

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

(1) Basic Police Training Course

- (a) Each Full-time Law Enforcement Officer, and each Part-time I Law Enforcement Officer must satisfactorily complete the Basic Police Training Course as prescribed in Specification S-9, within the time period established in Regulation 1003(4).
- (b) Any Full-time or Part-time I Law Enforcement Officer who has previously met the minimum training requirements, and has been separated from law enforcement for more than seven (7) years shall be required to satisfactorily complete an approved Basic Police Training Course. If extraordinary circumstances exist in the opinion of the Commission, they may choose to waive the full basic and may require the refresher course only. In such circumstances, certification may be issued to an individual who has successfully completed the refresher course., 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. 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 40-hour 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 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 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) Appointment or employment as an Auxiliary, Part-time II, or Specialized Police Officer during the less than ten (10) year period of separation will not exclude the Full-time or Part-time I Law Enforcement Officer from complying with the requirements of (1)(b).
- (d) Part-time II Law Enforcement Officers, Specialized, and Auxiliary Law Enforcement Officers will be required to satisfactorily complete not less than ~~400~~ 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 ~~400~~ 110 hour training course.
- (e) Any Full-time or Part-time I Law Enforcement Officer who fails to satisfactorily complete the Basic Police Training Course within the time period allowed by regulation 1003(4), or who once enrolled in the Course, fails the course or is expelled from the course, will not be eligible for training nor certification for twenty-four (24) months following the date of failure or expulsion from the training course or the date of expiration of the probationary period. In the event a Full-time or Part-time I Law Enforcement Officer fails the course or is expelled from the course, said officer shall not be eligible to serve, be employed, or otherwise function as a law enforcement officer in this State from that date until the expiration of twenty-four months following the date of failure or expulsion from the training course. If an officer properly appeals his failure or expulsion, said officer may retain his eligibility to serve as a law enforcement officer until such time as the Commission has ruled upon said appeal or expiration of the time period allowed by Regulation ~~1003(4)~~ 1002(i), whichever occurs first.
- (f) If an officer fails to satisfactorily complete the required training in a total of ~~twenty (20)~~ twelve (12) months from the original date of employment or appointment, he shall not be eligible to be retained as a law enforcement officer in this State. Reappointment or reemployment as a law enforcement officer will be considered only after the person has been separated from law enforcement for at least twenty-four (24) months. Upon reappointment or reemployment, an officer would be eligible to begin a new ~~twelve (12) month~~ probationary period. Should the officer fail to meet the

minimum training requirement for a second time, he or she will not be eligible for certification as a Full-time, Part-time, Auxiliary or in any other law enforcement officer position.

(2) Supervisory Course

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

(3) Middle Management Course

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

(4) Executive Course

- (a) Executive Courses shall be optional and voluntary for Department Heads. Specification S-12 describes the Executive Courses.
- (b) As a condition of course certification by the Commission, enrollment and attendance shall be restricted to Department Heads, Assistant Department Heads and Division Heads unless special approval to attend is granted by the Commission. Officers who are not Department Heads should have successfully completed the recommended Middle Management course prior to enrollment in an Executive Course.

(5) Law Enforcement Refresher Course

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

(6) Specialized Courses

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

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? Regulation 1005, Minimum Standards for Training (Full-Time and Part-Time I Officers)
2. What is the subject of the proposed rule? Outlines the minimum training requirements for Full-Time and Part-Time I Law Enforcement Officers
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. 12-09-104

7. What is the purpose of this proposed rule? Why is it necessary? Section 1. (b) (i,ii,ii,iv) and (c) adds the option for a full-time or part-time I officer that has not worked in law enforcement for a period of more than seven years but less than ten years to take a comprehensive written exam. A passing score allows the officer to take a 40 hour refresher course rather than repeating the full basic academy. Section (d) changes the basic reserve/part-time II course from 100 to 110 hours and adds "Specialized" officers. Section (e) corrects the regulation cite. Section f. deletes "12 month probationary period".

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

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

If yes, please complete the following:

Date: January 14, 2016

Time: 10:00am

Place: ALETA, East Camden, AR

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

January 13, 2016

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

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

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
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	0

Next Fiscal Year

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

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

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

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

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

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

Yes ☐ No ☒

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

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

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