrator.

DEPARTMENT OF ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION
INVESTIGATION DEADLINE EXTENSION RULE

SEP 12 2013

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