

SPECIFICATION S-3

S-3

TITLE: THE BACKGROUND INVESTIGATION

In compliance with Section 1002 (3) (e) 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. A 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 unit will depend on the satisfactory results of the background investigation. ~~on all law enforcement officers employed under the Act.~~

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 shall 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.

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-3, The Background Investigation
2. What is the subject of the proposed rule? Describes the background requirement and provides recommended procedures for conducting the background investigation
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? Grammar corrected under "Requirements", section 3.

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-3, The Background Investigation

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.