

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Commission on Law Enforcement Standards and Training

Department CLEST

Contact Amanda Yarbrough E-mail amanda.yarbrough@arkansas.gov Phone (501) 682-4750

Statutory Authority for Promulgating Rules ACA 12-9-104

Rule Title: CLEST Rules

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 01/01/2020
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

7/21/2019

8/20/2019

10/16/2019

01/01/2020

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Amanda Yarbrough amanda.yarbrough@arkansas.gov

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

brad.king@arkansas.gov

Phone Number

E-mail Address

Deputy Director

Title

Date

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Commission on Law Enforcement Standards and Training

DIVISION Standards

PERSON COMPLETING THIS STATEMENT Amanda Yarbrough

TELEPHONE NO.(501) 682-4750 **FAX NO.**(501) 682-1582 **EMAIL:**amanda.yarbrough@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 Rules

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No x

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 x 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 x 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:

No federal rule/regulation being implemented

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

Current Fiscal Year

General Revenue _____

Next Fiscal Year

General Revenue _____

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total \$0

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total \$0

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

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

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 x

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.

INTRODUCTION

COMMISSION DIRECTORS

Richard Russell – October 1, 1981 to June 29, 1982

Bobby Norman – September 16, 1982 to August 4, 1995

Terry Bolton – August 7, 1995 to March 31, 2011

Ken Jones – April 8, 2011 to January 13, 2015

Jami Cook – January 14, 2015 to Present

GOAL OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING

The goal of the Commission is to establish the role of the law enforcement officer as a profession, thereby presenting the citizens of the State of Arkansas with officers who have the knowledge and skills to detect and prevent crime.

PURPOSE

The Commission on Law Enforcement Standards and Training was established in 1975 for the purpose of establishing minimum selection and training standards for the admission to employment as a law enforcement officer in Arkansas. All applicants for law enforcement positions must meet the requirement established by CLEST and complete CLEST approved training to obtain their certification. The Commission is comprised of a director and the members representing law enforcement, education, and the general public that meet quarterly to review training and certification matters. The Office of Law Enforcement Standards oversees employment, training, and certification requirements established by CLEST.

REVISIONS EFFECTIVE: JANUARY 1, 2020

CONTACT INFORMATION

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COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING RULES

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COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING RULES

1000. OBJECTIVES

The objectives of the Commission on Law Enforcement Standards and Training are:

(1) To encourage increasing the professional competency of law enforcement officers:

(a) By establishing minimum standards for employment including minimum standards of education, physical, emotional, intellectual and moral fitness, and such other matters as relate to the competence and reliability of persons seeking employment within the public law enforcement service.

(b) By establishing minimum standards for the training of law enforcement officers;

(c) By providing, sponsoring or coordinating law enforcement training courses.

(2) To conduct or stimulate studies and research designed to improve law enforcement administration and law enforcement within the state and assist in the implementation of Commission recommendations.

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) "Educational Credits" are credits earned for studies or courses satisfactorily completed at a college or university approved as a degree granting institution.
- (18) "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.

- (19) "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 more than twenty-four (24) hours per week.
- (20) "Part-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 this state;
 - (c) Works twenty-four (24) hours per week or less.
- (21) "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, not including any officer or deputy county sheriff employed by a planned community property owners' association, and who receives no salary or wages for the performance of duties.
- (22) "Police Traffic Radar Operator" means a full-time, part-time, or auxiliary law enforcement officer who has met the minimum standards and training requirements prescribed for such officers, and who is appointed by a political subdivision or a law enforcement agency.
- (23) "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 or highway laws of this state and their authority is limited to the facility or area in which they work.
- (24) "Division" means the Office of Law Enforcement Standards and Training.

**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.
 - (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.
 - (i) 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), if such information is included on the form.
 - (E) Local voter registration records
 - (F) Naturalization or other citizenship records
 - (G) Any other official documents approved by the Commission

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.

- (b) Be at least 21 years of age.
 - (i) Every officer employed by a law enforcement agency must be a citizen of the United State of America and must be at least twenty-one (21) years of age.
 - (ii) A person may be employed by a law enforcement agency at twenty (20) years of age for the purposes of attending a basic law enforcement training academy. However, no individual shall perform the functions of a law enforcement officer until they have reached twenty-one (21) years of age.
- (c) Be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record.
 - (i) 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.
 - (ii) 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.
 - (iii) Applicants with criminal records as defined by CLEST Rules will be rejected. Applicants with criminal records other than felony offenses will be evaluated and a final decision reached by the department concerned.
 - (iv) 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. 5-53-103. False swearing is a Class A misdemeanor.

- (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 rule.
 - (i) 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.
 - (ii) 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.
- (e) Be of good character as determined by a thorough background investigation
 - (i) The background investigation must be conducted on each applicant to determine character traits and habits indicative of moral character.
 - (ii) Only applicants of good character should be employed.
 - (iii) 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.
- (f) Be a high school graduate or have passed the General Education Development (GED) Test indicating high school graduation level. Home school diplomas will not substitute for the above unless approved by the Commission.
 - (i) Applicants for the position of law enforcement officer under the Act will be required to furnish documentary evidence of one of the following:
 - (A) Graduation from a high school accredited by the Arkansas or other state's department of education.
 - (B) Successful completion of the General Development Test.

- (ii) Applicants may be required to obtain an Arkansas certificate at the discretion of the Commission.
 - (iii) Documentary evidence shall consist of a copy of official transcripts, diplomas, or G.E.D. test report forms. In unusual circumstances the Commission may be requested to accept other documentation, and in such cases the decision of the Commission shall be final. Home schooling diplomas will not be accepted unless approved by the Commission.
 - (iv) A transcript from an accredited higher education institution that documents a minimum of twelve (12) hours of completed course work with at least a "C" average will substitute for a high school diploma or GED.
- (g) Be examined by a licensed physician and meet the physical requirements.
- (i) 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.
 - (ii) Requirements:
 - (A) Medical examination administered by a licensed physician.
 - (B) 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.
 - (C) **VISION** – Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty.
 - (1) There should be no apparent eye deviation.
 - (D) **HEARING** – Applicant must be free of any hearing defect which in the opinion of the examining physician would adversely affect the performance of duty.
 - (E) 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.

- (F) 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.
- (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.
- (i) An applicant will be personally interviewed by the department head or his representative prior to employment.
- (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.
- (i) All applicants will be examined to determine emotional stability.
- (ii) No person will be eligible for certification if they have any condition listed in the Diagnostic and Statistical Manual, 5th edition (DSM-5) of the American Psychiatric Association which would limit the police officer's ability to cope with the stress of modern day police work such as:
- (A) Any organic mental disorder or organic brain syndrome that currently results in impairment in memory, cognitive functions, judgment and personality.
- (B) Any substance use, whether legal or illegal, which impairs social or occupational functioning due to an inability to control use or stop taking the substance and the development of serious withdrawal symptoms after cessation or reduction in substance use. Previous substance use should be in remission for three (3) years.
- (C) Any psychotic reaction showing disturbance in content of thought involving delusions, fragmented thoughts, distortions of reality, breakdown of ego defenses or hallucinations. Any previous psychotic episodes should be in remission for three (3) years and be currently evaluated as showing no residual symptoms.

- (D) Any neurotic disorder such as excessive anxiety, panic, or convulsions which would indicate that irrational behavior would occur under stress.
- (E) Any impulse control problem, particularly with anger, having resulted in husband/wife or child abuse or revealed in explosive outbreaks.
- (F) Any environmental stresses such as divorce, loss of job, business difficulty, or death in family can result in maladaptive reactions resulting in either impairment in social or occupational functioning that are in excess of a normal and expected reaction.
- (G) Any personality disorder showing a pervasive and unwarranted suspicion and mistrust of people, hypersensitivity, emotional coldness and aloofness resulting in an inability to make and maintain relationships. Any history of continuous and chronic antisocial behavior.

(H) Behavior disorders as evidenced by:

- (1) Frequent encounters with law enforcement agencies or antisocial attitudes or behavior which, while not a cause for rejection under this rule are tangible evidence of an impaired characterological capacity to adapt to the demands of law enforcement service.
- (2) Behavior disorders where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy and dependency will seriously interfere with the performance of law enforcement duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers and fellow workers, and other social groups.

(iii) Procedures:

- (A) An actual interview and psychometric evaluation will be utilized.

- (1) The employing agency will determine the examiner to be utilized.

- (2) Applicants will complete any preliminary history forms required by the examiner. The applicant will provide the examiner with a release of information to the potential employing authority.
 - (3) The results of the first examination will be binding. When the original examiner determines that additional tests are needed, the additional tests or interviews will be considered a part of the original examination. If extenuating circumstances exist that create a doubt as to the validity of the results of the first examination, the employing agency may petition the Commission for the approval of a second examination to be administered by a different examiner.
 - (4) The psychometric evaluation shall include such standardized tests as the Minnesota Multiphasic Personality Inventory, or others that may be necessary such as Bender Gestalt and Rorschach or the equivalent of each test as are appropriate and are validated by proper authority to evaluate personality traits and other mental health characteristics. These tests will be interpreted by licensed qualified individuals to ensure results.
 - (5) During the diagnostic interview, the examiner will evaluate each individual sufficiently for any evidence of disorganized or unclear thinking, of unusual thought control; of undue suspiciousness or of apathy or "strangeness" and any discovered evidence will be noted. Any unusual emotional expression such as depression, expansiveness, withdrawal or marked anxiety, which is out of keeping with the content of the interview will be noted and carefully evaluated.
- (iv) The results of the evaluation will be recorded. A report of the evaluation will be forwarded to the employing agency. The report will be signed by a licensed psychologist or psychiatrist designating the applicant as RECOMMENDED or NOT RECOMMENDED. The results of tests or interviews administered by licensed psychological examiners must be reviewed and countersigned by either a licensed Psychologist or Psychiatrist. The Form F-2b or equivalent should be used.

- (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 reported, in a manner adopted by the Commission, to the Office of Law Enforcement Standards.
 - (l) For continued employment, must successfully complete a minimum of twenty four (24) hour 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. Copies of documents and/or records required by Rule 1002 shall be maintained and/or retained by the employing agency and shall be made available for examination at any reasonable time by representatives of the Commission.
- (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 Rule 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) A law enforcement officer shall not have more than one CLEST law enforcement classification within a law enforcement agency.

1003. PROBATIONARY PERIOD

- (1) Every officer employed or appointed below the level of department head shall satisfactorily complete a probationary period of not less than twelve (12) months with the employing department.
- (2) A department head is not required to serve a probationary period.
- (3) Every officer who is promoted or appointed as an assistant Department head, middle management or supervisory position shall satisfactorily complete a probationary period of not less than six (6) months.
- (4) No certification, with the exception of Radar Operator, shall be issued to any law enforcement officer until such time as the appropriate probationary period, if any, has been completed.

1004. COLLEGE EDUCATION CREDIT

- (1) Credit for college education will not be accepted in lieu of the Basic Police Training Course described in Rule 1005(1).
- (2) College credits may be combined with experience and training in determining eligibility for law enforcement officer certification as prescribed by CLEST Rules.
 - (a) College credits used for certification must have been earned at a college or university approved as a degree granting institution. The Commission shall only recognize those credit hours awarded from a community college, college or 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.
 - (b) College credits shall be applicable in determining eligibility for General, Intermediate, Advanced, and Senior certificates
- (3) Individuals claiming college credits toward certificates shall furnish to the Commission copies of transcripts or other verifying documents. College credits will be recognized by the Commission only upon receipt of an official transcript bearing a certifying signature with the official college seal superimposed or a notarized copy of an original.

**1005. MINIMUM STANDARDS FOR TRAINING
(FULL-TIME OFFICERS)**

(1) Basic Police Training Course

- (a) Each Full-time Law Enforcement Officer, must satisfactorily complete the Basic Police Training Course, within the time period established in Rule 1002.
- (b) Any Full-time 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 the Division. 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 a time and date scheduled by the Division and will consist of questions taken from the current edition of *Arkansas Criminal and Traffic Law Manual*, published by Lexis Nexis, and *CLEST Rules*, 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 Rule 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 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 Law Enforcement Officer being required to attend a new 110 hour training course.

- (d) Any Full-time Law Enforcement Officer who fails to satisfactorily complete the Basic Police Training Course within the time period allowed by Rule 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 Rule 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.
- (f) The minimum amount of training for which certification will be granted in the Basic Police Training Course shall be 520 hours.
- (g) Requirements:
 - (i) Successful completion of a minimum of 520 hours of instruction at a certified training school.
 - (ii) The Commission will not accept satisfactory completion of the Basic Police Training Course unless the trainee has attained at least 70% in each academic block of instruction and attains a passing score of 80% on the Commission approved firearms course.
 - (iii) A minimum academic score of 70% on each examination administered in the course will be required for successful completion of the training program.
 - (iv) To be eligible for retention on a permanent basis an officer must satisfactorily complete a Basic Police Training Course or its equivalent within nine (9) months or with an approved extension, a total of twelve (12) months from the date of employment. Any requests for a three (3)

month extension not received by the Commission prior to completion of the nine (9) month period will not be considered. (For exception, see Rule 1008 (4)).

(2) Law Enforcement Refresher Course

- (a) The Refresher Course will be required for all Full-time Law Enforcement Officers who are new employees and completed their training in another state, federal agency, or military police.
- (b) The refresher course will be required for all Full-time law enforcement officers who have been separated from law enforcement for a period of three (3) to seven (7) years.
- (c) An Auxiliary, Part-time, or Specialized Police Officer who was previously a Full-time 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 (2)(b), whichever is applicable, of this Rule if he wants to return to Full-time status.
- (d) Any Full-time Officer not required to attend the Refresher Course may voluntarily apply, and if accepted, receive the training.
- (e) Requirements:
 - (i) The Law Enforcement Officer Refresher Course shall primarily consist of the current course for part-time and auxiliary law enforcement officers.
 - (ii) Any person attending the Law Enforcement Officer Refresher Course to supplement previous training and fails to satisfactorily complete the training will be required to attend a Basic Police Training Course at a Commission approved training facility.
 - (iii) The Commission may approve changes in this course when it is determined that such change is compatible with the needs of law enforcement officers and agencies.

1006. EXTENSION OF TIME LIMIT FOR COURSE COMPLETION

The Commission may grant an extension of time limit for completion of any course required by CLEST Rules upon presentation of evidence by a department that an officer was unable to complete the required course within the time limit prescribed due to illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction.

1007. PERSONNEL ACTION REPORTS

- (1) All law enforcement agencies shall furnish to the Division completed initial Employment information, in a manner adopted by the Division, within ten (10) days after employment or appointment.
- (2) When an officer is promoted or demoted, it shall be reported to the Division in a manner adopted by the Division, within ten (10) days of the action.
- (3) When an officer retires, resigns, is discharged, separates from, or otherwise terminates employment from a position for any reason or changes name, the department shall report the change to the Division, in a manner adopted by the Division, within ten (10) days.
- (4) When an officer changes his or her employment, the change shall be reported to the Division in a manner adopted by the Division.
- (5) Within ten (10) days following an employment change from one classification to another, the information shall be reported to the Division in a manner adopted by the Division.

1008. RECIPROCITY

- (1) The Commission may waive the completion of any course required by CLEST Rule upon presentation of documentary evidence by a department that an officer has satisfactorily completed equivalent training.
- (2) Training received in a state with laws governing or regulating law enforcement training must, if subject to such review, have been approved or certified in the state in which the training was received.
- (3) The Commission may elect to prescribe as a condition of certification the satisfactory completion of the Law Enforcement Officer Refresher Course or other supplementary or remedial training necessary to equate previous training with current standards.
- (4) The Division is authorized to accept training from states, federal agencies, or military police which by law regulate and supervise the quality of law enforcement training and which require a minimum number of hours of classroom training in the Basic or Recruit Course equivalent to standards established by the Commission.
- (5) For certification purposes, those Full-time Law Enforcement Officers who have not met the minimum classroom hours of training, but have accumulated at least 50% of the required hours may, at the discretion of the Commission, receive ten (10) classroom hours of credit for each year of Full-time law enforcement experience.

Those who qualify for this equivalent training waiver will be required to satisfactorily complete the Law Enforcement Refresher Course.

Should the officer fail to satisfactorily complete the Refresher Course, he or she will be required to attend the Basic Police Training Course at a Commission approved training facility.

- (6) Individuals who meet all requirements of certification, and who receive a waiver under this Rule, shall be entitled to certification after the completion of the appropriate probationary period.
- (7) Veteran's to Law Enforcement Program
 - (a) 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.

(b) 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 Rule 1002.
 - (iii) Pay the non-refundable cost of the training prior to attending the basic training course.
 - (iv) The Director of the Division will be the final approving authority for an applicant's acceptance into the program.
- (c) 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 Rule 1005 and are no longer eligible to apply for the Veterans to Law Enforcement program.
- (d) 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 officer within three (3) years of the date of the completion of the basic training course for the training to remain valid.

1009. REQUIREMENTS TO OBTAIN LAW ENFORCEMENT CERTIFICATION

(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.
- (b) Each applicant shall meet the Commission's prescribed minimum standards for employment established pursuant to Rule 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 in a manner adopted by the Division.
- (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 hour granted by a college or university, approved in accordance with Rule 1004, operating on a semester schedule, shall equal one education point.
- (b) Each quarter credit hour granted by a college or university, approved in accordance with Rule 1004, operating on a quarter schedules, shall equal .75 education points.

(3) Training Points

- (a) Twenty (20) classroom hours of police training approved by the Division equals one training point.

- (b) Basic, Refresher, Supervisory, Middle Management, Executive, or Specialized courses certified, sponsored, or presented by the Division will be acceptable for training credit.
- (c) The Division 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.
- (d) Training completed in other states, federal agencies, military police training, or other specialized training, if properly documented and approved by the Division as being required and/or useful to the department, may be allowed.
- (e) Certified Instructors may claim course completion credit for the first time the law enforcement class is instructed.
- (f) 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

- (a) 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.
- (b) Law Enforcement experience claimed is subject to staff evaluation and final approval of the Division.

(5) Eligibility Questions

- (a) Any person approved for certification will be required to meet the minimum standards for employment or appointment as defined in Rule 1002 and the training requirements established or approved by the Commission.

(6) The Basic Certificate

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of a Basic Certificate:
 - (i) Shall have completed a probationary period of not less than twelve (12) months with his present department.

- (ii) Shall have successfully completed the required Basic Police Training Course or the equivalent as determined by the Division.

(7) The General Certificate

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of a General Certificate:

- (i) Shall possess the Basic Certificate.
- (ii) 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	25	33	40	48
AND	&	&	&	&
Years of Experience	5	4	3	2

(8) The Intermediate Certificate

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of an Intermediate Certificate:
 - (i) Shall possess or be eligible to possess a General Certificate.
 - (ii) Shall have satisfactorily completed six (6) semester hours of college English or its equivalent from a college or university, approved in accordance with CLEST Rules, with at least a 2.0 grade average on a 4.0 point scale.
 - (iii) Equivalency will be determined in writing from the English Department Head of the college or university granting credit for the course
 - (iv) 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	40	55	70	85	Associate Degree
AND	&	&	&	&	&
Years of Experience	8	7	6	5	4

(9) The Advanced Certificate

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of an Advanced Certificate:
- (i) Shall possess or be eligible to possess the Intermediate Certificate.
 - (ii) 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	620	560	500	440	410	410
Years of Experience	16	14	12	10	8	6

(10) The Senior Certificate

- (a) In addition to the requirements set forth in this Rule, the following are required for the award of a Senior Certificate:
- (i) Shall possess or be eligible to possess the Advanced Certificate.
 - (ii) 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
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Training Hours	920	800	680	560	440
Years of Experience	18	15	12	9	6

(11) General Information

- (a) 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.
- (b) All persons who were serving as Auxiliary law enforcement officers prior to March 24, 1983 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.
- (c) All persons serving as Auxiliary law enforcement officers prior to the effective date of the Act shall have one (1) year from that date to complete or have completed the training requirements or its equivalent as determined by the Commission.

(12) Certificates Remain the Property of the Commission

- (a) 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 and Rule 1034.

(13) Department Head Certificate (Non-Mandatory)

In accordance with Arkansas Code Annotated § 12-9-104, the following are selection and training requirements and non-mandatory basic and advanced levels of certification for Department Heads.

(a) Level One Certificate

In addition to the requirements set forth in this Rule, a Department Head seeking the award of a Level One Certificate should:

- (i) Hold intermediate law enforcement officer certification or higher.
- (ii) Complete a minimum of forty (40) hours of police supervision/management training.
- (iii) Possess a minimum of two (2) years of police supervisory or management experience.

(b) Level Two Certificate

In addition to the requirements set forth in this Rule, a Department Head seeking the award of a Level Two Certificate should:

- (i) Hold advanced law enforcement officer certification or higher.
- (ii) 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.
- (iii) Possess a minimum of five (5) years' experience as a department head or staff level command officer.

(c) Senior Certificate

In addition to the requirements set forth in this Rule, a Department Head seeking the award of a Senior Certificate should:

- (i) Hold the senior law enforcement officer certification.
- (ii) 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.
- (iii) Possess a minimum of five (5) years' experience as a department head.

(14) Procedure

Applications for department head certification shall be made in a manner adopted by the Division.

**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 Division 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 Division 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 Rule 1009.

(5) Requirements for the Part-time Law Enforcement Officer, Specialized Police Personnel and Auxiliary Law Enforcement Officer certificates are prescribed in Rules 1009, 1011, and 1012.

1011. CERTIFICATION OF AUXILIARY LAW ENFORCEMENT OFFICERS

- (1) Act 757 of 1983, as amended, established statutory guidelines for the appointment, authority and supervisory control of Auxiliary Law Enforcement Officers.
- (2) Any person appointed after March 24, 1983, will be required to meet the minimum standards for employment or appointment as outlined in Rule 1002.
- (3) It shall be the responsibility of the appointing law enforcement agency to provide or have provided not less than 110 hours of Commission approved law enforcement training which shall include a Firearms Qualification Course equivalent to the Firearms Qualification requirements for a Full-time Law Enforcement Officer.
- (4) Every Auxiliary law enforcement officer shall satisfactorily complete a probationary period of not less than twelve (12) months.
- (5) Auxiliary officers who have been separated from law enforcement for a period of three (3) years must satisfactorily complete the approved Training Course of not less than 110 hours before becoming eligible for re-certification.

1012. PART-TIME LAW ENFORCEMENT OFFICERS

(1) Part-time Officer 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 twenty-four (24) hours per week or less.

(2) Selection and Training

A Part-time Officer is required to satisfactorily complete the minimum standards for employment or appointment as authorized in Rule 1002 and have satisfactorily completed not less than 110 hours of Commission approved training which will include a firearms qualification equivalent to Firearms Qualification Course for Full-time law enforcement officers.

(3) Certification of Part-time Law Enforcement Officers:

A Part-time 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 Division.

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

1013 CERTIFICATION OF SPECIALIZED POLICE PERSONNEL

- (1) Specialized Police Personnel are identified in the Act, as modified.
- (2) Specialized officers' duties are limited or restricted to the facility or area in which they work, and may include the enforcement of agency rules and regulations for which the penalty could be a fine or imprisonment.
- (3) The Division shall approve all training courses and certification provided for Specialized Police Personnel.
- (4) Certificates may be issued to all specialized Police Personnel who have:
 - (a) Met the minimum employment or appointment requirements outlined in Rule 1002;
 - (b) Satisfactorily completed the minimum standards for training as approved by the Division; and
 - (c) Completed a twelve (12) month probationary period as outlined in Rule 1003.
- (5) Specialized Police persons who have previously met the training requirements but have been separated from law enforcement for a period of three (3) years, will be required to meet the minimum training requirements again.
- (6) Any Specialized Police personnel who fails to satisfactorily complete the appropriate approved law enforcement training within the time period allowed by Rule 1002(1), will not be eligible for training nor certification for twenty-four (24) months following the date of expiration of the probationary period.
- (7) Specialized Police personnel may assist local law enforcement during emergency situations but shall not enforce the traffic laws of the State of Arkansas.
- (8) Requirements
 - (a) Any officer in this category must meet all minimum standards for employment or appointment as outlined in Rule 1002.
 - (b) Shall complete a twelve (12) month probationary period with the employing department.
 - (c) Must satisfactorily complete or have completed a Division approved Basic Police Training Course equivalent to the course required for Auxiliary and Part-time Officers.

(d) The employing agency may require additional specialized training for job assignments such as: Jailers, Parole, Probation, etc.

(9) Certification

After completing all requirements a Commission certificate shall be issued upon application by the agency.

1014. CERTIFICATION OF FIELD TRAINING & SPECIALIZED FIELD TRAINING OFFICERS

- (1) The Division shall certify law enforcement officers deemed qualified to be Field Training Officers for the purpose of training recruits.
- (2) Field Training Officers will be certified on the basis of minimum qualifications in the area of education, training, experience, and the ability to express knowledge and experiences to the recruit. It shall be the responsibility of the department head to see that the Field Training Officers are supervised on a regular basis to insure a quality training experience is maintained
- (3) Field Training Officer certification may be revoked whenever a field training officer is deemed by the department head or by the Division as unqualified to continue training. Such review may be initiated by the Division in the absence of external requests or complaints.
- (4) The Division shall certify law enforcement officers deemed qualified to be Specialized Field Training Officers for the purpose of training recruits.
- (5) Specialized Field Training Officer certification may be revoked whenever the officer is deemed by the department head or by the Division as unqualified to continue training. Such review may be initiated by the Division in the absence of external requests or complaints.
- (6) The actual evaluation and selection of the Field Training Officers will remain the responsibility of the department head. The department head is ultimately responsible for the quality of the instruction and training provided.
- (7) Requirements for Field Training Officers

- (a) Law Enforcement Experience

A minimum of three years of full time experience in law enforcement is required.

- (b) Education

Possession of not less than the General Certificate.

(c) Training

New applicants for Field Training Officer certification will have completed a minimum of 32 hours of Division approved classroom instruction including, but not limited to, the following topics:

- (i) Communications
- (ii) Techniques of Instruction
- (iii) Evaluation of Training
- (iv) Trainee Motivation and Counseling

(d) Validation of Certificate

- (i) The Field Training Officer's Certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Division.
- (ii) A Field Training Officer Certificate will be transferable should the officer change agencies.
- (iii) The Field Training Officer Certificate will expire if the officer is separated from law enforcement for more than three (3) years.

(8) Requirements for Specialized Field Training Officers

(a) Law Enforcement Experience

A minimum of three years of experience in specialized law enforcement is required.

(b) Education

Possession of not less than the Specialized Certificate.

(c) Training

New applicants for Specialized Field Training Officer certification will have completed a minimum of 32 hours of Division-approved classroom instruction including, but not limited to, the following topics:

- (i) Communications
- (ii) Techniques of Instruction

(iii) Evaluation of Training

(iv) Trainee Motivation and Counseling

(d) Validation of Certificate

- (i) The Specialized Field Training Officer's Certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Commission.
- (ii) The Specialized Field Training Officer Certificate will expire if the officer is separated from specialized law enforcement for more than three (3) years.

1015. POLICE TRAFFIC RADAR OPERATORS AND INSTRUCTORS

- (1) Act 672 of 1983 as modified established a minimum training and certification standards for Police Traffic Radar/Lidar Operators and Instructors.
- (2) 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/Lidar Course and the Instructor Development Course is eligible for certification as a Police Traffic Radar/Lidar Instructor.
- (3) Officers applying to be operators and instructors shall successfully complete an Arkansas Commission approved Radar/Lidar Training Course and, before operating a radar/lidar device, obtain a radar/lidar operator certificate from the Division evidencing certification to operate a radar/lidar device.
- (4) An officer who does not meet the standards and qualifications shall not take any official action as a Police Traffic Radar/Lidar Operator or instructor and any action taken shall be held as invalid.
- (5) All certificates remain the property of the Commission and the Division shall have the power to recall or revoke any certificate issued. Any recall or revocation action will comply with the State Administrative Procedures Act.
- (6) Requirements
 - (a) An officer must have completed the Division approved training for their appropriate level of certification before being eligible for certification as Police Traffic Radar/Lidar Operator. ("Grandfathered" officers are exempt from this requirement.)
 - (b) The Division shall establish the minimum curriculum requirements for the Police Traffic Radar/Lidar Operator Course.
 - (c) The Division shall issue a certificate evidencing satisfactory completion of the requirements when evidence is submitted by the law enforcement department head, that the police traffic radar/lidar operator or instructor has met the training requirements.
 - (d) Police Traffic Radar/Lidar Operators shall obtain a certificate issued by the Division before taking any law enforcement action as a police traffic radar/lidar operator.
 - (e) All certificates remain the property of the Commission and the Division shall have the power to revoke any certificate.

1016. CERTIFICATION OF INSTRUCTORS

(1) The Division shall certify instructors deemed qualified to teach in one or more of the prescribed training courses.

(2) Certification

(a) Instructors will be certified on a basis of minimum qualifications in the areas of education, training and experience. It shall be the responsibility of the school director/coordinators to see that instructors are assigned only topics which they are qualified to teach and are supervised on a regular basis to ensure that instructional excellence is maintained.

(b) The actual evaluation and selection of instructors is the responsibility of the School Director/coordinator and the school director/coordinator is responsible for the quality of the instruction provided.

(3) Firearms Instructor Certification

Firearms Instructor Certificates will be issued only to those persons who have satisfactorily completed a Division approved Instructor Development Course, a Division approved Firearms Instructor Course, and demonstrated instructional and range proficiency. Instructor Development shall be a prerequisite to take the Division approved Firearms Instructor Course.

(4) Revocation of Instructor Certificate

Instructor certification may be revoked whenever an instructor is deemed by the Commission to be unqualified to continue teaching.

(5) Types of Certification

For purposes of certification of instructors, all approved law enforcement training will be designated as follows:

(a) Professional

(i) Professional subjects will be those subjects which are clearly law enforcement in nature.

(ii) Requirements

(A) Law Enforcement Experience

(1) A minimum of three years of law enforcement experience is required for personnel instructing law enforcement subjects.

- (2) The Division may grant an individual with specialized skills or knowledge the authority to teach professional courses when the individual lacks law enforcement experience and the Division believes the best interests of law enforcement will be served.

(B) Training

- (1) New applicants for instructor certification must have completed an Instructor Development Training Course consisting of a minimum of 32 hours of Division approved classroom instruction or the equivalent including, but not limited to, the following topics:

Communications
Psychology of Learning
Techniques of Instruction
Use of Instructional Aids
Preparing and Using Lesson Plans
Evaluation of Training
Preparing and Administering Tests
Teaching Resources
Planning for Instruction and Learning
Trainee Motivation and Counseling
Practical Exercises in the Application of Instructional Principles
Presented in the Course

- (2) An Instructor's Certificate may be issued without completion of the required Instructor Development Course if an individual has documented expertise in the area of instruction. Documented expertise may include the completion of specialized and advanced education or training, acceptance as expert by court, association or society or other recognizing body, and/or experience in the subject area. The Division retains the right to accept or reject submitted documentation as evidence of expertise. Any certificate issued shall only entitle the individual to teach the subject(s) specified in Division approved courses.

(b) Firearms

Firearms training is a professional subject, therefore, a Firearm Instructor Certificate will be issued only to those officers who have successfully met the requirements outlined in this Rule and have successfully completed a Firearms Instructor Course approved by the Division.

(c) General

- (i) General subjects will be those subjects which are clearly **NOT** law enforcement in nature, i.e., Criminal Law, Human Relations, Management subjects, etc.
- (ii) Requirements
 - (A) At least three years of experience in the subject area to be instructed.
 - (B) Recommendation of school director.
 - (C) A Baccalaureate Degree with a major or concentration of courses in the discipline or an area to be taught or as required by the Division; or
 - (D) An associate degree with course work in the discipline or area to be taught or as required by the Division and three (3) years' experience in a Criminal Justice occupation or a related occupation; or
 - (E) The equivalent of (C) and (D) above as determined by the Division.
 - (F) Usual formalities of certification may be waived by the Division for those teaching general subjects.

(6) Certification of Instructors

Applications for instructor certification, both professional and general, will be made in a manner adopted by the Division. Once a person has been certified as an instructor, he or she need not report to the Division again except to report changes or request certification to instruct in additional subject areas.

1017. CERTIFICATION OF SCHOOLS OR COURSES

(1) Rules and Requirements

- (a) The Division may certify those schools deemed adequate to effectively teach one or more approved law enforcement or police science courses.
- (b) The Division may certify those courses deemed adequate to effectively teach one or more law enforcement or police science subjects.
- (c) School or course certification shall be issued as prescribed by CLEST Rules.
- (d) Certification may be revoked by the Division Director or the Deputy Director of the Division, whenever a school or course is deemed inadequate. The school or course may be recertified by the Division when the deficiencies have been corrected.
- (e) Certification of schools will generally be offered on the basis of onsite inspections conducted by the Division staff members. Such inspections will be conducted according to guidelines established by the Division and will include, but are not limited to, examination of instruction, facilities and administration.
- (f) Certification of courses will generally be offered on the basis of information supplied in a manner adopted by the Division. On-site evaluations may be conducted by Division staff members.

(2) Procedures

- (a) An outline and course description of the subject material being offered, a schedule of classes, brief background showing qualifications of instructors, and name of the school director or coordinator should accompany the request.
- (b) Unless otherwise provided, agencies or schools shall request course approval from the Division before holding the course. A copy of the course outline, course descriptions, and applicants for instructor certification, and any other documents required by the Division shall accompany the request.
- (c) Within ten (10) days of completion of the course, an attendance roster of those attending the classes offered must be reported to the Division in a manner adopted by the Division. The report shall show full name, department, CLEST ID, and examination score, if applicable, for each student completing the course. If the course was a seminar and no examination was given, indicate satisfactory or unsatisfactory participation.

(3) Guidelines – Certified Courses

(a) Law enforcement agencies or any college, university, or academy may align their training or education programs with the Rules set by the Commission on Law Enforcement Standards and Training and apply for course certification.

(b) SUMMARY OF STEPS:

(i) Select a school director or coordinator and facilities.

(ii) Select instructors

(iii) Apply to the Division for course approval

(iv) Forward class attendance roster to the Division within ten (10) days of completion of the course.

(c) Course approval will be announced in a manner adopted by the Commission. School directors and coordinators are encouraged to design and distribute their own certificates.

(d) The school director or coordinator has the responsibility for administering the course and supervising the preparation of the curriculum to ensure its compliance with the requirements of the Commission. He also selects facilities to be used for the course, obtains instructors and develops rules for governing the operation of the facilities and conduct of the trainees. The school director or coordinator maintains all forms required by the Division and forwards them within the stipulated time period.

(e) Each trainee shall be required to attend ALL sessions of the course. The school director or coordinator may authorize absences of no more than 10% of the class hours. Training credit will be awarded ONLY for actual hours and classes completed.

1018. CURRICULUM

- (1) The Division shall approve the curriculum for all law enforcement courses prescribing the subject areas, classes, and hours of instruction per class.
- (2) The Division may make or approve requested changes of curriculum when such a change is compatible with the public interest.

1019. TRAINING RECORDS

Upon receipt by the Division of employment information properly identifying an individual officer, in a manner adopted by the Commission, the Division will maintain a file for that officer and record certified training completed, as well as other personnel information, if properly documented. It must be emphasized however, that each officer should maintain his own training and education records, documented by transcripts, certificates, diplomas, letters, or notices of course completion.

1020. THE LAW ENFORCEMENT CODE OF ETHICS

- (1) The Law Enforcement Code of Ethics shall be subscribed to by each certified law enforcement officer. Violation of any portion of the Code may, upon Commission direction, result in revocation of law enforcement certification.

(2) THE LAW ENFORCEMENT CODE OF ETHICS

- (a) The LAW ENFORCEMENT CODE OF ETHICS should be administered as an oath to all trainees during the Basic Course.

(b) THE LAW ENFORCEMENT CODE OF ETHICS:

AS A LAW ENFORCEMENT OFFICER my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency; I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life. I will be exemplary in obeying the law, and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.....law enforcement.

1021. DIRECTOR

(1) General

- (a) The Director shall be a person qualified for the position, appointed by the Governor pursuant to the provisions of Act 45 of 1981.

(2) Duties

- (a) He shall perform his duties under the direction of the Commission and its committees, and he or his designee shall serve as Secretary to the Commission and its committees.
- (b) He shall be responsible to the Commission for conducting the Commission's daily activities, its office facilities, and general administrative tasks.

(3) Authority

- (a) He shall have authority over, and responsibility for all employees of the Commission.
- (b) As the authorized representative of the Commission and subject to its ratification, he is empowered to delegate to the Deputy Director of Standards his authority to:
 - (i) Certify training schools administered by the state, county, and municipalities located within this state.
 - (ii) Certify training courses within the state.
 - (iii) Revoke prior certification of a course, school or an instructor which fails to meet the required standards for certification. This action is subject to ratification by the Commission.
 - (iv) Certify for the Commission individual law enforcement officers pursuant to Ark. Code Ann. 12-9-106(c).

1022. MISCELLANEOUS ACTIVITIES OF THE COMMISSION

- (1) The Commission may make or encourage studies of any aspect of law enforcement administration, including the stimulation of research by public and private agencies which shall be designed to improve law enforcement administration and law enforcement.
- (2) The Commission may cooperate and consult with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, community colleges, vocational technical schools and other institutions concerning the development of law enforcement training schools and programs or courses of instruction.
- (3) The Commission may cooperate and consult with official bodies or individuals charged by law with the responsibility for law enforcement selection and training standards in other states.
- (4) The Commission may periodically publish or recommend that other governmental agencies publish curricula, manuals, lesson plans, brochures, newsletters and other materials to aid departments in achieving the objectives of the Act.
- (5) The Commission may direct, operate or sponsor training schools and set reasonable rules for them.

1023. COMMISSION PUBLICATIONS

The Commission may from time to time publish guidelines, information bulletins, and specifications establishing and disseminating procedures and policies dealing with the implementation of the Act and all such publications shall be considered as comprising Commission rules, if so designated.

1024. RIGHT TO AMEND

The Commission reserves the right to amend these rules by deletion or addition at such times as deemed appropriate, pursuant to the Act, as amended.

1025. RETIRED OFFICER'S RIGHT TO CARRY WEAPON

This rule is enacted pursuant to Federal Law to authorize retired law enforcement officers to carry a firearm nationwide without a permit if they satisfy the following requirements:

1. The officer is a retired law enforcement officer as defined by Federal Law.
2. The officer carries a photographic identification card from his or her former law enforcement agency as defined by Federal Law.
3. During the most recent 12 month period, the officer has met, at his or her own expense, the state's standard for training and qualification of active law enforcement officers to carry firearms.

**1026. ARKANSAS STATE STANDARD FOR FIREARMS TRAINING AND
QUALIFICATION**

- (1) The Arkansas State standard for qualification for active law enforcement officers to carry a handgun shall be the CLEST-approved Course of Fire for one target.
- (2) All active law enforcement officers shall, annually, successfully complete a CLEST-approved firearms qualification course for handguns and any type of firearm available to them in the course of their duties.
- (3) For handguns, The CLEST-approved course of fire requires a passing score of 80% based on 50 rounds.

1027. CERTIFICATION OF CIVIL TRAFFIC WARDENS

- (1) The Commission shall certify individuals deemed qualified to be Civil Traffic Wardens for the purpose of:
 - (a) Issuing citations for parking violations occurring within the corporate limits of a municipality of the first class; and
 - (b) Preparing traffic accident reports and, in connection with any such reporting, issue any necessary traffic citations.
- (2) Persons employed as Civil Traffic Wardens shall not carry firearms or take any other official law enforcement action except as prescribed by these rules.
- (3) No person shall serve as, be employed or otherwise function as a Civil Traffic Warden unless or until they have met the following minimum standards as set forth in Rule1002:
 - (a) Be a citizen of the United States.
 - (b) Be at least 21 years of age.
 - (c) Be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record.
 - (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 rule.
 - (e) Be of good character as determined by a thorough background investigation.
 - (f) Be a high school graduate or have passed the General Education Development (GED) Test indicating high school graduation level. 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.
 - (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.

- (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.
 - (j) Possess a valid driver's license.
- (4) Prior to assuming the duties listed above, individuals must successfully complete a basic course developed by the employing agency.
 - (a) The basic course shall be known as the At-Scene Traffic Accident Investigation Course and contain a minimum of the following Instruction:
 - (i) Two (2) hours regarding the Principles of Accident Scene Management.
 - (ii) Six (6) hours regarding the Accident Report Form.
 - (iii) Eight (8) hours regarding Arkansas Traffic Laws.
 - (iv) Four (4) hours regarding Evidence Collection.
 - (v) Four (4) hours regarding Measurements and Diagramming.
 - (vi) Six (6) hours regarding Practical Exercise involving a Mock Traffic Accident.
 - (vii) A two-hour Final Examination.
 - (b) Candidates must be tested on each aspect of the At-Scene Traffic Accident Investigation course and obtain a minimum score of 75% prior to assuming the duties of a Civil Traffic Warden.
- (5) In addition to meeting these minimum standards for employment, a municipality of the first class or the State Police may mandate local requirements such as written testing or other precursors to employment as desired for their jurisdiction.

1028. LAW ENFORCEMENT CANINES & LAW ENFORCEMENT CANINE QUALIFYING OFFICIALS

(1) CANINE QUALIFICATION

- (a) A canine used in law enforcement in the State of Arkansas may be qualified by a Law Enforcement Canine Qualifying Official
- (b) Agencies that choose to use the CLEST canine qualification program shall meet or exceed the minimum standards approved by CLEST for the type of canine being qualified.
- (c) Law Enforcement Canine Qualifying Official certificates issued by the Division remain the property of CLEST and the Division shall have the power to revoke or recall any certificate.

(2) LAW ENFORCEMENT CANINE QUALIFYING OFFICIAL CERTIFICATION

- (a) A person desiring to qualify law enforcement canines in the State of Arkansas may be certified by the Division as a Law Enforcement Canine Qualifying Official.
- (b) A person desiring to obtain a Law Enforcement Canine Qualifying Official certificate must:
 - (i) Submit an application to the Division;
 - (ii) Submit a letter confirming compliance with 1028(2)(c); and
 - (iii) Submit proof of completion of the Arkansas Qualifying Official course.
- (c) Applicants must have five (5) years of experience as a canine officer, or be actively serving as a qualifying official with a nationally recognized police canine organization, to be eligible for a Law Enforcement Canine Qualifying Official certificate.

1029. RESERVED

1030. RESERVED

1031. RESERVED

1032. RETIRED OFFICER ELECTED AS CONSTABLE

- (1) A Full-Time Law Enforcement Officer, as defined by CLEST Rule, 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 subject to either Rule 1005 or the refresher course if:
 - (a) That person is reappointed as a law enforcement officer as described by Rule 1001(9); and
 - (b) The person has successfully completed a minimum of twenty-four (24) 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, their instructor certification(s), except instructor certification regarding radar, held at retirement will continue.

1033. MARIJUANA LEAF FIELD TEST TECHNICIAN

- (1) Only Full-time law enforcement officers who have completed the Division approved training for Certified Law Enforcement Officers shall be eligible for certification as a Marijuana Leaf Field Test Technician.
- (2) Only Full Time Arkansas Law Enforcement Training Academy (ALETa) Instructors or Arkansas State Crime Laboratory Chemical Analysis Technicians shall be eligible to instruct the Marijuana Leaf Field Test Class.
- (3) All applicants for Marijuana Leaf Field Test Technician Certification must attend the eight (8) hour certification course conducted or coordinated through the Arkansas Law Enforcement Training Academy (ALETa).
- (4) All certificates remain the property of the Commission and the Commission shall have the power to revoke any certificate issued. Technicians shall be required to attend any re-training or refresher training as required by the Division.
- (5) The Marijuana Leaf Field Test Technician will be certified on the basis of minimum qualifications in the area of education, training, experience, and the ability to perform the task of drug identification according to established protocol. It shall be the responsibility of the department head to ensure that the Marijuana Leaf Field Test Technician is supervised on a regular basis to insure a professional standard is maintained.
- (6) Requirements:
 - (a) Law Enforcement Experience

A minimum of three years of full time experience in law enforcement is required.
 - (b) Education

Possession of a Basic Certificate
 - (c) Training

New applicants for Marijuana Leaf Field Test Technician will have completed the certification course.
 - (d) General
 - (i) The Division shall establish the minimum curriculum requirements for the Marijuana Leaf Field Test Technician Course for Law Enforcement Officers and Instructors.

- (ii) The Commission shall revoke certification when it is determined the Technician is unqualified, ineffective, or not complying with standardization, protocol, or training guidelines.

(7) Validation of Certificate

- (a) The Marijuana Leaf Field Test Technician certificate shall remain valid from the date of issue, unless recalled by the department head and returned to the Division.
- (b) The Marijuana Leaf Field Test Technician certificate will be transferable should the officer change agencies.

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, including eligibility for certification, and ability to act as a law enforcement officer, as provided by law.
- (b) The Commission may revoke the certification, eligibility for certification, or ability to act as a law enforcement officer of any law enforcement officer after written notice and a 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 Division.
 - (vii) The individual has ceased to meet the minimum standards for employment or appointment as established by Rule 1002.
 - (viii) Committed a violation of the Law Enforcement Code of Ethics.
- (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, eligibility for certification, or ability to act as a law enforcement officer. 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.
- (e) Recommendations to the Commission from a department head or other authorized entity requesting decertification of a law enforcement officer shall be supported by a letter of justification or other documentation as required by the Commission.

(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 or no more than one thousand dollars (\$1,000); and
- ii. For failing to timely submit any required appointment or separation documents, an administrative penalty or 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.