

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 ~~unit~~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 ~~any~~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 ~~unit~~agency; and
 - (b) Serves a law enforcement function for that ~~unit~~agency; ~~or~~
and

(c) Receives a salary authorized by that ~~unit~~agency; or

(d) Is a legally appointed Auxiliary Officer.

- (10) ~~“Law Enforcement Unit” is a police force or organization of a city, county, State Agency, or of the State whose primary duty as prescribed by law or ordinance is enforcing the criminal, traffic or highway laws of this State.~~

“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;

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- (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, the Executive Commission on Law Enforcement Standards Act. (Ark. Code Ann. 12-9-101-12-9-116 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.
- (20) "Full-time Law Enforcement Officer" is one who:
- (a) Is employed by and receives a salary authorized by a law enforcement unitagency;
 - (b) Has the statutory authority to enforce the criminal, traffic or highway laws of the state;
 - (c) Works 40 or more hours per week.
- (21) "Part-time Law Enforcement Officer I" is one who:
- (a) Is employed by and receives a salary authorized by a law enforcement unitagency;
 - (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.
- (22) "Part-time Law Enforcement Officer II" is one who:
- (a) Is employed by and receives a salary authorized by a law enforcement unitagency;
 - (b) Has the statutory authority to enforce the criminal, traffic or highway laws of this state;

(c) Works less than 20 hours per week.

- (23) "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, but does not include any officer or deputy county sheriff employed by a planned community property owners' association.
- (24) "Police Traffic Radar Operator" 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, but does not include any officer or deputy county sheriff employed by a planned community property owners' association.
- (25) "Specialized Police Personnel" are those Full-time or Part-time officers authorized by statute or employed by a law enforcement ~~unit~~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.

1002. **MINIMUM STANDARDS FOR EMPLOYMENT OR APPOINTMENT OR CONTINUED EMPLOYMENT**

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- (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 ~~who is not certified by the Commission at the appropriate classification for the position held by the individual 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 1008 for exceptions.)
 - (a) Upon the finding of extraordinary circumstances, the Commission, by majority vote, may extend this initial nine (9) month period ~~by a maximum of three (3) months, for an absolute maximum period of twelve (12) months. (See Regulation 1008 for exceptions.)~~
 - (b) All requests for extensions must be submitted and received by the Commission prior to the end of the nine (9) month period, ~~or any extension thereof. No individual who has been decertified by the Commission shall be eligible to serve, be employed or otherwise function as a law enforcement officer in this State unless the Commission shall have by majority vote agreed that the individual shall again be eligible to so serve.~~
- (2) Verification of minimum employment standards must be maintained by the employing department.
- (3) Every officer employed by a law enforcement unit/agency shall:
 - (a) Be a citizen of the United States. (See Specification S-1)
 - (b) Be at least 21 years of age. (See Specification S-1)
 - (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.
 - (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).

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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.
 - (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.
 - (g) Be examined by a licensed physician and meet the physical requirements prescribed in Specification S-5, Physical Examination.
 - (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 F-11, Qualifications Appraisal Guide, or other appropriate form may be used to record the interview. (See Specification S-6)
 - (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 S-7)
 - (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 (F-1) submitted 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, 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.

- (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) If an officer is determined by the Commission to be in noncompliance, the Commission will notify the director of the employing agency by certified letter. The Commission shall give the individual and the employing agency a reasonable amount of time to remedy the deficiency. If at the end of that period, including any extension thereof, the individual remains in noncompliance, the individual will not be eligible to function as a law enforcement officer until proof of compliance is presented to the Commission by the agency director or his representative. In addition, at the end of the period allowed by the Commission for the individual to remedy the deficiency, including any extensions thereof, if the officer remains in noncompliance, the officer will be removed from the agency payroll and will not be eligible to be employed in any capacity as a law enforcement officer until compliance is met and proof is furnished to the Commission by the agency director or his representative. In the event the agency refuses to remove the officer from the payroll and/or continues to allow the officer to serve as a law enforcement officer, the Commission shall seek an injunction prohibiting the agency from employing and/or using the officer and prohibiting the officer from acting as a law enforcement officer.~~
- (8) 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.
- (9) 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 ~~unit~~ agency and/or the individual agrees to the reasonable accommodations, then the Commission shall waive the minimum standard in question.

- (10) 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.

(11) A law enforcement officer shall have no more than one CLEST law enforcement classification within a law enforcement agency.

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)~~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. 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~~

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~~not exclude the Full-time or Part-time I Law Enforcement Officer from complying with the requirements of (1)(b).~~

(d)(c) Part-time II 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.

(e)(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 ~~1003(4)~~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 ~~Full-time or Part-time I Law Enforcement~~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 1002(i1), whichever occurs first.

(f)(e) If an officer fails to satisfactorily complete the required training in a total of ~~twelve-nine (129)~~ 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.

(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 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.~~

(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 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.

(6) Specialized Courses

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

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1009. PERSONNEL ACTION REPORTS

- (1) All law enforcement ~~units~~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.

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

(1) CERTIFICATION REQUIRED

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~~No individual shall serve, be employed or otherwise function as a law enforcement officer in the state who is not eligible for certification by the Commission at the appropriate classification for the position held by the individual, except, 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 as a law enforcement officer. Upon the finding of extraordinary circumstances, the Commission, by majority vote, may extend this period by a maximum of three (3) months, for an absolute maximum period of twelve (12) months. (See Regulation 1008 for exceptions.) All requests for extensions must be submitted and received by the Commission prior to the end of the 9 month period, or any extension thereof.~~

No later than ninety (90) days after the completion of the officer's probationary period, every law enforcement officer must apply to the Commission 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 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) Certificates may be issued by the Commission for the purpose of raising the level of competence of law enforcement, to recognize completion of training and education and to foster cooperation among the Commission, agencies, groups, organizations, jurisdictions and individuals.~~

~~(3) Certificates remain the property of the Commission and the Commission shall have the power to revoke or recall any certificate as provided in the Act.~~

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~~(a) The Commission may revoke the certification of any law enforcement officer after written notice and 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.~~

~~(vii) The individual has ceased to meet the minimum standards for employment or appointment as established by Regulation 1002.~~

~~(viii) Committed a violation of the Law Enforcement Code of Ethics as set out in Specification S-21.~~

~~(b) The Commission shall notify in writing any certified individual when the Commission believes there is a reasonable basis for revoking certification of the individual. The notice shall specify the basis of the revocation under this Act. Upon receipt of the notice the individual The individual shall be given no less than (30) days notice of the time and place set for the hearing unless the individual agrees to accept less than thirty (30) days notice. The hearing shall be confined to the basis stated in the notice. The individual is entitled to be present at the hearing, to examine witnesses and to be assisted by counsel. If the Commission finds grounds for revocation of the certification, it shall enter its order stating what the grounds are for revoking certification. If it finds that inadequate or no grounds exist, it shall dismiss the proceedings.~~

~~(c) 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.~~

(2) Should an officer ~~lose certification or~~ become ineligible for employment or training as a direct result of the employing agency's failure to take any ~~other~~ action required by the Commission, the ~~officer~~ agency may within ten business (10) days after notification that certification has expired, request a hearing before an audience before the Commission to ask for an extension of time, which is permitted as stated herein. ~~If the Commission finds that the loss of certification is through no fault of the officer, but is the result of the employing agency's failure to comply, the Commission may at its discretion extend the period of time set out in Regulation 1003 (4) by sixty (60) days from the date of the hearing. During the sixty (60) day extension period, the officer will be scheduled for the required training course.~~

(3) ~~(e)~~ The certification of any law enforcement officer shall expire if the officer does not serve as a law enforcement officer for ~~six (6)~~ three (3) consecutive ~~months~~ years.

~~(f) An individual who has had his certification revoked by the Commission shall not be eligible to regain certification until such time as the Commission, at its discretion and by majority vote, is satisfied that the individual is eligible for re certification.~~

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(4) ~~Basic, General, Intermediate, Advanced and Senior certificates, are established for the purpose of fostering professionalism, education, and experience necessary to adequately perform the duties of the law enforcement service.~~ Requirements for the Basic, General, Intermediate, Advanced and Senior certificates are prescribed in Specification S-15, "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 ~~established for the purpose of recognizing those officers in these classifications who have met the required minimum selection and training standards as provided for in this manual. (See prescribed in~~ Specifications S-15 and S-20)

~~(6) When determination of "eligibility for certification" of officers, elected by a vote of the people as defined by Act 452 of 1975, becomes necessary for establishing qualifications to apply for, file for, or hold certain positions or elective office as required by law, procedures described in Specification S-15/5 shall apply.~~

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

- ~~(1) 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.~~
- ~~(2) LEVEL ONE: 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:~~
 - ~~(a) Hold intermediate law enforcement officer certification or higher.~~
 - ~~(b) Complete a minimum of forty (40) hours of police supervision/management training.~~
 - ~~(c) Possess a minimum of two (2) years of police supervisory or management experience.~~
- ~~(3) LEVEL TWO: 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:~~
 - ~~(a) Hold advanced law enforcement officer certification or higher.~~
 - ~~(b) Successfully complete a 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.~~
 - ~~(c) Possess a minimum of five (5) years' experience as a police chief or staff level command officer.~~
- ~~(4) 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:~~
 - ~~(a) Hold the senior law enforcement officer certification.~~

- ~~(b) — Successfully complete a 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.~~
- ~~(c) — Possess a minimum of five (5) years' experience as police chief.~~

1012

**PART-TIME LAW ENFORCEMENT OFFICERS
(SEE SPECIFICATION S-15/11-12)**

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(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:

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- (a) Employed by a law enforcement ~~unit~~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 ~~unit~~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 ~~unit~~agency;
- (~~a~~b) Authorized by law to enforce the criminal, traffic or highway laws of this State;
- (~~b~~c) Authorized salary or wages by the law enforcement ~~unit~~agency;
- (~~e~~d) Authorized to work less than 20 hours a week.

____ Selection and Training - A Part-time Officer II is required to ____
____ satisfactorily complete the minimum standards for
____ employment or appointment as authorized in Regulation ____
____ 1002(3) and have satisfactorily completed not less than 110 ____
____ hours of Commission approved training which will include a
____ firearms qualification equivalent to the 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 on Form F-7.

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

**1015. POLICE TRAFFIC RADAR OPERATORS AND INSTRUCTORS
(SEE SPECIFICATION S-17)**

- (1) Act 672 of 1983 as modified established a minimum training and certification standards for Police Traffic Radar 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 ~~unit~~ agency or Commission approved training facility that has satisfactorily completed a Police Traffic Radar Course and the Instructor Development Course shall be eligible for certification as a Police Traffic Radar Instructor.
- (4) Officers applying to be operators and instructors shall successfully complete an Arkansas Commission approved Radar Training Course.
- (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 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 shall have the power to recall or revoke any certificate issued. Any recall or revocation action will comply with the State Administrative Procedures Act.

1028. CERTIFICATION OF LAW ENFORCEMENT CANINES

- (1) A canine used as a law enforcement tool in the State of Arkansas ~~must~~may be certified by a Law Enforcement Certifying Official in accordance with Canine Certification ~~Requirements~~standards approved by CLEST.
- (2) ~~All Law Enforcement Canines~~ Agencies that choose to use the CLEST canine certification shall meet or exceed the minimum standards approved by CLEST for law enforcement canines.
- (3) Law Enforcement Canine Certifications shall expire one (1) year after the date of issue.
- ~~(4) Law Enforcement Canines that are used for the sole purpose of tracking shall not be required to obtain CLEST certification.~~
- ~~(5) All Law Enforcement Canines currently active in Arkansas shall be certified within eighteen (18) months of the effective date of this regulation.~~
- ~~(6) A Certified Law Enforcement Canine must be recertified each year and also each time it is assigned to a new Law Enforcement Officer.~~

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1032 RETIRED OFFICER ELECTED AS CONSTABLE

1. A Full-Time Law Enforcement Officer, as described by Regulation 1001 (9), who retires from an Arkansas ~~Law Enforcement Unit, as described by Regulation 1001 (10)~~law enforcement agency and serves as or is elected as Constable within six months of retirement from the ~~Law Enforcement Unit~~law enforcement agency, will not be not be subject to either Regulation 1005(1)(b) or the refresher course if:
 - a. That person is reappointed as a law enforcement officer as described by Regulation 1001 (9); and
 - b. The person has successfully completed a minimum of sixteen (16) 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, his instructor certification(s), except instructor certification regarding radar, held at retirement will continue.

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 as provided in the Act.
- (b) The Commission may revoke the certification of any law enforcement officer after written notice and 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.
 - (vii) The individual has ceased to meet the minimum standards for employment or appointment as established by Regulation 1002.
 - (viii) Committed a violation of the Law Enforcement Code of Ethics as set out in Specification S-21.
- (c) The Commission shall notify in writing any certified individual a- law enforcement officer in writing if when the Commission believes there is a reasonable basis for revoking certification of the individual the law enforcement officer's certification. The notice shall specify the basis of the revocation under this Act. If the officer wishes to

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contest the decertification, the officer may request a hearing within twenty (20) days of the date of the notice. Upon receipt of the notice the individual shall be given no less than (30) days notice of the time and place set for the hearing unless the individual agrees to accept less than thirty (30) days notice. The hearing shall be confined to the basis stated in the notice. The individual is entitled to be present at the hearing, to examine witnesses and to be assisted by counsel. If the Commission finds grounds for revocation of the certification, it shall enter its order stating what the grounds are for revoking certification. If it finds that inadequate or no grounds exist, it shall dismiss the proceedings.

- (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.

(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 that period, including any extension thereof, the individual remains in noncompliance, the individual will not be eligible to function as a law enforcement officer until proof of compliance is presented to the Commission by the agency director or his representative. In addition, 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 officer will be removed from the agency payroll and will not be eligible to be employed in any capacity as a law enforcement officer until compliance is met and proof is furnished to the Commission by the agency director or his representative. In the event the agency refuses to remove the officer from the payroll and/or continues to allow the officer to serve as a law enforcement officer, 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

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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;

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- 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.

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- (c) The administrative penalties may be assessed on a per-day basis, with each day considered a separate violation.

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(4) HEARINGS

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- (a) All hearings before the Commission shall be conducted in accordance with the Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, et seq.

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- (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.

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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 employed by a law enforcement ~~unit~~ agency must be a citizen of the United States 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. 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 unit-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)(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-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 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.

SPECIFICATION S-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 unit 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-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~~-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. 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 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 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 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 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.

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-three~~ (63) consecutive ~~months~~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 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.

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 ~~unit~~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).

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.
- (20) “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.
- (21) “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.
- (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.
- (23) “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, but does not include any officer

or deputy county sheriff employed by a planned community property owners' association.

- (24) "Police Traffic Radar Operator" 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, but does not include any officer or deputy county sheriff employed by a planned community property owners' association.
- (25) "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.

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 1008 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 S-1)
 - (b) Be at least 21 years of age. (See Specification S-1)
 - (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.
 - (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).
 - (e) Be of good character as determined by a thorough background investigation as prescribed in Specification S-3, The Background Investigation.
 - (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.

- (g) Be examined by a licensed physician and meet the physical requirements prescribed in Specification S-5, Physical Examination.
 - (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 F-11, Qualifications Appraisal Guide, or other appropriate form may be used to record the interview. (See Specification S-6)
 - (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 S-7)
 - (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 (F-1) submitted 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, 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.
- (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.
- (10) A law enforcement officer shall have no more than one CLEST law enforcement classification within a law enforcement agency.

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 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. 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 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) Part-time II 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 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 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.

(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 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 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.

(6) Specialized Courses

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

1009. PERSONNEL ACTION REPORTS

- (1) All law enforcement agencies shall furnish to the Commission a 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.

**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 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 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, "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 Specifications S-15 and S-20)

**PART-TIME LAW ENFORCEMENT OFFICERS
(SEE SPECIFICATION S-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.

Selection and Training - A Part-time Officer II is required to satisfactorily complete the minimum standards for employment or appointment as authorized in Regulation 1002(3) and have satisfactorily completed not less than 110 hours of Commission approved training which will include a firearms qualification equivalent to the 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 on Form F-7.

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

**1015. POLICE TRAFFIC RADAR OPERATORS AND INSTRUCTORS
(SEE SPECIFICATION S-17)**

- (1) Act 672 of 1983 as modified established a minimum training and certification standards for Police Traffic Radar 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 Course and the Instructor Development Course shall be eligible for certification as a Police Traffic Radar Instructor.
- (4) Officers applying to be operators and instructors shall successfully complete an Arkansas Commission approved Radar Training Course.
- (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 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 shall have the power to recall or revoke any certificate issued. Any recall or revocation action will comply with the State Administrative Procedures Act.

1028. CERTIFICATION OF LAW ENFORCEMENT CANINES

- (1) A canine used as a law enforcement tool in the State of Arkansas may be certified by a Law Enforcement Certifying Official in accordance with Canine Certification standards approved by CLEST.
- (2) Agencies that choose to use the CLEST canine certification shall meet or exceed the minimum standards approved by CLEST for law enforcement canines.
- (3) Law Enforcement Canine Certifications shall expire one (1) year after the date of issue.

1032 RETIRED OFFICER ELECTED AS CONSTABLE

1. A Full-Time Law Enforcement Officer, as described by Regulation 1001 (9), 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 1005(1)(b) or the refresher course if:
 - a. That person is reappointed as a law enforcement officer as described by Regulation 1001 (9); and
 - b. The person has successfully completed a minimum of sixteen (16) 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, his instructor certification(s), except instructor certification regarding radar, held at retirement will continue.

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 as provided in the Act.
- (b) The Commission may revoke the certification of any law enforcement officer after written notice and 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.
 - (vii) The individual has ceased to meet the minimum standards for employment or appointment as established by Regulation 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. 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.

(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 employed by a law enforcement agency must be a citizen of the United States 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. 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)(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 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 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.

SPECIFICATION S-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-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. 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 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 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 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 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.

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 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.

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).

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Commission on Law Enforcement Standards and Training

DIVISION _____

PERSON COMPLETING THIS STATEMENT Brad King

TELEPHONE (501) 682-2260 **FAX** (501) 682-1582 **EMAIL:** brad.king@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 CLEST Revision of Regulations and Specifications

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;

N/A

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

N/A

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

N/A

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

N/A

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

- (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) _____

Total \$0

Next Fiscal Year

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

Total \$0

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

Current Fiscal Year

| | |
|------------------|--------------------------------|
| General Revenue | _____ |
| Federal Funds | _____ |
| Cash Funds | _____ |
| Special Revenue | _____ |
| Other (Identify) | _____ |
| Total | <u> \$0 </u> |

Next Fiscal Year

| | |
|------------------|--------------------------------|
| General Revenue | _____ |
| Federal Funds | _____ |
| Cash Funds | _____ |
| Special Revenue | _____ |
| Other (Identify) | _____ |
| Total | <u> \$0 </u> |

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.