

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 unit 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. 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. ~~Amended by Act 1472 of 1999.~~
- (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 (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 (a), operating on a quarter schedules, 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 (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 I 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.
- (e)

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 six (6) consecutive months

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 1 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 1 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 1 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.

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

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

INSTRUCTIONS

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

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

1. What is the short title of this rule? Specification S-15, Certification of Law Enforcement Officers
2. What is the subject of the proposed rule? Describes the general provisions for certifying law enforcement officers and each type of law enforcement officer certification
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. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? _____
- When does the emergency rule expire? _____

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

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

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

Does this repeal an existing rule? Yes ☐ No ☒

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

Is this an amendment to an existing rule?

Yes ☒ No ☐

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

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

7. What is the purpose of this proposed rule? Why is it necessary? Under General Provisions, Section 1(b), the reference to Act 472 of 1999 is deleted. Section 15 adds the nonmandatory certification process for police chiefs.

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

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

If yes, please complete the following:

Date: January 14, 2016

Time: 10:00am

Place: ALETA East Camden

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

January 13, 2016

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

February 1, 2016

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

If yes, please explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?

Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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

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

SHORT TITLE OF THIS RULE Specification S-15, Certification of Law Enforcement Officers

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

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

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

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

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

Current Fiscal Year

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

Next Fiscal Year

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

Total _____

Total _____

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

Current Fiscal Year

General Revenue 0
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue 0
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

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

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

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

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

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

Yes ☐ No ☒

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

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

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