



# **TASK FORCE TO ADVANCE THE STATE OF LAW ENFORCEMENT IN ARKANSAS**

**A FINAL REPORT**

**NOVEMBER 2020**

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## **Acronym Table**

- ALETA- Arkansas Law Enforcement Training Academy
- APERS- Arkansas Public Employees Retirement System
- ARLEAP- Arkansas Law Enforcement Assistance Program
- ASPRS- Arkansas State Police Retirement System
- CIT- Crisis Intervention Training
- CJI- Criminal Justice Institute
- CJIS- Criminal Justice Information Systems
- CLEST- Commission on Law Enforcement Standards and Training
- CSU- Crisis Stabilization Unit
- DEA- U.S. Drug Enforcement Administration
- DHS- Department of Homeland Security
- DPS- Department of Public Safety
- DPSST- Department of Public Safety Standards and Training
- DROP- Deferred Retirement Option Plan
- DSM-5- Diagnostic and Statistical Manual, 5<sup>th</sup> Edition
- ERT- Emergency Response Team
- FAFSA- Free Application for Federal Student Aid
- FBI- Federal Bureau of Investigation
- FFEL- Federal Family Education Loan
- FOIA- Freedom of Information Act
- FTO- Field Training Officer
- GED- General Education Development
- IADLEST- International Association of Directors of Law Enforcement Standards and Training
- ICE- U.S. Immigration and Customs Enforcement
- K-9- Law Enforcement Canine Unit
- LEEP- Law Enforcement Enterprise Portal
- LOPFI- Local Police and Fire Retirement System
- MOA- Memorandum of Agreement
- NDEx- National Data Exchange
- NIBRS- National Incident-Based Reporting System
- OLES- Office of Law Enforcement Standards
- ONDCP- Office of National Drug Control Policy
- PSLFP- Federal Public Service Loan Forgiveness Program
- SLES- School of Law Enforcement Supervision
- SWAT- Special Weapons and Tactics Unit
- THECB- Texas Higher Education Coordinating Board
- UCR- Uniform Crime Report

## Executive Summary

This report represents a summary of Governor Hutchinson's Task Force's findings and recommendations for best policing practices and improving trust between law enforcement and the communities they serve to advance the state of law enforcement in Arkansas. The work developed for this report has been done in a collaborative effort with multiple Arkansas stakeholder groups. Therefore, this report serves as a guide for ongoing efforts to advance the state of law enforcement in Arkansas.

The strategies provided in this report involve a variety of recommendations identified by the Task Force to advance the state of law enforcement in Arkansas. Specifically, this report focuses on the following:

- (A) Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations
  - 1. *The Task Force recommends to include the following into the minimum standards for all Field Training Officer programs: Communication Skills (making sure officers are effectively communicating internally and externally), Implicit Bias (how do I know where my blind spots are and uncovering what I'm not seeing), Ethics (going above the law to protect the highest standard in law enforcement), Duty to Intervene (holding every officer to the highest standard in duty), Cultural Competency (consisting of cultural decor, customs, religious practices, and slang), De-Escalation (how do I bring this situation under control), and Crisis Intervention Training (CIT) (reducing the risk of injury to mentally ill persons and law enforcement).*
  - 2. *The Task Force recommends that the State of Arkansas maintain and expand awareness and use of the established Arkansas Crisis Stabilization Units to allow for better public access, both in and outside of law enforcement and/or community mental health providers.*
  - 3. *The Task Force recommends that the Commission on Law Enforcement Standards and Training (CLEST) increase the mandatory annual racial bias training component of continuing education from 2 hours to 4 hours.*
  - 4. *The Task Force recommends that law enforcement agencies within the State of Arkansas seek and apply for federal, state, and local funding opportunities to aid in the implementation of state-of-the-art body cameras, as well as adequate server storage to aid in better surveillance for all agencies. Specifically, we advocate for funding legislation that helps to ensure that all front line duty officers will be wearing state of the art body cameras by 2026.*
  - 5. *The Task Force recommends creation of a strong, multi-lingual "Know Your Rights and What to Do When You're Pulled Over" campaign that is coordinated at the state and local level to increase community trust, knowledge, and awareness.*

6. *The Task Force recommends that county and local law enforcement agencies work with community organizational leaders and academic institutions to study and analyze any potential negative impacts of a 287(g) program, including any unintended consequences associated with rebuilding community trust among minority populations.*

(B) Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers

7. *The Task Force recommends that CLEST meet a minimum of six times per year instead of the current four times per year to aid in speeding up the decertification process.*
8. *The Task Force recommends that CLEST publish, on its website, adjudicated decertification records into a public database similar to the process recently established in the State of Oregon to increase transparency.*
9. *The Task Force recommends the proposal of legislation that restricts the number of part-time law enforcement officers allowed within a law enforcement agency that resemble the requirements for auxiliary law enforcement officers under Arkansas Code Annotated 12-9-306.*
10. *The Task Force recommends amending Arkansas Code Annotated 12-9-118 to require new or inactive agencies to employ a full time chief of police to provide clarity and establish administrative structure and organization.*
11. *The Task Force recommends amending Arkansas Code Annotated 12-9-602 to separate untruthfulness and excessive force into independent elements.*
12. *The Task Force recommends that law enforcement agencies participate in the National Use of Force Data Collection effort to resemble the recommendation recently published by the International Association of Chiefs of Police stating that participation “will help law enforcement, elected officials, and community members better identify and understand the totality of incidents and trends associated with use-of-force incidents, and other outlying factors.”*

(C) Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing

13. *The Task Force recommends that law enforcement recruits be required, during training, to accumulate a certain number of hours within local communities, to observe and interact with community members. CLEST will credit officers with training hours for their participation in community engagement events.*
14. *The Task Force recommends that law enforcement agencies develop intentional efforts with minority community organizations (community leaders, non-profit*

*programs, faith based programs, businesses, etc.) to assess the needs of minority communities to rebuild trust to increase public safety for all citizens in Arkansas.*

(D) Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers

15. *The Task Force recommends that state, local, and county governing bodies reappropriate funding to ensure that entry salaries for law enforcement officers are equivalent to or above the average annual wage in Arkansas.*
16. *The Task Force recommends that incremental salary increases for law enforcement officers be equivalent to their years of service, rank, and responsibilities.*
17. *The Task Force recommends the proposal of legislation that exempts a portion of an active full-time law enforcement officer's salary from state income taxes.*
18. *The Task Force recommends that CLEST work with subject matter experts to ensure that CLEST Rule 1002 provides the following assessments: comprehensive psychological assessments including: aggression, implicit and racial bias pre-screening; physical fitness assessments; extensive character, employment, and criminal background investigations; and current bias assessments to better evaluate that law enforcement candidates are physically, emotionally, and mentally fit to serve.*
19. *The Task Force recommends that CLEST conduct a study on the necessity for officers to be periodically reevaluated throughout their service at years 3, 7, and 10.*
20. *The Task Force recommends that state, local, and county governing bodies reappropriate funding to provide health care coverage for full-time law enforcement officers and their dependents who participate in an annual wellness assessment. Annual wellness assessments should not be required for dependents who are minors.*
21. *The Task Force recommends that the Arkansas Department of Public Safety, in conjunction with existing programs, develop and administer a robust, state-wide wellness and resiliency program available to the Arkansas law enforcement community to include officers, jailers, dispatchers, coroners, and civilian staff.*
22. *The Task Force recommends the proposal of legislation and funding to support a loan forgiveness program for law enforcement officers similar to the program recently enacted in Texas. The alternative to this recommendation is that the Federal Public Service Loan Forgiveness Program be amended to allow for forgiveness eligibility following 12 months instead of 120 months of qualifying payments for law enforcement officers.*
23. *The Task Force recommends the proposal of legislation and funding to allow for a full-time certified law enforcement officer to attend a state-supported institution*

*of higher education tuition-free similar to the legislation for soldiers or airman in the Arkansas National Guard.*

- 24. The Task Force recommends the proposal of legislation that the first fifty percent (50%) of benefits received by a law enforcement officer of this state from an individual retirement account or the first fifty percent (50%) of retirement benefits received by a law enforcement officer of this state from public or private employment-related retirement systems, plans, or programs, regardless of the method of funding for these systems, plans, or programs, be exempt from the state income tax, with no age requirement.*
- 25. The Task Force recommends that actuarial studies be conducted on all applicable retirement systems to determine the cost and feasibility to reduce actual service for law enforcement officers to no more than 25 years with at least a 3% multiplier. Specifically, actuarial studies should include separating law enforcement officers from civilian employees in APERS.*
- 26. The Task Force recommends that actuarial studies be conducted on all applicable retirement systems to determine the cost and feasibility of allowing law enforcement officers who medically retire due to work related injuries to receive equivalent retirement benefits as if the law enforcement officer reached full retirement eligibility.*
- 27. The Task Force recommends that law enforcement agencies provide long-term disability insurance for all law enforcement officers.*

## **Introduction**

There has been a reoccurring theme for the need to improve law enforcement training and the need for increased racial understanding and accountability in law enforcement. On June 12, 2020, Governor Asa Hutchinson issued Executive Order 20-30 to create the 25-member Task Force to advance the state of law enforcement in Arkansas. The following individuals were named to the Task Force:

- Fred Weatherspoon, Deputy Director, Arkansas Law Enforcement Training Academy (ALETA)
- Jimmy Warren, Citizen Advocate, Conway
- Marty Boyd, Sheriff of Craighead County
- Layla Holloway, Citizen Advocate, Van Buren
- Allen Hamby, Sergeant, Little Rock Police Department
- Bob McMahan, Arkansas Office of Prosecutor Coordinator
- Coty Williams, Sergeant, Arkansas State Police
- Daniel Martinez, Business Owner, DeQueen
- Emma Davis, Citizen Advocate, Van Buren
- Geovanny Sarmiento, Roger Chamber of Commerce, Vice President of Community
- Gina Gomez, Executive Director of El Centro Hispano
- KenDrell Collins, Assistant Federal Public Defender
- James Sanders, Mayor of Blytheville
- Jami Cook, Secretary of the Arkansas Department of Public Safety and Director of Arkansas Commission on Law Enforcement Standards and Training
- Mike Knoedl, Retired Law Enforcement Officer
- Mike Reynolds, Fayetteville Chief of Police
- Percy Wilburn, Lake Village Chief of Police and Chairman of Arkansas Commission on Law Enforcement Standards and Training
- Randy Shores, Arkansas Department of Corrections, Emergency Preparedness
- Scott Hamilton, CEO and President of Urban League of the State of Arkansas Engagement
- Shawn Garner, Lieutenant Colonel, Arkansas State Police
- Shirley Washington, Mayor of Pine Bluff
- Steve Shults, Director of Black River Law Enforcement Training Academy
- Tim Campbell, Citizen Advocate, Little Rock
- Tim Helder, Sheriff of Washington County
- Tomekia Williamson, Arkansas Department of Community Corrections

Governor Hutchinson appointed ALETA Deputy Director Fred Weatherspoon to serve respectively as Chair. The task force held its organizational meeting on June 18, 2020 and formed four subcommittees, each of which would assume responsibility for the four areas of focus outlined by the Governor. The members elected Conway Citizen Advocate, Jimmy Warren as Chair of Subcommittee One, Sheriff of Craighead County, Marty Boyd as Chair of

Subcommittee Two, Van Buren Citizen Advocate, Layla Holloway as Chair of Subcommittee Three, and Sergeant Allen Hamby of Little Rock Police Department, as Chair of Subcommittee Four.

Executive Order 20-30 charged the Task Force with addressing each of the following objectives:

- (A) Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations
- (B) Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including an evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers
- (C) Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing
- (D) Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers

For each item above, the Task Force was charged with providing a report of its findings and make recommendations to the Governor to advance the state of law enforcement in Arkansas.

The Task Force's overarching goal was to review, study, and analyze the best practices and procedures for law enforcement within the State of Arkansas. While the Task Force assessed best practices, recommendations made by the Task Force primarily focused on reviewing and enhancing the adequacy of training, established policy, and operations for law enforcement; improving the accountability and decertification processes for law enforcement; rebuilding trust between law enforcement and the communities they serve; and developing programs aimed at enhancing the recruitment and hiring of law enforcement, as well as increasing retention within the law enforcement profession.

The Task Force met monthly between June 18, 2020 and November 13, 2020 and covered each of the topics charged by Governor Hutchinson (See Appendix 1). Governor Hutchinson charged the Task Force with preparing a final report by December 31, 2020. This document serves as the final report developed by the Task Force. The Task Force is proud of the work being done to advance the state of law enforcement and is committed to continuing its work to ensure best practices for law enforcement throughout the State of Arkansas.



## **(A) Review of the Adequacy of Law Enforcement Training, Policy, and Operations**

The first objective charged by Governor Asa Hutchinson was to review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations. This assessment was conducted by the subcommittee designated as Team One.

The Task Force reported the current adequacy of law enforcement training, policy, and operations across the State of Arkansas:

- Arkansas Law Enforcement Training Programs and Operations Assessment
  - Arkansas Law Enforcement Training Academy (ALETa)
  - ALETa Training Courses
  - Arkansas Criminal Justice Institute (CJI)
  - Online CLEST Training Courses
  - Criminal Justice Institute (CJI) Courses
  - Arkansas Field Training Officer Programs (FTO)
  - CLEST Rule 1014 and Rule 1009
  - Arkansas Crisis Stabilization Units and Law Enforcement Training (CIT)
  - Act 1207 of 2003
  - Arkansas Law Enforcement Training Academy: Racial Profiling Training
    - Arkansas Code Annotated 12-12-1401
    - Arkansas Code Annotated 12-12-1402
    - Arkansas Code Annotated 12-12-1403
    - Arkansas Code Annotated 12-12-1404
- Arkansas Law Enforcement and Policy and Operations Assessment
  - Arkansas Law Enforcement: Law Enforcement Administrator Body Camera Requirement
  - Arkansas Law Enforcement: Knowledge of Citizen Rights
    - Freedom of Information Act (FOIA)
    - Arkansas State Police Guide: What to do when you are stopped by a Law Enforcement Officer
  - 287g Immigration and Nationality Act

### Arkansas Law Enforcement Training Programs and Operations Assessment

To assess law enforcement training programs and operations, the Task Force evaluated the current training offered to law enforcement, as well as offered recommendations to enhance law enforcement training programs in Arkansas. The following law enforcement training was assessed:

- Arkansas Law Enforcement Training Academy (ALETa)
- ALETa Training Courses
- Arkansas Criminal Justice Institute (CJI)
- Criminal Justice Institute (CJI) Courses
- Arkansas Field Training Officer FTO Programs

- Online CLEST Training Courses
- CLEST Rule 1014 and Rule 1009
- Arkansas Crisis Stabilization Units and Law Enforcement Training
- Act 1207 of 2003
- Arkansas Law Enforcement Training Academy: Racial Profiling Training

### Arkansas Law Enforcement Training Academy (ALETa)

A 2019 report by CBS News revealed that the Arkansas Law Enforcement Training Academy (ALETa) provides mandatory racial bias training well beyond what most other law enforcement agencies in other states reported for mandatory annual training requirements. In fact, Arkansas required racial bias training two years prior to nearly all of the reporting agencies (CBS News, 2019). Consequently, Arkansas appears to be in line with, and even exceeds, much of the training that is conducted nationwide.

The basic training academy is designed, intentionally, to overlap in order to reinforce information throughout the academy. To that end, the basic academy functions in a step-by-step manner with the culmination of training being heavily inundated with practical application.

Lorie Fridell is an American criminologist, associate Criminology professor, and expert on bias research in law enforcement. She states that “in addition to bias-awareness training, agencies need to provide *scenario-based, use-of-force judgement training* that conditions officers to focus not on demographics, but on indicators of threat” (Fridell, 2016). It is important to note there is a minimum requirement of 520 hours in the basic academy; many of these hours are dedicated to scenario-based training. Each basic student is exposed to a vast array of practical scenarios that require them to:

- Perform acceptable traffic stops (AR code Title 12, Subtitle 2, Chapter 12, Subchapter 14)
- Demonstrate appropriate levels of force
- Recognize citizens in need of assistance
- Demonstrate proper communication procedures
- Respond to domestic violence in progress
- Understand the application of the Fourth Amendment
- Evaluate threats to themselves and others

Once the students perform these demonstrations, after-action debriefs allow instructors to review, critique, and discuss with each student any known deficiencies to be remediated.

According to Fridell’s research, less than half of law enforcement agencies have access to “video-simulator training.” Furthermore, for those that have simulator training available, “the level of exposure to scenarios for in-service officers (versus recruits) is very low. Six in ten of the agencies that currently have these resources expose their officers to fewer than four scenarios annually, while a quarter expose their officers to just one scenario a year” (Fridell, 2016). These simulators (MILO and VirTra) are modern tools that are designed to elicit responses based on ambiguous stimuli and allow for after-action debriefs and remediation. ALETa conducts substantial scenario-based training for basic students during the basic academy (in excess of ten

separate video-simulator scenarios). Often, agencies throughout the State will request the use of the video simulators to assist in training veteran officers. ALETA has the capacity to fulfill these requests through the use of the stationary systems in Camden and Springdale, as well as providing occasional field schools with the portable system.

An article by Adrienne Zimmer suggests that a recommended use of these systems could be for community outreach. There may be substantial value in utilizing this tool to assist in the education of the public on officer response (Zimmer, 2018). It may be possible that more attention could be focused on inviting members of the public to experience this training tool in order to help bridge the gap of understanding between law enforcement officers and the public they serve.

ALETA believes that the “use of race as the basis for law enforcement decision-making clearly has a terrible cost, both to the individuals who suffer discrimination and to the Nation” (Criminal Rights Division, 2003) and will continue striving to deliver premier law enforcement training by safeguarding the integrity of training by using factual, data-driven resources in curriculum development. According to Lon Bartel, “agencies are already using data for predictive analytics and developing algorithms in crime prevention. There is a huge opportunity for law enforcement to bring this same approach to how they train their officers in the use of force with peer-reviewed science on effective police training methods in advanced simulators” (Zimmer, 2018). Therefore, ALETA is dedicated to its ongoing mission to continue using peer-reviewed research in effective policing methods when developing training for law enforcement throughout the State of Arkansas.

#### ALETA Training Courses

Currently, the mandated curriculum for the ALETA basic course requires four blocks of instruction specifically regarding de-escalation and cultural, racial, and community relations. This type of training was required by the state as early as 2003 and has undergone continuous review and enhancements to ensure accuracy and societal relevance:

- Two hours of Racial Profiling is required for all students that attend ALETA. Following this block of instruction, the student will be able to define racial profiling; understand the statutes and acts associated with the prohibition of racial profiling; differentiate between low and high discretion stops; and understand the covered statistics on racial profiling.
- One hour of Cultural Diversity/Implicit Bias is required for all students attending ALETA. At the completion of this classroom instruction, basic students are able to correctly define Culture; differentiate between discrimination and prejudice; list three general benefits of valuing diversity, list three organizational benefits of valuing diversity, list three personal benefits of valuing diversity, list three verbal communication factors which get negative public response, and define Hate Crime.
- Two hours of Community Oriented Policing is required and after classroom instruction, the students are able to list three roles of the police in a democratic society; list the three areas of possible conflict (with the community); list five areas of importance when dealing with the media; and define Community Policing.

- Sixteen hours of Crisis Intervention Team is required. This information is directly related to Act 423 of 2017 that required all basic law enforcement students to complete sixteen hours of Crisis Intervention Team training while at the basic academy. Act 423 also required municipal agencies employing more than ten officers and all Sheriffs' departments to employ at least one officer that has completed forty hours of Crisis Intervention Team training. At the completion of this block of instruction, the students will know the history of CIT, know the five core components of CIT, and know what resources are available (in accordance with Act 423).
- Moreover, there are a myriad of courses that continually edify and bolster the information that is presented in the above-mentioned blocks of instruction. For instance, Ethics is very specific in addressing the necessity for unbiased and non-prejudicial policing. Substantial time is spent covering Constitutional Law which understandably expands on Racial Profiling and Civil Rights. Consular Notification focuses specifically on how to appropriately engage with a Foreign National. Emergency Spanish identifies differences in Hispanic cultures. Gangs and Extremists Groups delves into identifying origins and practices of gangs and extremist groups – specifically regarding Asian, Hispanic, Black, and White Supremacy Groups throughout the United States.

#### Online CLEST Training Courses

In addition, the Task Force reviewed the detailed online training provided by CLEST. Online courses are identified below:

- 911 De-escalation Strategies for Dispatchers (1hr)
- Agency- Critical Task (30min)
- Deadly Force (45min)
- Duty to Protect Citizens (45min)
- Fentanyl Warning for Law Enforcement (2hr)
- Home Entries (Five Courses Total) (30min)
- Use of Force Moving Forwards (1hr)
- HRCT- Armed Officers/Off Duty Action (1hr)
- HRCT- Arrest and Search and Seizure (1hr)
- HRCT- Care, Custody, Control, and Restraint of Prisoners (1hr)
- HRCT- Emergency Vehicle Operations (1hr)
- HRCT- Hiring, Selection, and Retention (1hr)
- HRCT- Internal Affairs Investigation (1hr)
- HRCT- Police Involved Domestic Violence (1hr)
- HRCT- Property and Evidence (1hr)
- HRCT- Response to Resistance Use of Force (1hr)
- HRCT- Sexual Harassment, Discrimination, and Misconduct (1hrs)
- HRCT- Use of Force (1hr)
- Jail Operations (Seven Courses Total)
- Motor Vehicles (Six Courses Total)

- Parole Operations (Ten Courses Total)
- Questioning (Five Courses Total)
- Street Encounters (Six Courses Total) (45min)
- Strip and Body Cavity Searches (45min)
- Supreme Court Cases- Update 4 Important Cases (1hr)
- Supreme Court Update- After Suspect Involves Right to Counsel (15min)
- Supreme Court Update- DUI Testing & Refusals (15min)
- Supreme Court Update- Emotionally Disturbed Persons (1hr)
- Supreme Court Updates- Special Operations (45min)
- Supreme Court Updates- 2014-2015 (1hr)
- Supreme Court Updates- 2017 Birchfield v. North Dakota DUI Testing (1hr)
- Supreme Court Updates- Care, Custody, & Control of Prisoners (1hr)
- Supreme Court Updates- ECD & 2<sup>nd</sup> Amendment (15m)
- Use of Force (Two Courses Total) (45min)
- HRCT- Demonstrations, Mass Protests, and the Occupy Movement (1hr)
- HRCT- Taser Immediate Danger 4<sup>th</sup> Circuit (1hr)
- HRCT- Brady/Giglio IA Investigations (1hr)
- HRCT- Use of Force in Jails and Correctional Facilities (1hr)
- Valor Ambush Attacks (30min)
- Valor Casualty Care-Get Off the X (30min)
- Valor Casualty Care- Tourniquets (30min)
- Valor Characteristics of Weapon Concealment (30min)
- Valor Common Indicators of a Potential Attack (30min)
- Valor Deadly Mix (30min)
- Valor Foot Pursuits (30min)
- Valor Mental Health and Wellness (30min)
- Valor Officer Involved Shooting (30min)
- Valor Mental Health and Wellness (30min)
- Valor Responding to Individuals in Crisis (30min)
- AR Crime Lab Evidence Packaging, Sex Assault Kit Tracking & Body Submission (2hr)
- Arkansas Crime Lab Firearms and Latent Prints (1hr)
- Arkansas Crime Lab Forensic Chemistry and Toxicology (2hr)
- AR Crime Lab DNA and Codis (1hr)
- HRCT- Care Custody of Prisoners- Minneapolis (30min)
- HRCT- How Law Enforcement Supervisors Motivate (1hr)
- HRCT- Investigating Citizen Complaints for Supervisors (1hr)
- HRCT- Neck Restraints (1hr)
- HRCT- Procedural Justice and Legitimacy of Authority (1hr)
- HRCT- You Make the Call (1hr)
- HRCT- Public Employee Retaliation Complaints (1hr)
- HRCT- Suicide Prevention in Jails (1hr)
- HRCT- You Make the Call 2 (30min)
- HRCT- Restraint Practices (1hr)
- HRCT- Applying the Latest Advancements in DNA Searching (1hr)

### Arkansas Criminal Justice Institute (CJI)

The Task Force reviewed the adequacy of law enforcement training developed and offered by Arkansas CJI (See Appendix 2). The Criminal Justice Institute (CJI) is a separate unit under the University of Arkansas System which provides advanced education and training to certified law enforcement in state, local, and county law enforcement agencies across the State. The vision of CJI is to make communities safer one officer at a time. CJI staff are committed to making communities safer by supporting law enforcement professionals through training, educational opportunities, resources, and collaborative partnerships. CJI was established in 1994 by chiefs and sheriffs across the state and continues to be successful today because of Arkansas law enforcement leadership's commitment and dedication to comprehensive training and community service. This support has allowed CJI to expand the breadth of offerings for veteran officers and deputies and provide specialized educational and certificate opportunities, making CJI nationally unique.

Currently, CJI works collaboratively with Governor Hutchinson on school safety issues and has assisted Arkansas in becoming the first state in the U.S. to have a statewide Department of Justice certified Child Abduction Response Team. CJI also provides naloxone training, distributes kits containing Narcan to first responders, and is a founding member of the National Cybersecurity Preparedness Consortium, providing cybersecurity training to IT professionals in critical infrastructure across the nation. By facilitating collaboration between the Arkansas Division of Children and Family Services, local and county law enforcement, community corrections and schools, CJI is playing a major role in the early identification and rescue of children who live in homes where illicit drug activities are occurring and helping to break the cycle of drug and child abuse.

Through classroom-based and online instruction, CJI provides an educational experience designed to enhance the performance and professionalism of Arkansas law enforcement. Courses focus on law enforcement leadership, supervision and professional development; forensic sciences and computer technology; traffic safety; drug and sexual assault investigations; and school safety. During the 2019 Fiscal Year, CJI delivered over 650 classes, with over 19,000 attendees representing over 320 different agencies. In-person courses were delivered in 75 different locations across the state and more than 8,700 individual officers and deputies benefited from CJI's programs. Currently, CJI offers 36 online programs, ranging in length from two to twenty-four hours.

### Criminal Justice Institute (CJI) Training Courses

In addition, the Task Force reviewed the detailed CJI training provided throughout the State of Arkansas (See Appendix 2). Courses (Online/in-person) are identified below:

- Racial Profiling (Online)
- Cultural Diversity (Online)
- Ethics for Law Enforcement (Online)
- Use of Force (Online)

- Community Oriented Policing
- Police Community Relations
- Communication Skills for Field Interview and Officer Safety
- Communication for Law Enforcement (Online)
- Early Intervention Programs for Law Enforcement
- Field Training for the 21<sup>st</sup> Century
- De-escalation or Community Policing Focused Classes
  - Fundamental Principles of De-escalation and Understanding People\*
  - Verbal Fitness and De-escalation for Law Enforcement
  - Implicit Bias
  - Procedural Justice
  - Fair and Impartial Policing for Command Staff
  - Communication Skills for Officer Safety\*
- Courses which Include Use of Force, De-escalation or Community Policing Related Components for Law Enforcement Supervisors
  - Foundations of Supervision and Leadership
  - Principles of Supervision and Leadership
  - Advanced Supervision
  - School of Law Enforcement Supervision (SLES)
- Law Enforcement Stress Support Courses
  - Coping with Law Enforcement Stress
  - Law Enforcement Stress Management Online
- CJI Academic Partnership Program

### Arkansas Field Training Officer (FTO) Programs

Field training programs across the State of Arkansas were developed and implemented to assist in transitioning newly hired law enforcement officers (trainees) from the academic setting of the basic law enforcement academy to the performance of law enforcement duties in the field. Specifically, field training programs achieve law enforcement agency goals set out in policy and procedures that require performance standardization.

Field training officer (FTO) programs pair a veteran officer, having all the best qualities of a professional law enforcement officer, with a newly hired officer trainee. The new officer performs normal law enforcement duties with the FTO in a one-on-one, real world, environment to assist the trainee in performing the job duties. The FTO acts as a positive role model for the officer and is responsible for evaluating the trainee's performance and teaching the trainee what is expected and necessary in the law enforcement profession. There are 196 certified law enforcement agencies in Arkansas with a field training officer program (OLES, 2020). Field training programs consist of two parts.

The first part is the FTO classroom and certification. The second part consists of trainee reports, forms, and evaluations filled out by the FTO. The program centers on systematic, uniform methods of training and evaluation of new officers using on-the-job training monitored by FTO's that have been certified by the Office of Law Enforcement Standards. The FTO provides additional training as they identify weaknesses and deficiencies in a trainee's performance. The

one-on-one style of training and guidance in real life situations sets FTO programs apart from basic training.

To address the adequacy of law enforcement training, policy, and operations related to cultural, racial, and community relations, the Task Force conducted an extensive statewide review of FTO programs. For this review, copies of the FTO class certification were obtained from the Arkansas Law Enforcement Training Academy (ALETa) and the schedule of classroom activity was obtained from the Criminal Justice Institute (CJI). ALETa and CJI provide CLEST-approved classroom instruction for the FTO certification. ALETa provides classroom materials to any agencies wishing to administer their own FTO course. Research shows that FTO programs consist of 24-40 hours across the country. The Office of Law Enforcement Standards keeps records of all classes certified throughout the State of Arkansas for documentation of training and certifications. A list of FTO classes was obtained to identify departments with FTO programs. The following departments provided copies of their Field Training Manuals/Guides or reports prepared by the FTO for comparison and review (See Appendix 3):

- Arkansas State Police
- Texarkana Police Department
- Arkansas Game and Fish Enforcement Division
- Pulaski County Sheriff's Office
- Conway Police Department
- Elkins Police Department
- Little Rock Police Department
- Benton Police Department
- Pine Bluff Police Department
- El Dorado Police Department
- Camden Police Department
- Springdale Police Department
- Saline County Sheriff's Office

#### CLEST Rule 1014 and Rule 1009

Following the review of FTO programs in Arkansas and the established rules for training, the Task Force reviewed the adequacy of minimum training standards for FTOs. The Task Force reported that the FTO standards for certification overseen by the Arkansas Office of Law Enforcement Standards (OLES), were contained in Rules 1014 (See Appendix 4) and 1009 (See Appendix 5).

#### CLEST Rule 1014, Minimum Criteria for FTO:

- Three years of full time experience
- Possess at least a General Certification
- Have completed a minimum of 32 hour CLEST-approved classroom instruction including the following topics:
  - Communications



- Techniques of Instruction
- Evaluation of Training
- Trainee Motivation and Counseling

CLEST Rule 1009, General Certification:

- 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.
- 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.
- Each applicant should attest that they subscribe to the Law Enforcement Code of Ethics.
- All applications for an award of the Basic, General, Intermediate, Advanced, or Senior Certificates shall be completed in a manner adopted by the Division.
- 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.
- 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.

As law enforcement training continues to represent the cornerstone for law enforcement and community relations, the Task Force suggests that it may be reasonable to incorporate additional training into the minimum standards for FTO programs. The comprehensive review by the Task Force identified that field training programs aid in establishing proper training, policy, and operations for agencies in the State of Arkansas. Specifically, the Task Force reported that effective communication between agencies and citizens emphasizing ethics, problem solving, and various social issues are already being addressed within the minimum training standards for FTO programs in Arkansas, yet, these minimum qualifications are not detailed within Rules 1014 and 1009. By increasing the minimum FTO standards and guidelines established by CLEST, law enforcement officers in Arkansas may be better equipped to address cultural and racial issues across the state.

Therefore, *The Task Force recommends to include the following into the minimum standards for all Field Training Officer programs: Communication Skills (making sure officers are effectively communicating internally and externally), Implicit Bias (how do I know where my blind spots are and uncovering what I'm not seeing), Ethics (going above the law to protect the highest standard in law enforcement), Duty to Intervene (holding every officer to the highest standard in duty), Cultural Competency (consisting of cultural decor, customs, religious practices, and slang), De-Escalation (how do I bring this situation under control), and Crisis Intervention Training (CIT) (reducing the risk of injury to mentally ill persons and law enforcement).*

## Arkansas Crisis Stabilization Units and Law Enforcement Training

In 2017, the Arkansas Legislature passed Act 423 requiring Crisis Intervention Training for law enforcement officers and created a pilot program consisting of four Crisis Stabilization Units throughout the state. This innovative approach to mental health awareness and law enforcement crisis training was driven by capacity issues faced by the Arkansas Department of Corrections. Specifically, the State of Arkansas has experienced a 21-percent increase in the number of inmates over a three-year period from 2012 to 2015, delaying the transfer of inmates from county jails into the correctional system.

Crisis intervention and stabilization units represent a therapeutic psychiatric service provided for persons in acute behavioral health crisis. The mission of the crisis stabilization units is to provide alternatives to inpatient psychiatric hospitalization or emergency room visits for persons in a mental health crisis or who have encountered law enforcement due to their psychiatric condition. The established crisis stabilization units are located in the following counties:

- Pulaski County
- Sebastian County
- Washington County
- Craighead County

(Resource Link: <https://atrp.ar.gov/arkansas-crisis-stabilization-units/>)

Based on Governor Hutchinson's address (See Appendix 6) on October 23, 2020 titled "*Making a Difference with Crisis Intervention and Stabilization Units*", the Task Force reported that, since the opening of the first stabilization unit on March 1, 2018, the four units have treated nearly 5,000 people in mental-health crisis; with approximately 1,500 being diverted by law enforcement. Outside of individual treatment, Governor Hutchinson stated that over 500 law enforcement officers have received crisis intervention training. Moreover, ALETA reported that more than 500 new recruits have received the required 16 hours of training, in addition to nearly 2,300 veteran law enforcement officers who have received the online crisis intervention training.

Crisis Intervention Team (CIT) training equips law enforcement with the training needed to deescalate violent situations and recognize the difference between individuals who display criminal behavior and those who are suffering from a mental health crisis. The Arkansas Legislature passed Act 423 in 2017 which required CIT Training for law enforcement and set forth standards that required most agencies to have at least one CIT trained officer. The law also encouraged twenty percent of officers at agencies with more than ten officers to be trained in CIT. Specifically, CIT aids in bringing together mental health systems and law enforcement. Therefore, the main goal of CIT is to reduce the risk of injury to mentally ill persons and law enforcement by diverting mentally ill subjects to the mental health care system rather than taking them to jail. The CIT officer should be thought of as a specialized position that receives specialized training on how to handle mentally ill subjects.

Since 2017, a total of 513 officers from 176 different agencies have received the 40 hour CIT Training and become certified Crisis Intervention Team members. Additionally, in June of

2018, ALETA added sixteen hours of CIT to all basic academies. A total of 538 officers have received this training. An additional 2,254 veteran officers have attended an online CIT course put on by the University of Arkansas Criminal Justice Institute (CJI). This results in a total of 3,305 officers who have received some type of CIT training since Act 423 was passed.

CIT training focuses on three main elements:

1. The first is mental illness awareness and recognition. During training, officers become familiarized with many different mental illnesses and are taught how to recognize the signs and symptoms. Officers who are aware of and can recognize mental illnesses will be better prepared to handle subjects they encounter with mental illnesses. This knowledge will lessen the officer's chances of having to use force during the incident, which inherently reduces officer and suspect injuries.
2. De-escalation is the second element of CIT training. During the de-escalation portion of CIT, officers are taught to slow the situation down and to use empathetic understanding to diffuse situations. Officers are taught that every crisis is different and unique, so they must slow the situation down and listen to what the individual in crisis is trying to tell them. Officers are taught to use active listening, coupled with restatement and reflection techniques, to understand the problem an individual is facing. During CIT training, officers are required to participate in different scenarios where they are able to practice the de-escalation techniques they have learned without using force.
3. The third element emphasized in training is the utilization of resources. During the training, officers are put in direct contact with mental health professionals in their area so they can build relationships with these professionals. This gives the officer appropriate resources to utilize the next time they encounter an individual in crisis who needs mental health resources. Officers may be able to contact counselors, therapists, or a crisis stabilization unit to provide the individual in crisis with the help needed. This will also give the individual in crisis the resources they need for future issues they may face, hopefully preventing law enforcement from being called in some instances.

Currently, Arkansas remains the only state in the nation to create a crisis intervention partnership with state government, counties, and law enforcement agencies. The Task Force reported that CIT training in the State of Arkansas has progressed significantly in the past two years. Due to the recent success of Arkansas crisis stabilization units, President Trump has asked the U.S. Attorney General to study successful programs such as the Arkansas crisis stabilization units and training program to aid in addressing mental-health challenges nationwide. ALETA is developing a "Train the Trainer" course for CIT so that trainers for the program can be developed around the state allowing agencies to become self-sufficient in training their officers in CIT.

In response to the success of the established units, *the Task Force recommends that the State of Arkansas maintain and expand awareness and use of the established Arkansas Crisis Stabilization Units to allow for*

*better public access, both in and outside of law enforcement and/or community mental health providers.*

#### Act 1207 of 2003

Act 1207 of 2003 required law enforcement agencies to implement mandatory, annual, racial profiling training. Following Act 1207, Act 2136 of 2005 required the Commission to adopt a training module for racial profiling training and to promulgate rules related to racial profiling training. Moreover, Act 2136 tasked the Commission to review and make recommendations on changes to agency policies related to racial profiling.

#### Arkansas Law Enforcement Training Academy: Racial Profiling Training

To review the adequacy of law enforcement training established by CLEST related to cultural, racial, and community relations, the Task Force reviewed the racial profiling lesson plan (2hrs) established by ALETA. The ALETA racial profiling training review consisted of a synopsis of the training goals, course components, time requirements (2hr), and instruction materials (See Appendix 7).

In addition to reviewing the ALETA racial profiling training, the Task Force reported state law addressed in the ALETA racial profiling lesson plan: Arkansas Code Annotated 12-12-1401, Arkansas Code Annotated 12-12-1402, Arkansas Code Annotated 12-12-1403, and Arkansas Code Annotated 12-12-1404.

#### Arkansas Code Annotated 12-12-1401

As established by current guidelines, Arkansas Code Annotated 12-12-104 contains the following definition of “Racial Profiling” regarding law enforcement:

- (a) "Racial profiling" means the practice of a law enforcement officer relying to any degree on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity.
- (b) "Racial profiling" does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect and the description is thought to be reliable and locally relevant.

#### Arkansas Code Annotated 12-12-1402

Arkansas Code Annotated 12-12-1402 outlines the following regulations with regards to “Racial Profiling”:

- (a) No member of the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, a sheriff's

department, or a municipal police department, constable, or any other law enforcement officer of this state shall engage in racial profiling.

- (b) The detention of an individual based on any noncriminal factor or combination of noncriminal factors is inconsistent with this policy.

#### Arkansas Code Annotated 12-12-1403

Arkansas Code Annotated 12-1403 contains the following regarding “Racial Profiling”:

- (a) Not later than January 1, 2004, the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, all sheriffs' departments, municipal police departments, constables, and all other law enforcement agencies of this state shall adopt a written policy that:
  - 1. Prohibits racial profiling as defined in Arkansas Code Annotated 12-12-1401
  - 2. Requires that law enforcement officers have reasonable suspicion prior to a stop, arrest, or detention;
  - 3. Defines reasonable suspicion, to ensure that individuals are stopped for valid reasons and that race, ethnicity, national origin, or religion is not the basis for stops for violations for which non-group members would not be stopped;
  - 4. Requires law enforcement officers to identify themselves by full name and jurisdiction and state the reason for the stop and when possible present written identification;
  - 5. Provides for a systematic review process by supervising personnel within a department or law enforcement agency for investigating allegations of racial profiling to determine whether any officers of the law enforcement agency have a pattern of stopping or searching persons, and if the review reveals a pattern, requires an investigation to determine whether a trend is present indicating that an officer may be using race, ethnicity, national origin, or religion as a basis for investigating other violations of criminal law;
  - 6. When a supervisor or other reviewer has detected a pattern of racial profiling, provides timely assistance, remediation, or discipline for individual law enforcement officers who have been found to be profiling by race, ethnicity, national origin, or religion;
  - 7. Ensures that supervisors will not retaliate against officers who report racial profiling by others; and
  - 8. Provides standards for the use of in-car audio and visual equipment, including the duration for which the recordings are preserved.

#### Arkansas Code Annotated 12-12-1404

Arkansas Code Annotated 12-12-1404 contains the following regarding “Racial Profiling”:

- (a) Each law enforcement agency shall provide annual training to all officers that:
  - 1. Emphasizes the prohibition against racial profiling;

2. Ensures that operating procedures adequately implement the prohibition against racial profiling and that the agency's law enforcement personnel have copies of, understand, and follow the operating procedures; and
3. Includes foreign language instruction, if possible, to ensure adequate communication with residents of a community.

(b) The course or courses of instruction and the guidelines shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties

Following a comprehensive review of the established racial profiling lesson plan provided by ALETA and Arkansas state law, *the Task Force recommends that the Commission on Law Enforcement Standards and Training (CLEST) increase the mandatory annual racial bias training component of continuing education from 2 hours to 4 hours.*

#### Arkansas Law Enforcement Policy and Operations Assessment

To assess law enforcement policy and operations, the Task Force evaluated policies and obstacles faced by law enforcement. The following law enforcement policy and operations were assessed:

- Arkansas Law Enforcement: Law Enforcement Administrator Body Camera Requirement
- Arkansas Law Enforcement: Knowledge of Citizen Rights
  - Freedom of Information Act (FOIA)
  - Arkansas State Police Guide: What to do when you are stopped by a Law Enforcement Officer
- 287g Immigration and Nationality Act

#### Arkansas Law Enforcement: Law Enforcement Administrator Body Camera Requirement

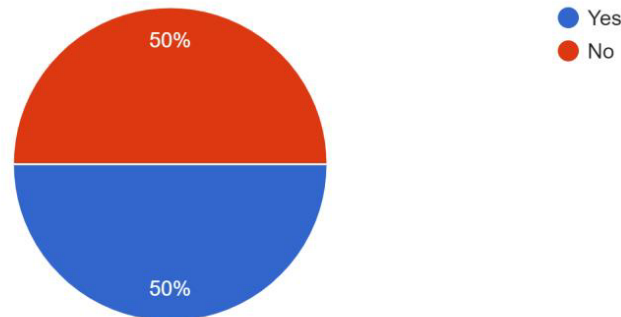
Recent high-profile incidents of police misconduct regarding racial and cultural concerns have resulted in law enforcement agencies across the nation increasing efforts in accountability through the utilization of body cameras for front-line law enforcement officers (Lin, 2016; White & Fradella, 2018). To assess policy and operations of law enforcement related to cultural, racial, and community relations throughout the State of Arkansas, the Task Force gathered findings from Arkansas law enforcement administrators to evaluate the implementation and obstacles facing agencies when obtaining body cameras for front-line duty law enforcement officers.

The Task Force reported that, of the 74 responses received from law enforcement administrators in the statewide survey, 37 reported that they require officers to wear body cameras and 37 did not have a body camera requirement (See Table 1).

**Table 1. Law Enforcement Administrators Body Camera Requirement**

Do you require officers in your department to wear body cameras?

74 responses



Although 37 (50%) of the agencies did not have a body camera requirement in place, Arkansas law enforcement administrators (74) reported that the absence of a body camera requirement for front-line law enforcement officers was due to the cost of cameras ( $n=60$ ; 81%), storage space ( $n=49$ ; 66%), and redaction tools ( $n=37$ ; 50%), insufficient personnel to manage FOIA requests ( $n=37$ ; 50%), and concerns for citizen privacy ( $n=12$ ; 16%). The obstacles faced by Arkansas law enforcement agencies are not unfamiliar to agencies nationwide. Policing scholars have consistently documented that agencies are facing barriers to body camera implementation due to insufficient funds for obtaining equipment, costly video storage, and ensuring citizen privacy through film maintenance and management (Lin, 2016; White & Fradella, 2018).

With the majority of Arkansas law enforcement administrators ( $n=60$ ; 81%) reporting known body camera implementation obstacles related to the cost of cameras, as well as tools regarding storage space maintenance ( $n=49$ ; 66%), redaction tools ( $n=37$ ; 50%), and funds for personnel to manage FOIA requests ( $n=37$ ; 50%), the Task Force reported that law enforcement agencies are unable to establish a statewide requirement due to limited agency funding. As a result of insufficient funding, the first step in ensuring body cameras among all front-line duty officers is to provide law enforcement agencies with the financial resources to obtain body cameras and the necessary technological tools for efficiency.

The Task Force identified that grant opportunities are available for ensuring body cameras for Arkansas law enforcement agencies through pairing with academic institutions and organizations like the Department of Justice, National Institute of Justice, and Arkansas Department of Finance and Administration.

(Resource links: <https://bja.ojp.gov/#new-grants-and-payment-management-systems-now-available>; <https://nij.ojp.gov/>; <https://www.dfa.arkansas.gov/intergovernmental-services/grant-programs/local-law-enforcement-block-grants-llebg>)

In response to the obstacles facing Arkansas law enforcement agencies regarding the implementation of body cameras for front-line duty law enforcement officers, *the Task Force recommends that law enforcement agencies within the State of Arkansas seek and apply for*

*federal, state, and local funding opportunities to aid in the implementation of state-of-the-art body cameras, as well as adequate server storage to aid in better surveillance for all agencies. Specifically, we advocate for funding legislation that helps to ensure that all front line duty officers will be wearing state of the art body cameras by 2026.*

### Arkansas Law Enforcement: Knowledge of Citizen Rights

To address the adequacy of law enforcement training, policy, and operations specifically related to community relations, the Task Force examined the Arkansas Freedom of Information Act and what, if any, impact the Freedom of Information Act has on law enforcement. Additionally, the Task Force reviewed law enforcement agency efforts to provide law enforcement officers and the citizens they serve with knowledge of rights pertaining to law enforcement and identified a basic rights guide developed and distributed by the Arkansas State Police.

### Freedom of Information Act (FOIA):

The Arkansas Freedom of Information Act (FOIA) of 1967 (Arkansas Code Annotated 25-19-101 et seq.) was enacted to ensure that, in a democratic society, public business is performed in an open and public manner so that electors are advised of the performance of public officials and the decisions that are reached in public activity and in making public policy.

Arkansas Code Annotated 25-19-105 provides that, except as otherwise provided by this section or by laws specifically enacted to provide otherwise, all public records shall be open to inspection and copying by any citizen of the State of Arkansas during the regular business hours of the custodian of the records. “Public Record” is defined by Arkansas Code Annotated 25-19-103 as writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records.

Arkansas Code Annotated 25-19-105 outlines twenty-six (26) record types that are specifically exempt from release under the FOIA. Specific to law enforcement, 25-19-105(b) exempts: undisclosed investigations by law enforcement agencies of suspected criminal activity, the identities of law enforcement officers currently working undercover with their agencies and identified in the Office of Law Enforcement Standards (OLES) as undercover officers, and certain information related to confidential informants.

### Arkansas State Police Guide: What to do when you are stopped by a Law Enforcement Officer

The Task Force identified a comprehensive basic guide developed by Arkansas State Police detailing a person’s rights when stopped by a law enforcement officer (See Appendix 8). The guide entitled “What to do when you are stopped by a Law Enforcement Officer” consists of 19 detailed steps with information on what to do when a driver is stopped or passing a law



enforcement officer alongside a roadway to ensure the law enforcement officer's safety, the safety of citizen drivers and passengers. Specifically, the established basic guide includes references to Arkansas law that directly pertain to each step.

Available information, such as the above 19-step basic rights guide produced by the Arkansas State Police aids in enhancing law enforcement practices by educating Arkansas law enforcement officers and the citizens they serve of rights and the necessary steps to ensure safe law enforcement encounters. The Task Force suggests that expanding initiatives, such as basic guides providing the knowledge of one's rights as a citizen, is beneficial for law enforcement and the citizens they protect, ultimately strengthening community relations throughout Arkansas.

*Therefore, the Task Force recommends creation of a strong, multi-lingual "Know Your Rights and What to Do When You're Pulled Over" campaign that is coordinated at the state and local level to increase community trust, knowledge, and awareness.*

#### 287g Immigration and Nationality Act

To address the adequacy of law enforcement policy and operations, specifically related to cultural, racial, and community relations, the Task Force assessed the 287g program and its impact on community policing and rebuilding trust in law enforcement among minority communities.

The Immigration and Nationality Act was enacted in 1952 to reorganize the structure of immigration law. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), to the Immigration and Nationality Act. This section of law authorizes the Director of U.S. Immigration and Customs Enforcement (ICE) to enter into agreements with state and local law enforcement agencies that permit designated officers to perform limited immigration law enforcement functions. The agreement allows state and local officers to act as a force multiplier in the identification, arrest, and service of warrants and detainers of incarcerated foreign-born individuals with criminal charges or convictions. Individuals deemed amenable to removal are identified while still in state or local custody, potentially reducing the time the alien spends in ICE custody. Agreements under section 287(g) require the local law enforcement officers to receive appropriate training and to function under the supervision of ICE officers. ICE and the requesting law enforcement agency sign a Memorandum of Agreement (MOA) that defines the scope, duration, and limitations of the delegation of authority. It also sets forth the training requirements, civil rights standards, the terms of ICE supervision, and requires the partnering law enforcement agency to follow Department of Homeland Security (DHS) and ICE policies when its designated immigration officers perform delegated immigration enforcement functions. Officers participating in the 287(g) Program must possess U.S. citizenship; complete and pass a background investigation; and have knowledge of and have enforced laws and regulations pertinent to their law enforcement activities at their jurisdictions.

The 287(g) program has two models:

1. Jail Enforcement Model

The 287(g) Program utilizes the Jail Enforcement Model which is designed to identify and process removable aliens with criminal or pending criminal charges who are arrested by state or local law enforcement agencies. The Jail Enforcement Model is supervised by the local ICE Office of Enforcement and Removal Operations Field Office. Under this model, nominated state and local law enforcement officers will be trained, certified, and authorized by ICE to perform only those immigration functions that are established on the Standard Operating Procedures of the Memorandum of Understanding. ICE provides a training program conducted at the Federal Law Enforcement Training Center ICE Academy in Charleston, SC.

2. Warrant Service Officer Model

The 287(g) Program developed the Warrant Service Officer model to provide an opportunity for jurisdictions to participate in a narrower cooperative agreement with ICE. Under this model, nominated state and local law enforcement officers will be trained, certified, and authorized by ICE to perform limited functions of an immigration officer within the law enforcement agency's jail and/or correctional facilities as set forth in the Standard Operating Procedures of the Warrant Service Officer Memorandum of Agreement. ICE provides a training program conducted by certified instructors at a location most convenient for the participating law enforcement agency.

In 2009, DHS and the Office of the Inspector General conducted a review of the 287(g) program to improve program operations. In 2010, ICE made the following changes to the program:

- Implemented comprehensive guidelines for ICE field offices that supervise 287(g) partnerships, prioritizing the arrest and detention of criminal aliens.
- Required 287(g) officers to maintain comprehensive arrest, detention, and removal data in order to ensure enforcement efforts remain focused on criminal aliens, particularly those who pose the greatest risk to public safety.
- Strengthened the 287(g) basic training course and created a new refresher training course, providing detailed instruction on the terms and requirements of the MOA and the responsibilities of a 287(g) officer.
- Deployed additional supervisors to the field to ensure greater oversight over 287(g) operations.
- Established an Internal Advisory Committee to review and assess ICE field office recommendations about pending 287(g) applications.

Prior to being delegated with ICE immigration authority, selected state and local officers must attend and successfully complete ICE's basic training course: 287(g) Immigration Authority Delegation Program. The basic training program is four weeks in duration and includes coursework in immigration law, the use of ICE databases, multi-cultural communication, and

the avoidance of racial profiling. Instances of racial profiling are investigated and result in the specific officer or law enforcement agency having their authority and/or agreement rescinded. Every two years, every 287(g) state and local officers must return to the Federal Law Enforcement Training Center in Charleston, SC and successfully complete Immigration Authority Delegation Refresher Training.

(Resource Links: <https://www.ice.gov/factsheets/287g-reform>; <https://www.ice.gov/287g>)

Currently, two Arkansas counties participate in the 287(g) program: Benton County Sheriff's Office and Craighead County Sheriff's Office. Both agencies participate in the Jail Enforcement Model. No law enforcement agencies in Arkansas participate in the Warrant Service Officer Model. When evaluating the 287(g) program's impact on law enforcement and community relations, the Task Force found citizen representatives who reported that individuals who identify as members of the LatinX and Hispanic community are afraid of reporting or having initial contact with law enforcement out of fear of ICE. Findings from a statewide community-law enforcement relations survey administered by the Task Force found that persons belonging to a minority group (Black/African American 47.8% and Hispanic/Latio/LatinX 44.1%) displayed disproportionate rates of distrust with Arkansas law enforcement compared to their white counterpart (33.3%). Moreover, results from the implementation of the 287(g) program in Benton and Craighead counties have resulted in a lack of understanding and mistrust among the LatinX and immigrant community.

As a result of fear, community relations may be at risk for further distrust in law enforcement. With the Task Force's goal of advancing law enforcement throughout Arkansas, as well as President Trump's recent Executive Order on safe policing for safe communities, the lasting consequences of implementing and expanding the 287(g) program may produce unintended consequences when building community trust of law enforcement among minority groups.

*Therefore, the Task Force recommends that county and local law enforcement agencies work with community organizational leaders and academic institutions to study and analyze any potential negative impacts of a 287(g) program, including any unintended consequences associated with rebuilding community trust among minority populations.*

## **(B) Analyze the Processes for Accountability, Discipline, Removal, and Decertification**

The second objective charged by Governor Hutchinson focused on an assessment and analysis of the processes for accountability, discipline, removal, and decertification of law enforcement officers who do not meet established standards. This analysis included review of President Trump's Executive Order on "Safe Policing for Safe Communities," as well as an evaluation of the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers. The following assessment was reported by the subcommittee designated as Subcommittee Two.

The Task Force reported the following assessment of each of the current established processes pertaining to accountability, discipline, removal, and decertification of law enforcement officers:

- Presidential Executive Order: "Safe Policing for Safe Communities"
- Commission on Law Enforcement Standards and Training (CLEST)
  - Decertification Procedures
  - Rule 1034: Decertification
  - Arkansas Code Annotated 12-9-118
  - Arkansas Code Annotated 12-9-306
  - Arkansas Code Annotated 12-9-602
- National Use-of-Force Database Collection
- Arkansas Department of Public Safety, Division of Arkansas Crime Information: Use of Force Project TAC10, Global Software Corporation NIBRIS/NDEx State Repository

### Presidential Executive Order: "Safe Policing for Safe Communities"

To assess Arkansas's commitment at the federal level, the Task Force assessed Arkansas's processes for accountability, discipline, and removal, and decertification for law enforcement in conjunction with President Trump's "Safe Policing for Safer Communities," Executive Order (See Appendix 9).

On June 16, 2020 President Trump issued the Executive Order on "Safe Policing for Safe Communities," addressing the current climate of law enforcement within the United States. Specifically, the Executive Order addressed five sections: Purpose; Certification and Credentialing; Information Sharing; Mental Health, Homelessness, Addiction; and Legislation and Grant Programs.

President Trump stated that law enforcement officers provide the essential protection required by American families in order to raise families and live a productive lifestyle. The relationship between citizens and law enforcement is crucial when providing protection. Therefore, working directly with communities will aid in law enforcement fostering a safe environment for all American citizens.

However, due to recent instances of misuse of power by officers, American citizens have challenged the trust of law enforcement due to the recent tragic events; particularly in African-American communities. Therefore, efforts are being made in an attempt to swiftly address the current issue of misconduct across the Nation.

Specifically, the Presidential Order focused on the five outlined sections:

- Section One:
  - Enhancing the fundamental purpose of law enforcement, through providing security to American citizens' inalienable rights to life and liberty
- Section Two:
  - Addressing and evaluating the certification and credentialing of law enforcement agencies across the nation
- Section Three:
  - Enhancing the information sharing processes with an emphasis on the development of a national database to, "coordinate the sharing of information between and among Federal, State, Local, Tribal, and Territorial law enforcing agencies," to address excessive use-of-force and accountability for privacy and due process rights
- Section Four:
  - Enhancing law enforcement's ability to effectively address obstacles of mental health, homelessness, and addiction in United States communities
- Section Five:
  - Identifying legislation and grant programs pertaining to improving law enforcement practices and increasing community engagement

In conjunction with Executive Order on safe policing, the Task Force reviewed Arkansas's commitment at the state level to gain support at the federal level to ensure safe law enforcement for safer communities.

#### Commission of Law Enforcement Standards and Training (CLEST)

The Arkansas Law Enforcement Training Academy (ALETa) was established in 1963 by the passing of Act 526, which provided the necessary appropriations for establishing the operations of the Academy. Following Act 526, Act 172 placed ALETa under the supervision and direction of a board composed of three members appointed by the Governor. As a result of Act 172, the first Academy course was a supervisory training conducted in October 1965. The original ALETa training facility was formerly used as Bachelor Officer Quarters at the Naval Depot. The structure was modified and converted to provide food, lodging, and training to law enforcement officers throughout the state. In 1971, the International Paper Company donated 56.9 acres to ALETa, and then in 1986, Highland Resources Inc. donated 2.21 acres to ALETa. ALETa Class 68-A was the first basic course conducted at the new Camden facility. Thirty-four officers graduated from the three-week basic course.

Following the creation of ALETa, the Executive Commission on Law Enforcement Standards was created in 1975 by the passing of Act 452. The commission was originally composed of five members, appointed by the Governor, serving five-year terms. Act 452 granted the Executive Commission the power to establish minimum standards for selection and training of law enforcement officers throughout the State of Arkansas, to certify officers as being qualified through training and education, to examine and evaluate instructors and courses of instruction,

and certify extent of qualification. As a result, Act 452 required the Commission to meet at least four times per year, adopt rules and regulations to govern its operations, select, and establish a chairman, and granted the Commission authority to enter into contracts or participate in necessary and incidental tasks to the administration of the Act.

From 1978 to date a variety of Acts accessible within Appendix 10, were passed in an effort to create advancements and appropriately address changes in training and standards for law enforcement officers. Examples of these efforts can be noted within Act 1207 of 2003 and Act 2136 of 2005. Act 1207 of 2003 required law enforcement agencies to implement mandatory, annual, racial profiling training. Act 2136 of 2005 required the Commission to adopt a training module for racial profiling training and to promulgate rules related to racial profiling training. The Act also gave the Commission authority to review and make recommendations on changes to agency policies related to racial profiling.

Between 2013 to 2019 CLEST conducted extensive reviews of its rules and regulations allowing for significant changes related to minimum standards to aid in addressing minimum standards for handgun and firearm qualifications, training hours, and decertification procedures. Act 497 of 2017 allowed the Commission to grant the agency Director authority to suspend a law enforcement officer's ability to act as a law enforcement officer pending review by the Commission; granted the commission the authority to assess administrative penalties against law enforcement agencies for non-compliance with CLEST rules, and granted the Commission authority to subpoena witnesses to testify at an administrative hearing. As a result of the advancements made since its establishment in 1975, CLEST continues to exceed in its mission "to encourage increasing the professional competency of law enforcement officers in the State of Arkansas by providing standards for employment and training."

#### Decertification Procedures

As the Task Force began a comprehensive review and analysis of the established processes related to accountability, discipline, removal, and decertification of law enforcement officers within the State of Arkansas, the Task Force began with an analysis of the current procedures for decertification of a law enforcement officer through the Commission on Law Enforcement Standards and Training (CLEST) (Appendix 11).

Decertification requests are submitted and received through a web form on the Division's Records Management System Portal. Requests are processed by administrative staff and forwarded to the Division's Attorney and Deputy Director of OLES for review.

Requests that do not meet the threshold for decertification, as determined by applicable state law and Commission Rules, are returned to the law enforcement agency by letter with a detailed explanation of the threshold required for decertification. Requests that do meet the threshold are forwarded to the Commission by memo for consideration at the next regularly scheduled Commission meeting. The memo to the Commission provides sufficient documentation to support the request and a brief synopsis of the facts justifying the request.

At the Commission's next regularly scheduled meeting, the Commission reviews each memo packet and votes on whether to proceed to a hearing or dismiss the request. If the Commission votes to not proceed with the request, the vote is noted in the officer's file, the law enforcement agency is notified, and the officer is eligible to continue employment as a law enforcement officer in the state. If the Commission votes to proceed to a hearing on the request, the vote is noted in the officer's file and the law enforcement agency is notified. Following a vote to proceed to a hearing by the Commission, a packet is sent to the officer consisting of a letter to the officer, a detailed proposed order in compliance with the Administrative Procedures Act, and a "Request for Hearing" form (see Appendix 11).

As noted in the letter to the officer, an officer has twenty days following receipt of the letter to return the Request for Hearing form. Officers that do not request a hearing are decertified at the next regularly scheduled Commission meeting. Officers that request a hearing are tracked by Division counsel to be scheduled for a hearing at a later Commission meeting.

Officers that have requested a hearing must be served with a Notice of Hearing at least twenty days before the hearing. Pursuant to the Administrative Procedures Act, officers may be represented by counsel and call witnesses on their behalf. Hearings before the Commission are conducted with a Hearing Officer. Hearings are presented by Division counsel.

Orders are prepared by Division counsel following a hearing. Orders are prepared in compliance with the Administrative Procedures Act and notify the officer of the action taken by the Commission. If an officer is not decertified following a hearing, the officer is eligible to continue working as a law enforcement officer in the state. If, following a hearing, the officer is decertified, the Division:

1. Revokes all certifications for the officer in the Division's Records Management System;
2. Adds the officer's information to a tracking list maintained by the Division; and
3. Reports the officer's decertification to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

Pursuant to Commission Rule 1034, 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.

#### Rule 1034: Decertification

The Task Force reported the following regulations under Rule 1034 regarding the decertification of a law enforcement officer:

- I. 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.

- II. 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:
- a. 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;
  - b. The law enforcement officer left employment due to conduct or involvement in any act which is punishable by law;
  - c. 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;
  - d. The law enforcement officer resigned while he was the subject of a pending internal investigation;
  - e. The law enforcement officer falsified any information required to obtain certification.
  - f. The certification was issued in error or mistake by the Division;
  - g. The individual has ceased to meet the minimum standards for employment or appointment as established by Rule 1002;
  - h. Committed a violation of the Law Enforcement Code of Ethics.
- III. 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.
- IV. 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. 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. A detailed outline with further information regarding decertification, the Administrative Procedures Act, Arkansas Statutes, and Commission Rules can be found in Appendix 11.



**Table 2. State of Arkansas Annual Reported Officer Decertification**

<b>Year</b>	<b>Reported Officer Decertifications</b>
2004	17
2005	15
2006	8
2007	6
2008	13
2009	17
2010	17
2011	18
2012	15
2013	12
2014	36
2015	28
2016	25
2017	50
2018	38
2019	40
<b>Total</b>	<b>403</b>

Currently, CLEST is tracking 40 former officers that have been recommended for decertification, 26 of which received a vote to proceed by the Commission in 2020.

In January, 2020, CLEST received 10 requests for decertification. Of those 10 requests, 3 are currently pending for a hearing. In April, 2020, CLEST received 11 requests for decertification. Of those 11 requests, 4 are currently pending for a hearing. In July, 2020, CLEST received 9 requests for decertification. Of those 9 requests, 6 are currently pending for a hearing. In October, 2020, CLEST received 13 requests for decertification. Cases added at the October 2020 meeting are currently within the 20 day time period allowed by CLEST Rule for the individual to request a hearing. Those that do not request a hearing will be decertified at the Commission's meeting scheduled in January, 2021.

Of the 14 remaining cases being tracked, 6 were added in 2019 (2 in January, 2019; 1 in April, 2019; 2 in July, 2019; and 1 in October, 2019) and 6 were added in 2018 (1 in July, 2018 and 5 in October, 2018). The remaining 2 pending cases are currently scheduled for a hearing in January 2021.

Factors that may impact hearing scheduling include pending criminal or civil litigation, continuance requests by the individual pending decertification or their legal counsel, and agency requests to hold hearings pending the outcome of civil service commission and/or circuit court appeals.

*The Task Force recommends that CLEST meet a minimum of six times per year instead of the current four times per year to aid in speeding up the decertification process.*

### Oregon Law Enforcement Decertification Online Database

In June 2020, the State of Oregon established an online database in accordance with 2020 HB 4207, which directed the Department of Public Safety Standards and Training (DPSST) to establish a public statewide online database of suspensions and revocations of the certifications of Oregon law enforcement officers. Specifically, this public database includes a detailed list of public safety professionals who have been revoked or denied their certifications since the effective date of HB 4207 on June 20, 2020. The public database only contains cases that have had a final order issued and closed by DPSST. Therefore, final orders are issued only after all contested case proceedings have reached exhaustion or the deadline to request a hearing has passed. Records in the database contain the following variable elements: given name, DPSST number, employing agency, discipline, a link to DPSST Staff reports, and any Final Order information revoking or denying a public safety certification. Final Order cases that have been issued prior to June 2020 are accessible through an excel file link; additional information may be requested by the use of a public service request.

Additional and specific information regarding the State of Oregon's public database can be found by utilizing the following link:

([https://www.oregon.gov/dpsst/cj/pages/revocations.aspx?wp9935=p:1#g\\_dfad2620\\_4c3f\\_4230\\_aedd\\_eb2352942f68](https://www.oregon.gov/dpsst/cj/pages/revocations.aspx?wp9935=p:1#g_dfad2620_4c3f_4230_aedd_eb2352942f68))

*The Task Force recommends that CLEST publish, on its website, adjudicated decertification records into a public database similar to the process recently established in the State of Oregon to increase transparency.*

### Arkansas Code Annotated 12-9-306

The Task Force found that under Commission rules, Part-Time and Auxiliary officers are required to meet the same minimum standards, including training requirements, to be eligible for employment as a law enforcement officer. Pursuant to Arkansas Code Annotated 12-9-306, law enforcement agencies are restricted to two (2) auxiliary law enforcement officers for every full-time officer employed by the agency. There is not currently the same restriction for part time officers.

*The Task Force recommends the proposal of legislation that restricts the number of part-time law enforcement officers allowed within a law enforcement agency that resemble the requirements for auxiliary law enforcement officers under Arkansas Code Annotated 12-9-306.*

The proposed legislation would establish the same requirement of one full-time officer for every two (2) part-time officers employed by the agency. The proposed legislation would clarify and streamline processes and improve structure and accountability among the law enforcement community, as well as improve the delivery of services to the citizens of Arkansas.

### Arkansas Code Annotated 12-9-118

Arkansas Code Annotated 12-9-118 addresses the establishment of new or inactive law enforcement agencies and the required process when seeking approval by the Arkansas Commission on Law Enforcement Standards and Training.

Arkansas Code Annotated 12-9-118, defined, “inactive law enforcement agencies” as any law enforcement agency that has existed and operated under a state law or local ordinance in the past, but that currently does not exist or has not operated for at least one (1) year. The chief executive officer of an established entity authorized by law to create a new law enforcement agency or reactivate an inactive law enforcement agency is required to appear before the Arkansas Commission on Law Enforcement Standards and Training in order to request the creation of the new law enforcement agency or the reactivation of an inactive law enforcement agency. When appearing before the Arkansas Commission on Law Enforcement Standards and Training, the chief executive officer is required to present the required documentation outlined in Appendix 12.

Although the statute states that a chief executive officer authorized by law to establish an agency must appear before the Arkansas Commission on Law Enforcement Standards and Training, the Task Force found that establishing a specific full time chief of police within the agency was not fully addressed within the statute.

In an effort to provide clarity and establish administrative structure and organization, *the Task Force recommends amending Arkansas Code Annotated 12-9-118 to require new or inactive agencies to employ a full time chief of police to provide clarity and establish administrative structure and organization.*

### Arkansas Code Annotated 12-9-602

As established by current guidelines, Arkansas Code Annotated 12-9-602 requires law enforcement agencies to report resignations, retirements, leave of absences, firings, terminations, or other separations or changes in an officer’s status to the Commission on Law Enforcement Standards and Training (CLEST). Specifically, 12-9-602(b)(2) outlines four specific reasons for separation that must be reported by an agency to CLEST:

1. The law enforcement officer was separated for his or her failure to meet the minimum qualifications for employment or appointment as a law enforcement officer;
2. The law enforcement officer was dismissed for a violation of state or federal law;
3. The law enforcement officer was dismissed for a violation of the regulations of the law enforcement agency; or
4. The law enforcement officer resigned while he or she was the subject of a pending internal investigation.

Although separations due to excessive force and untruthfulness are captured in the existing elements, *the Task Force recommends amending Arkansas Code Annotated 12-9-602 to separate untruthfulness and excessive force into independent elements.*

Specifically, the proposed legislation by the Task Force creates two additional categories of reporting requirements for law enforcement agencies when a law enforcement officer separates from their agency:

1. The law enforcement officer was separated for excessive use of force, and;
2. The law enforcement officer was separated for dishonesty or untruthfulness.

With the proposed amendment to Arkansas Code Annotated 12-9-602, the Task Force believes that CLEST will be better able to track and report law enforcement officers that have separated from a law enforcement agency for reasons pertaining to excessive use of force and untruthfulness.

### National Use-of-Force Data Collection

Since the passage of the Violent Crime Control and Law Enforcement Act of 1994, the Attorney General has been mandated with the responsibility of collecting law enforcement use of force statistics. Specifically, Title XXI: State and Local Law Enforcement, Subtitle D: Police Pattern or Practice, Section 210402, states that the Attorney General is responsible for collecting data on excessive force in the following methods: data collection about the use of excessive force acquired through law enforcement officers, de-identifiable data that may be connected to victim or officer personal information, and an annual summary report of the acquired data findings. Despite this mandate, law enforcement agency participation remains voluntary. Currently, 41% of all federal, state, local, and tribal officers are represented within the National Use-of-Force Data Collection.

Findings obtained from the National Use-of-Force Data Collection aid in the development of best practices and protections towards the privacy of officers and victims. Moreover, this data collection serves as a detailed nationally representative sample on uses of force among officers within the United States. Therefore, the overarching goal of National Use-of-Force data is to increase the representation of law enforcement throughout the nation in an effort to develop technological solutions and more precise data.

As of June 1, 2020, there were 5,034 (27.19 %) out of over 18,000 of law enforcement agencies reporting use-of-force data to the FBI. These agencies represent 347,482 (40.4%) out of approximately 860,000 sworn law enforcement officers nationwide. Participating agencies are defined as agencies that have released a use-of-force incident or a zero report to the FBI having an incident occurrence date on or between the selected publication year. For example, if a law enforcement agency released a zero report to the FBI on January 4, 2020, for December 2019, then the law enforcement agency will be listed as participating in the National Use-of-Force Data Collection for the 2019 publishable year. Overall, as of 2020, there were 8,524 agencies submitting data to the National Incident-Based Reporting System (NIBRS) across 41 certified state Uniform Crime Reporting (UCR) programs. Of the 8,524 NIBRS agencies, 4,987 agencies also participated in the National Use-of-Force Data Collection.

Direct engagement with the law enforcement community continues to be the primary focus to increase participation in the National Use-of-Force Data Collection. With more than 18,000 law

enforcement agencies across the country, engagement activities throughout 2020 continue to focus on federal, state, local, tribal, and college and university law enforcement agencies for increased discussions on the National Use-of-Force Data Collection. These engagements include state UCR Program Managers, Criminal Justice Information Services (CJIS) Systems Officers, peer groups, and major law enforcement organizations. As of June 1, 2020, 246 out of the 510 priority agencies that employ 200 or more sworn law enforcement officers reported use-of-force data to the FBI.

As a result of outreach efforts, state and local law enforcement have given their agencies the opportunity to request additional information on the data collection, the submission process and acquiring a Law Enforcement Enterprise Portal (LEEP) account, all while strengthening the relationship between local law enforcement and the FBI. Due to these efforts, the FBI has been able to increase participation and track commitment dates. The commitment dates assist in projecting when the data collection will achieve important participation milestones. Seven states have provided solid commitment dates indicating that they will begin managing and participating in the National Use-of-Force Data Collection in calendar year 2020.

*Therefore, the Task Force recommends that law enforcement agencies participate in the National Use of Force Data Collection effort to resemble the recommendation recently published by the International Association of Chiefs of Police stating that participation “will help law enforcement, elected officials, and community members better identify and understand the totality of incidents and trends associated with use-of-force incidents, and other outlying factors.”*

The Use-of-Force portal application, housed within the LEEP, continues to minimize the resources needed to submit data to the National Use-of-Force Data Collection. Agencies across the country have been encouraged to utilize the Use-of-Force portal if a means does not currently exist for their agency. Available on the Use-of-Force portal are help videos, quick start guides, and frequently asked questions. These resources help reduce the need for onsite training. The application allows agencies and state programs to manage all aspects of their use-of-force data, including entering information, running reports, and creating charts.

The Task Force determined that 31 states are currently managing the collection of Use-of-Force data at the state level. Specifically, 8 of the 31 managing states utilizing the Use-of-Force program software for collecting and submitting bulk data to the FBI, are utilizing the Use-of-Force system through LEEP. As a result of the new software, the FBI is allowing for demonstration trials of the Use-of-Force system upon request. The FBI Use-of-Force Program provided the State of Arkansas with the three methods to submit Use-of-Force data which can be found within Appendix 13.

### **(C) Study and Analyze the Effectiveness and Sustainability of Community Policing Efforts**

The third objective charged by Governor Hutchinson focused on an assessment and analysis of the effectiveness and sustainability of community policing efforts, including law enforcement officers living in the communities in which they serve. To address community policing efforts at the community level, the Task Force studied current community initiatives implemented by law enforcement agencies throughout the state and administered a statewide survey to measure law enforcement officers' and citizens' views on policing efforts throughout Arkansas. The following assessment was reported by the subcommittee designated as Team Three.

The Task Force reported the current effectiveness and suitability of community policing efforts in the State of Arkansas:

- Overview of Community Policing in Arkansas
  - Statewide Law Enforcement Community Outreach Programs
  - Lonoke County Community Outreach Program
  - Arkansas Drug Take Back Day, DEA National Drug Take Back Day Initiative
- Advancing the State of Law Enforcement in Arkansas: Community Policing Survey
  - Background and Methodology
  - Findings
- Arkansas Citizen Perceptions on Community Policing Efforts
  - Community Involvement
  - Citizen Law Enforcement Needs
  - Perceptions of Law Enforcement in Arkansas Communities

#### **Overview of Community Policing in Arkansas**

Policing scholars have found that community policing aids in changing attitudes towards police and increases positive encounters with law enforcement (Peyton, Sierra-Arvalo, & Rand, 2019; Williams et al., 2018). Community policing is defined as a philosophy among law enforcement that promotes organizational strategies, which advocate for the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues, such as crime, social disorder, and fear of crime (Williams et al., 2018). Specifically, community policing efforts have been found to improve citizen attitudes towards law enforcement, law enforcement legitimacy, and increase an individual's willingness to cooperate with law enforcement (Peyton, Sierra-Arvalo, & Rand, 2019).

Therefore, to assess community policing in Arkansas, the Task Force studied community policing initiatives implemented by law enforcement agencies. The Task Force reviewed the following community policing initiatives by law enforcement agencies in the state:

- Statewide Law Enforcement Community Outreach Programs
- Lonoke County Community Outreach Program
- Arkansas Take Back Day, DEA National Drug Take Back Day Initiative

## Statewide Law Enforcement Community Outreach Programs

The Task Force studied law enforcement community outreach programs in Arkansas to assess the effectiveness and sustainability of community policing efforts and the communities they serve. Following a comprehensive assessment by the Director of the Arkansas Sheriffs Association, the Task Force reported the following (non-exhaustive) list of current community policing initiatives recognized statewide by law enforcement agencies:

- Shop with a Cop
- Participation in Christmas Parades and Parties
- Polar Bear Plunge
- Roadside Trash Pickup
- Career Day
- Reading to Children: Arkansas Elementary Schools
- Cereal Drive and Bandages for Backpacks Food Drive
- Educating Arkansas Communities
  - Work-place Violence
  - Neighborhood Crime Watch
- Presence in Arkansas Schools
  - Drug Programs
  - Cyber Bullying Awareness
  - Active Shooter Scenarios
- Supporting Communities
  - Food Delivery
  - Pantry Box
- Arkansas Sheriffs' Association
  - Arkansas Sheriffs' Youth Ranches
  - Drug Program (2019-2020)
  - Red Ribbon Grant (2019-2020)
- Community Programs
  - Church Security Training
  - Safety Programs in Schools
  - Project Life Saver
  - Citizens Academy
  - Softball Tournaments
  - Toy Drive
  - Tip A Cop
  - Law Enforcement Torch Run
  - Christmas Brings Hope
  - Business Security
  - Attend Birthday Parties
  - Drug Education Programs
  - Food Drives for the Elderly
  - Prescription Drop off for the Elderly
  - Haunted Houses
  - Bullying Programs

- Cyber Crime Education
- Cops For Kids
- Senior Citizen Welfare Checks
- Work Release Programs
- Special Olympics
- Community Clean up
- Coat Drives for Kids
- PACT Program
- Summer Fan Program
- Make A Wish
- Easter Egg Hunts
- Trunk or Treat
- Kindness Week
- Inside Out Dad Program
- Women's Self Defense
- Cook for Communities
- School Outreach Programs

#### Lonoke County Community Outreach Program

Outside of statewide community policing efforts, the Task Force also reported the Lonoke County Community Outreach Program. The Lonoke County program focuses on a variety of programs aimed at increasing community trust among law enforcement. Specifically, Lonoke County reported the following initiatives under their community outreach program:

- Roadside Trash Pick-up
- Sheriff's Municipal Work Partnership
- Community Crime Watch
- Cook for Our Community
- Active Shooter Training
- Polar Bear Plunge
- Business Security Education
- Toy Drive
- Community Clean-up (i.e. parks, schools, cemeteries, and fair grounds)
- Public Outreach Speaking Events
- PACT Program
- Summer Fan Drive
- Lonoke County Fair
- Reading to Schools
- County Road Crew
- Holiday Meal Drive
- Kickball Tournaments
- Red Ribbon Week
- Parades



### Arkansas Drug Take Back Day, DEA National Drug Take Back Day Initiative

In addition to local, city, and state community policing efforts the Task Force also identified the Arkansas Drug Take Back Day initiative, as a result of the Office of National Drug Control Policy's (ONDCP) National Drug Control Strategy, which called for an increase in prescription drug return and disposal programs to curb prescription drug abuse (Drug Enforcement Administration, Diversion Control Division, 2019).

In 2010, a coalition led by the State Drug Director, the Attorney General, both Arkansas Districts of the U.S. Attorney's Office, and numerous federal, local, and state agencies, prevention professionals, and private organizations, developed an education program to encourage everyone to "Monitor, Secure, and Dispose" their prescription medications. As part of the "Monitor, Secure, and Dispose" effort, the coalition organized Arkansas's participation in the U.S. Drug Enforcement Administration's (DEA) National Prescription Take-Back Initiative, and take back events took place on September 25, 2010, April 30, 2011, October 29, 2011, April 28, 2012, September 29, 2012, April 27, 2013, October 26, 2013, April 26, 2014, and September 27, 2014. The DEA announced the discontinuation of the national initiative in September 2014, but an Arkansas take back event under the leadership of partners within the state was held on April 25, 2015. Following this initiative, the DEA reinstated the program nationally, and events since have been held on September 26, 2015, April 30, 2016, October 22, 2016, April 29, 2017, October 28, 2017, April 28, 2018, October 27, 2018, April 27, 2019, and October 26, 2019 (Drug Enforcement Administration, Diversion Control Division, 2020).

Since the implementation, there have been a total of 18 successful Arkansas Drug Take Back Day events due to the commitment, dedication, and effort of the Arkansas law enforcement community, its partners, and the multi-agency coalition. The 19th Drug Take Back Day resulted in a total collection of 19.48 tons of medication in Arkansas, resulting in a grand total 413,457 pounds (206.73 tons) in the State of Arkansas since the program's implementation. Specifically, Arkansas has remained in the top 15 in the amount of medications collected since the first DEA National Drug Take Back Day event on September 25, 2010. Though the state is 33rd in population with slightly more than 3 million people, Arkansas ranks 2nd nationally in pounds collected per capita and 9th in total weight collected. Moreover, Arkansas ranked 6th nationally in the amount of law enforcement agencies participating in the semi-annual Drug Take Back Day with 197 agencies, and ranked 21st in the number of Drug Take Back Day collection sites with 91 DEA registered locations. The Task Force found that Arkansas continues to lead the four-state DEA region (Alabama, Arkansas, Louisiana, and Mississippi) accounting for 65% of all the medications collected, in addition to averaging more participating law enforcement agencies than the other three states combined (Drug Enforcement Administration, Diversion Control Division, 2020).

As a result of the importance of community involvement and success of established Arkansas community policing initiatives, *the Task Force recommends that law enforcement recruits be required, during training, to accumulate a certain number of hours within local communities, to observe and interact with community members. CLEST will credit officers with training hours for their participation in community engagement events.*

## Advancing the State of Law Enforcement in Arkansas: Community Policing Survey

Law enforcement officers represent a critical component of maintaining public safety in Arkansas. With law enforcement being charged with serving and protecting communities, it is important to recognize that effective law enforcement is contingent on citizen trust and reporting (Schilling, 2020). Therefore, in order for law enforcement to protect and serve effectively, they must recognize and adhere to the needs of their communities.

Communities in Arkansas are comprised of people from different races, ethnicities, genders, ages, and education levels. Therefore, to address the needs of citizens and reestablish trust among law enforcement, the Task Force administered a statewide survey to citizens in Arkansas to capture demographic trends regarding perceptions of law enforcement.

### Methodology

The Task Force focused on how law enforcement agencies can better engage and serve Arkansas communities. This assessment of law enforcement and the communities they serve consisted of a statewide citizen survey. Specifically, this survey consisted of respondents' level of agreement to statements regarding various aspects of community policing and mental health, as well as an option to relay any encounters they have had with law enforcement.

The survey was comprised of citizen perceptions on the following components:

- Community Policing
  - An extensive evaluation of citizen perceptions of community policing in their communities by demographics (i.e. race, age, sexual orientation, gender, education, and geographical location)
- Community Involvement
  - An extensive evaluation of citizen perceptions of law enforcement officer's efforts towards community service by demographics (i.e. race, age, sexual orientation, gender, education, and geographical location)
- Psychological Evaluation
  - An extensive evaluation of citizen perceptions of the implementation of a re-entry evaluation and counseling for officers who experience traumatic events, an in-person psychological evaluation follow up at years 3, 5, 7, and 10 of service by demographics (i.e. race, age, sexual orientation, gender, education, and geographical location)

This survey has been reviewed by two different academics of two different disciplines, as well as the Department of Public Safety. The community survey was virtually distributed by municipalities and organizations across Arkansas between September 25, 2020 and October 16, 2020.

### Survey Findings

Results of the community perception survey on community policing revealed differences in community needs in the following areas:

- Community Involvement
- Citizen Law Enforcement Needs
- Perceptions of Law Enforcement in Arkansas Communities

Specifically, the Task Force found distinct differences, discussed in the subsequent section, on current community policing efforts and emerging needs in cultural and racial demographics throughout the State of Arkansas.

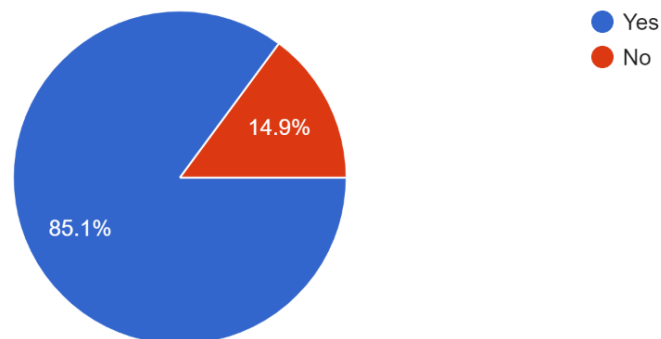
### Arkansas Citizen Perceptions on Community Policing Efforts

To assess community policing efforts and needs outside of the present law enforcement initiatives, the Task Force gathered findings from both law enforcement administrators ( $n=74$ ) and citizen perception of law enforcement ( $n= 2112$ ). The Task force reported that 63 (85.1%) law enforcement administrators across Arkansas mandate or encourage community service initiatives in their agencies focused on community engagement and establishing trust among citizens (See Table 3).

**Table 3. Law Enforcement Administrator Community Policing Efforts**

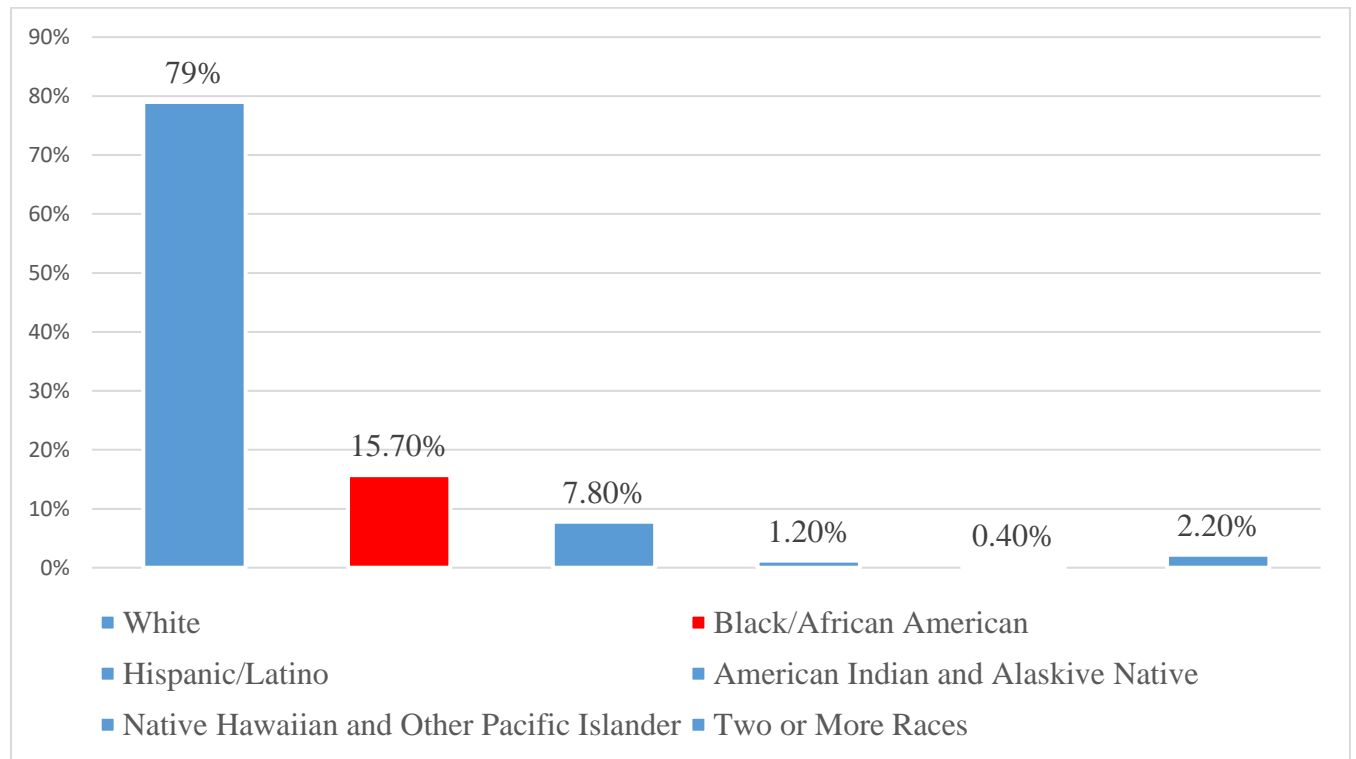
Do you mandate or encourage community service initiatives within your department?

74 responses



To assess citizen’s perceptions of law enforcement and their community efforts, the Task Force began its analysis by reviewing the demographic breakdown of the State of Arkansas by race and ethnicity (See Table 4).

**Table 4. State of Arkansas Race/Ethnicity Breakdown**



By reviewing the racial and ethnic breakdown of the State of Arkansas (United States Census Bureau, 2020), it allowed for the Task Force to fully assess citizen needs for advancing the state of law enforcement in regard to community policing efforts.

### Community Involvement

To assess citizen perceptions on law enforcement involvement in their communities, the Task Force reported distinct differences in perceptions with regard to demographical breakdown. To address these differences, the Task Force reported the survey findings by white and minority communities.

Of the citizens ( $n=2112$ ) that participated in the statewide survey, 47.8% of citizens that self-identified as African American/Black and 44.1% of citizens who self-identified as Hispanic/Latino/Latinx reported that they either disagreed or strongly disagreed with the statement “Police Officers in my community treat all people of different racial and ethnic backgrounds equally,” when compared to the 31.3% of White participants.

Outside of distrust, the Task Force also found that 32.8% of citizens that self-identified as African American/Black reported that they disagreed or strongly disagreed with the statement

“Law enforcement officers in my communities interact well with people in my neighborhood,” when compared to the 11.3% of White citizens. Given the racial makeup of Arkansas, disproportionality in law enforcement perceptions found by the Task Force is vital to understanding best practices for establishing community trust (See Table 4).

Therefore, the Task Force findings on law enforcement officers in the State of Arkansas did display that law enforcement officers are adequately addressing the community needs of citizens, yet minority citizens are experiencing disproportionate rates of distrust in law enforcement and negative law enforcement encounters.

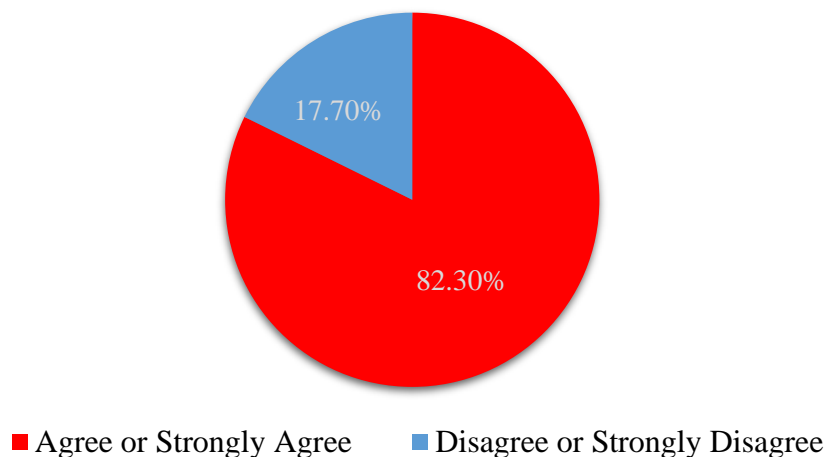
### Citizen Law Enforcement Needs

To assess the current needs of citizens, the Task Force also assessed citizens’ perceptions of their public safety needs regarding law enforcement.

The Task Force reported that out of the citizen participants ( $n=2112$ ), 73.1% of respondents agreed or strongly agreed with the statement “If all people in my community had access to mental health services, crime rates would decrease.” Arkansas citizens are reporting a high need for mental health services and access to increase public safety. Therefore, ALETA’s implementation of Crisis Intervention Training remains an effective community policing effort established by the State of Arkansas.

Outside of CIT, 82.3% of Arkansas citizens agreed or strongly agreed with the following statement, “Law enforcement officers should live in the communities in which they serve” (See Table 5).

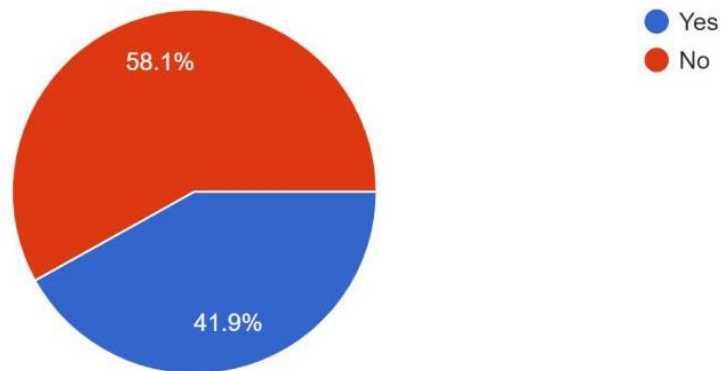
**Table 5. Citizen Perception of Law Enforcement Needs: Reside in Communities**



In comparing citizens needs with law enforcement administrators ( $n= 74$ ), 41.9% ( $n= 31$ ) require their law enforcement officers to live in their agency’s jurisdiction (See Table 6).

**Table 6. Law Enforcement Officers Reside in Agency Jurisdiction**

Are officers required to live within your department’s jurisdiction?  
74 responses



With citizens reporting that they want officers living in the communities they serve, it is beneficial for law enforcement agencies to encourage their officers to live within the agency’s jurisdiction to increase public safety in the communities they serve.

#### Perceptions of Law Enforcement in Arkansas Communities

To assess the current needs of citizens, the Task Force also assessed citizens’ perceptions of the presence of law enforcement in their community.

The Task Force reported that Arkansas communities are experiencing different encounters with law enforcement with regard to racial and ethnic background. The Task Force found that 40.7% of citizens that self-identified as African American/Black reported having a negative experience with law enforcement compared to 20.2% of White citizens. Specifically, Black citizens in Arkansas were twice as likely to report having a negative encounter with law enforcement compared to their White counterpart.

Outside of negative encounters with law enforcement, the Task Force reported that 29.2% of citizens that self-identified as African American/Black disagreed or strongly disagreed with the following statement, “When I see law enforcement in uniform in my community, I feel safe,” compared to 12.4% of White citizens. Specifically, minority individuals are twice as likely to report feelings of unsafety with law enforcement being present in their communities when compared to White citizens in Arkansas.

Additionally, 56.7% of citizens that self-identified as African American/Black agreed or strongly agreed with the following statement, “If I were approached by a law enforcement officer having committed no offense, I would feel scared,” compared to 22.2% of White citizens. Specifically,

minority individuals were more than twice as likely to express feelings of fear when encountering a law enforcement officer in their community when compared to White citizens in Arkansas.

While the Task Force recognizes that officers living in the communities they serve can be effective, obstacles remain when reestablishing trust between law enforcement and minority communities. This recurring engagement may help reestablish trust between citizens and law enforcement regarding minority communities in the State of Arkansas. To aid in building community trust, law enforcement agencies throughout the State of Arkansas may benefit from on-going collaboration efforts within minority community organizations on reestablishing community trust with minority communities. The Task Force identifies minority community organizations as community leaders, community outreach programs, non-profit organizations, faith based programs, and businesses. Examples of minority community organizations were identified in the provided resource links.

(Resource Links: <https://www.arkansasedc.com/community-resources/Minority-and-Women-Owned-Business-Enterprise-Resources/directory>; <https://diversitynwa.com/>; <https://www.arcf.org/guidestar/>)

*Therefore, the Task Force recommends that law enforcement agencies develop intentional efforts with minority community organizations (community leaders, non-profit programs, faith based programs, businesses, etc.) to assess the needs of minority communities to rebuild trust to increase public safety for all citizens in Arkansas.*

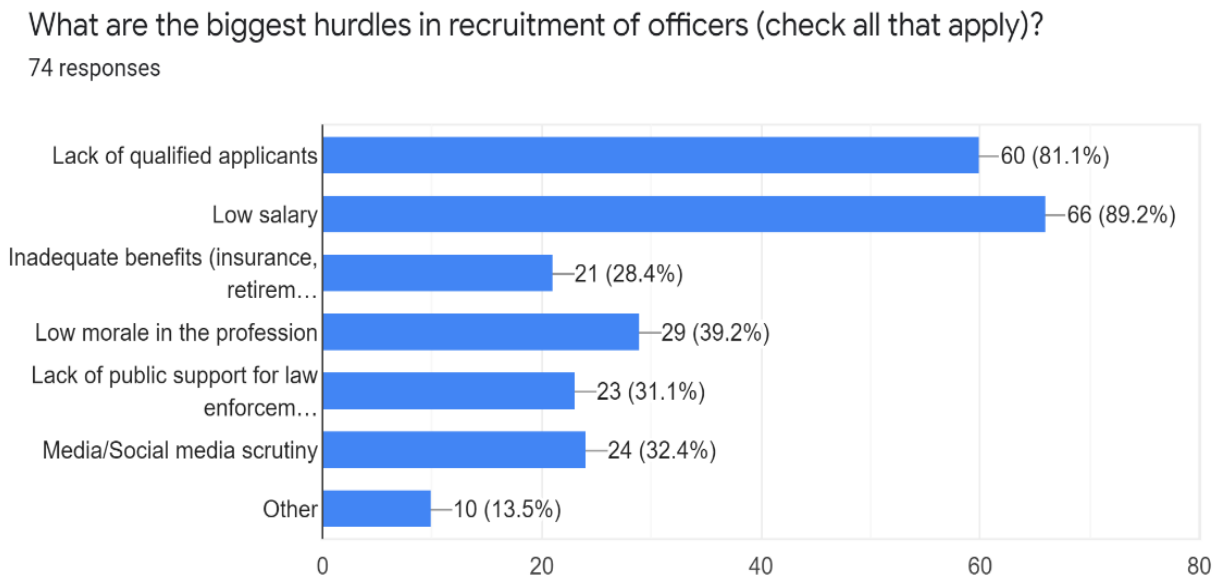
#### (D) Analysis of Standards, Requirements, and Obstacles for Recruitment, Hiring, and Retention of Law Enforcement Officers

The final objective charged by Governor Asa Hutchinson was to study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers. This assessment included resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers.

Law Enforcement throughout the United States, in addition to the State of Arkansas, has reported long-standing issues regarding recruitment, hiring, and retention. To gain a better understanding of the obstacles faced by law enforcement agencies across the state, the Task Force administered a survey to law enforcement administrators in an effort to fully analyze and compare current initiatives that may advance the state of law enforcement in Arkansas.

The Task Force found that law enforcement administrators ( $n=74$ ) throughout the state are experiencing issues in recruitment stemming from a lack of qualified applicants (81.1%), low salary (89.2%), inadequate insurance and retirement benefits (28.4%), low morale in the law enforcement profession (39.2%), inadequate funds pertaining to filling vacant positions (13.5%), and media scrutiny (32.4%) (See Table 7).

**Table 7. Recruitment Obstacles**



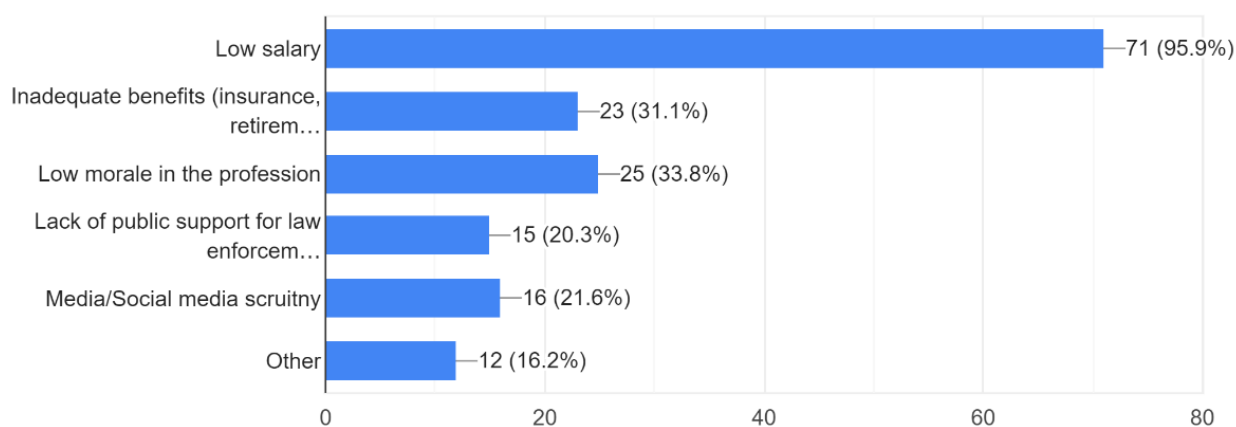


Additionally, the Task Force found similar obstacles for retaining officers in the state related to low salary (95.9%), inadequate insurance and retirement benefits (31.1%), low morale in the law enforcement profession (33.8%), lack of support from community (20.3%), media scrutiny (21.6%), and lack of support and trust in the agency (16.1%). More concerning among administrators is the inability to retain qualified law enforcement officers due to strenuous hours and losing law enforcement officers to higher paying positions (16.2%) (See Table 8).

**Table 8. Retention Obstacles**

What are the biggest hurdles in retention of officers (check all that apply)?

74 responses



To address the concerns related to standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers expressed by law enforcement administrators, the Task Force conducted the following assessments:

- State of Arkansas Law Enforcement: Retention, Recruitment, and Hiring Obstacles
- Arkansas Commission on Law Enforcement and Standards and Training (CLEST)
  - Qualification for Employment: CLEST Rule 1002
  - Psychological Examination: CLEST Rule 1002
- State of Arkansas Law Enforcement: Health Insurance Coverage
- Law Enforcement Resiliency Programs
  - The Department of Public Safety Wellness Unit
  - The Arkansas Law Enforcement Assistant Program (ARLEAP)
  - Conway Police Department Health and Wellness Program
  - Little Rock Police Department Wellness Unit
- Law Enforcement Educational Opportunities
  - Peace Officer Loan Repayment Assistant Program, Texas Senate Bill 16
  - Federal Public Service Loan Forgiveness Program (PSLFP)
  - Arkansas National Guard Student Loan Repayment, § 12-62-503
- Arkansas Law Enforcement Retirement Systems

- Arkansas Public Employees Retirement System (APERS)
- Arkansas Local Police and Fire Retirement System (LOPFI)
- Arkansas State Police Retirement System (ASPRS)

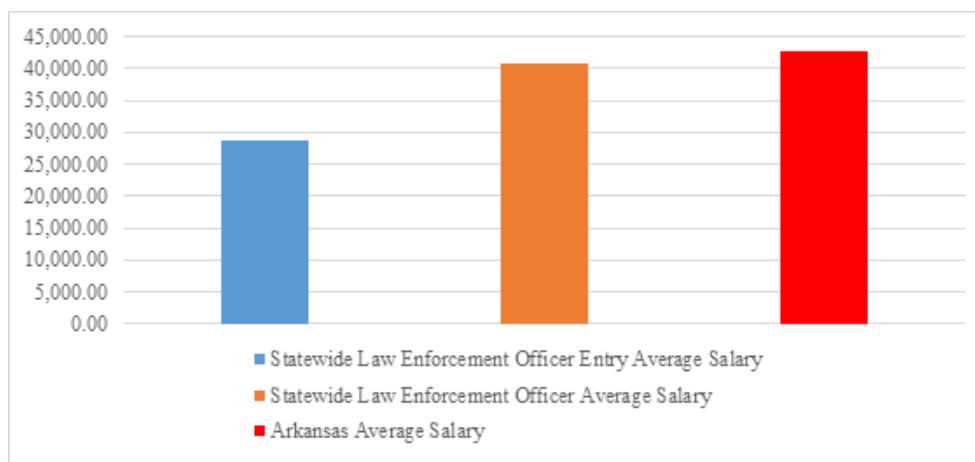
### State of Arkansas Law Enforcement: Retention, Recruitment, and Hiring Obstacles

To assess retention, recruitment, and hiring obstacles faced by Arkansas law enforcement, the Task Force gathered information from Arkansas law enforcement administrators, as well as the Arkansas Department of Commerce on law enforcement officer entry level salaries.

Overwhelmingly, law enforcement administrators (n=74) reported that low salary and agency funding (95.6%) were the biggest hurdles facing their agencies, resulting in the inability to recruit, hire, and retain officers. Further, the Task Force reported that the majority of administrators were unable to provide salary increases to their law enforcement officers in areas of educational advancement (98.6%), certificate pay (77%), special assignment pay (i.e. SWAT, Bomb, ERT, K-9, etc.) (97.3%), or signing bonuses (100%). With law enforcement salary, incentives, and education being directly related to increasing officer retention and hiring qualified applicants (Schuck & Rabe-Hemp, 2018), advocating for better salaries for law enforcement officers throughout the State of Arkansas may aid in increasing retention and improving law enforcement job satisfaction.

The Task Force conducted an analysis with the Arkansas Department of Commerce (2020) to compare 2019 law enforcement officer entry salaries with the 2019 average statewide wage in Arkansas ( $\mu$ =\$42,690; \$20.52 hourly), highlighting the need for increased law enforcement officer pay. Specifically, the Arkansas Department of Commerce reported that the average wage for law enforcement officers (n= 6,100) was \$40,750 annually ( $\mu$ =\$ 19.50 hourly), with an average wage for entry level law enforcement officers of \$28,610 annually ( $\mu$ =\$ 13.76 hourly). (See Table 9).

**Table 9. Statewide Law Enforcement 2020 Salary Comparison**

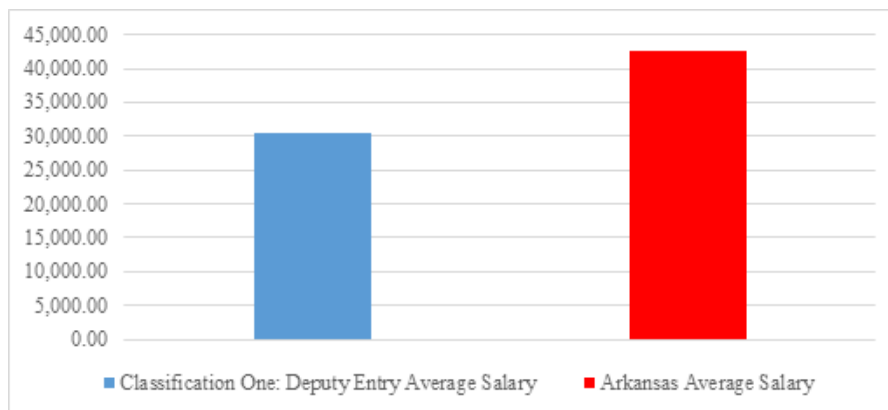


Following the analysis from the Arkansas Department of Commerce (2020), the Task Force conducted a comprehensive examination of county law enforcement officer entry salaries (n=75) in comparison to the average statewide salary in Arkansas. The Task Force separated county entry salaries by population class throughout the state to better determine the disproportionality in deputy officer pay in an effort to offer recommendations for recruitment, retirement, and retention. The seven classifications were as followed:

- Classification 1: (0-9,999)
  - Woodruff, Nevada, Searcy, Lafayette, Newton, Montgomery, Cleveland, Monroe, Dallas, Prairie, and Calhoun
- Classification 2: (10,000- 19,999)
  - Randolph, Scott, Clay, Franklin, Stone, Lawrence, Bradley, Sharp, Perry, Fulton, Lee, Cross, Drew, Van Buren, Arkansas, Izard, Jackson, Little River, Lincoln, Chicot, Marion, Madison, Howard, Sevier, Pike, Desha, and Grant
- Classification 3: (20,000-29,999)
  - Phillips, Yell, Johnson, Cleburne, St. Francis, Hempstead, Carroll, Clark, Ouachita, Logan, Conway, Columbia, Polk, Poinsett, and Ashley
- Classification 4: (30,000-49,999)
  - Baxter, Hot Spring, Miller, Mississippi, Boone, Greene, Independence, and Union
- Classification 5: (50,000-69,999)
  - Lonoke, Critten, Crawford, and Pope
- Classification 6: (70,000-199,999)
  - Jefferson, Sebastian, White, Faulkner, Saline, Garland, and Craighead
- Classification 7: (200,000 +)
  - Benton, Washington, and Pulaski

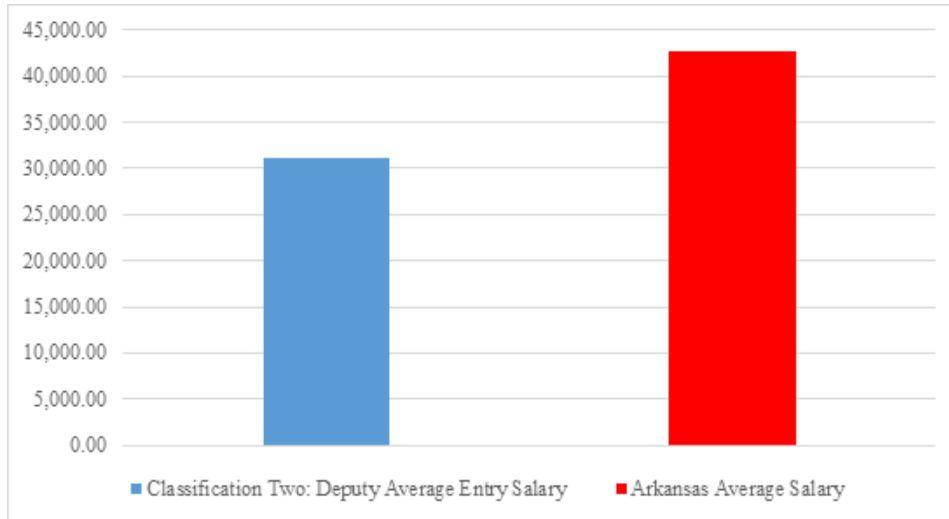
Of the seven population classes reported throughout Arkansas, the Task Force found that in Classification one, all agencies (n=11, 100%) reported an average entry salary ( $\mu$ =\$30,425.91) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification One (n=11, 100%), were \$12,264.09 below the state average (See Table 10).

**Table 10. Classification One Entry Salary Comparison**



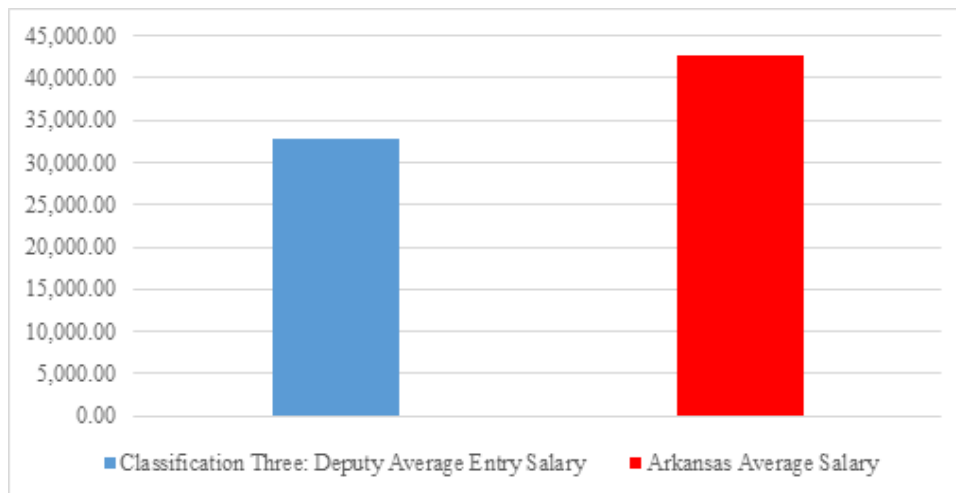
Under Classification Two, all agencies (n=27, 100%) reported an average entry salary ( $\mu$ = \$31,016.63) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification Two (n=27, 100%), were \$11,673.37 below the state average (See Table 11).

**Table 11. Classification Two Entry Salary Comparison**



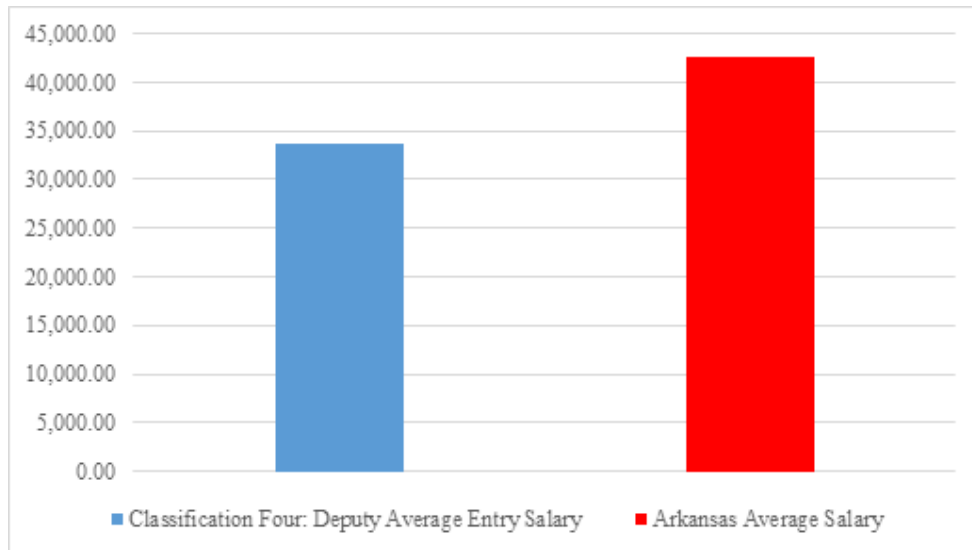
Under Classification Three, all agencies (n=15, 100%) reported an average entry salary ( $\mu$ = \$32,757.80) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification Three (n=15, 100%), were \$9,932.2 below the state average (See Table 12).

**Table 12. Classification Three Entry Salary Comparison**



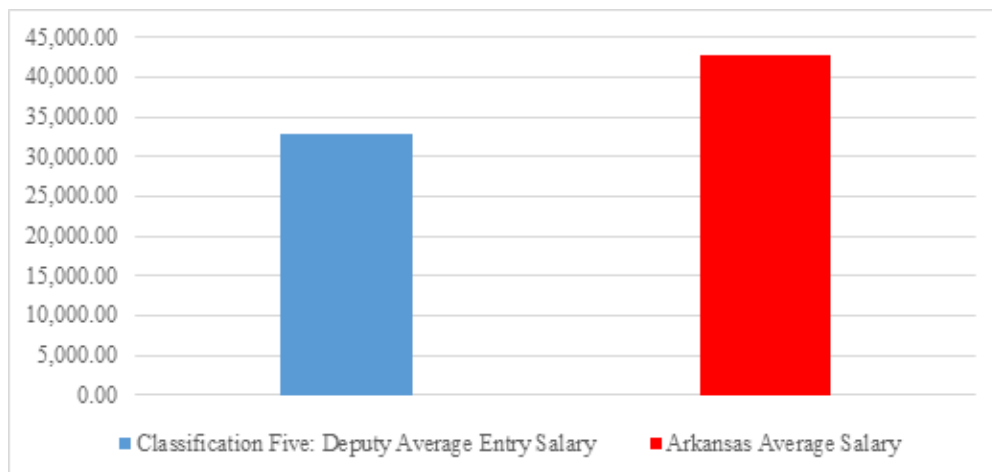
Under Classification Four, all agencies (n=8, 100%) reported an average entry salary ( $\mu$ = \$33,631.25) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification Four (n=8, 100%), were \$9,058.75 below the state average (See Table 13).

**Table 13. Classification Four Entry Salary Comparison**



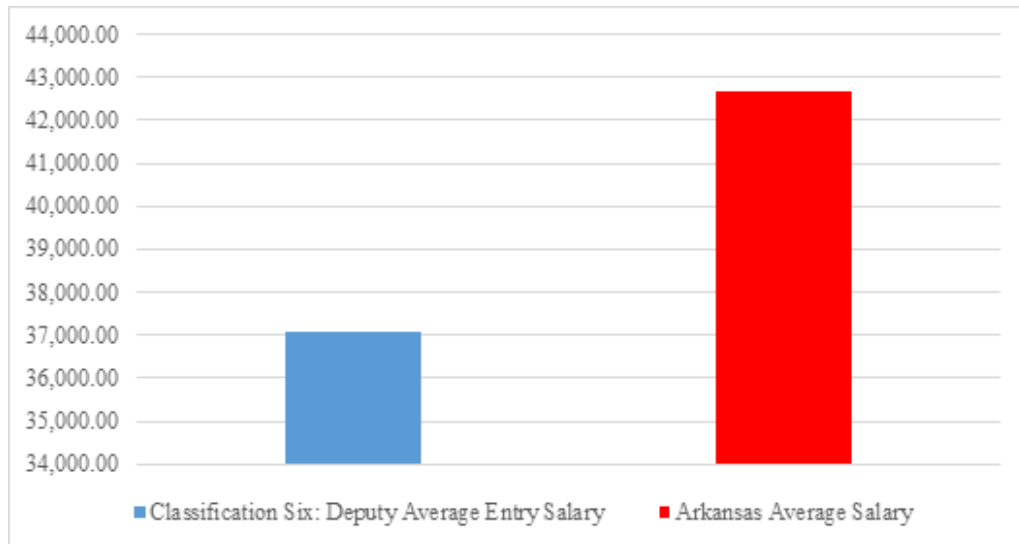
Under Classification Five, all agencies (n=4, 100%) reported an average entry salary ( $\mu$ = \$32,785.75) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification Five (n=4, 100%), were \$9,904.25 below the state average (See Table 14).

**Table 14. Classification Five Entry Salary Comparison**



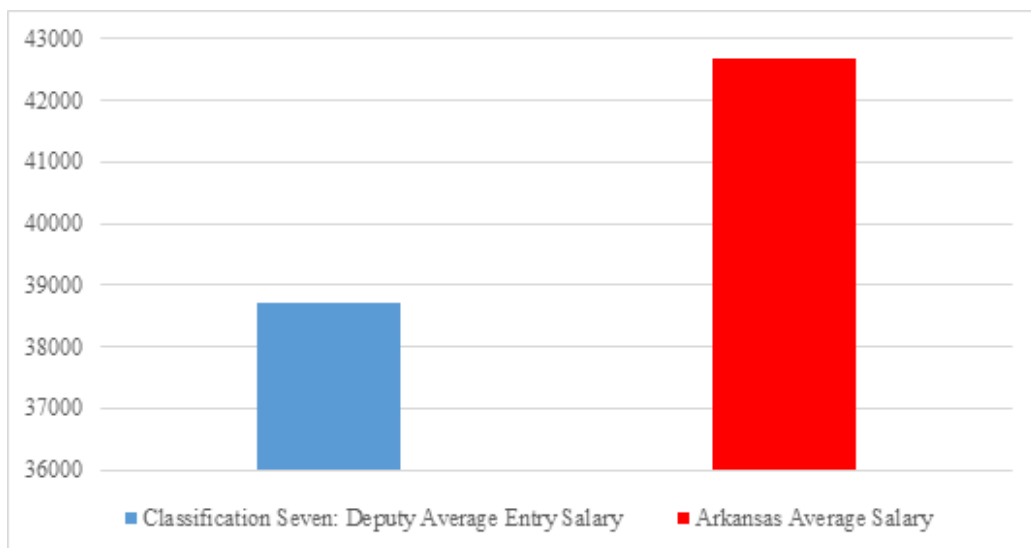
Under Classification Six, all agencies (n=7, 100%) reported an average entry salary ( $\mu$ = \$37,094.14) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification Six (n=7, 100%), were \$5,595.86 below the state average (See Table 15).

**Table 15. Classification Six Entry Salary Comparison**



Under Classification Seven, all agencies (n=3, 100%) reported an average entry salary ( $\mu$ = \$38,715) below the state average salary ( $\mu$ =\$42,690). Specifically, counties under Classification Seven (n=3, 100%), were \$3,975 below the state average (See Table 16).

**Table 16. Classification Seven Entry Salary Comparison**



Although, the Task Force did identify an entry salary increase for county law enforcement officers as the county population increased, all entry salaries for law enforcement officers remained substantially below the 2019 average salary in Arkansas. Outside of the comprehensive analysis, the Arkansas Department of Commerce (2020) reported below average salaries for law enforcement officers at all levels of employment when compared to the average salary in Arkansas. This disparity noted by the Task Force assessment highlights the difficulties faced by agencies when discussing entry obstacles regarding salary.

Following the state-wide comprehensive assessment of law enforcement salaries and law enforcement administrator data, the Task Force recommends the following regarding salary compensation to law enforcement officers:

- 1. The Task Force recommends that state, local, and county governing bodies reappropriate funding to ensure that entry salaries for law enforcement officers are equivalent to or above the average annual wage in Arkansas.*
- 2. The Task Force recommends that incremental salary increases for law enforcement officers be equivalent to their years of service, rank, and responsibilities.*
- 3. The Task Force recommends the proposal of legislation that exempts a portion of an active full-time law enforcement officer's salary from state income taxes.*

#### Arkansas Commission on Law Enforcement and Standards and Training (CLEST)

To address employment standards for law enforcement officers, the Task Force conducted a comprehensive review of the qualifications for law enforcement employment and psychological examination requirements established by CLEST, in addition to surveying law enforcement administrators throughout the State of Arkansas.

#### Qualifications for Law Enforcement Employment: CLEST Rule 1002

CLEST Rule 1002 outlines the requirements for initial and continued employment as a law enforcement officer in the State of Arkansas. Rule 1002 provides that, in order to be eligible for law enforcement employment, an individual must:

1. Be a citizen of the United States;
2. Be at least 21 years old;
3. Be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record;
4. Be free of a felony record (Felony convictions are disqualifiers pursuant to Arkansas Code Annotated 12-9-106);
5. Be of good character as determined by a thorough background investigation;
6. Be a high school graduate or have passed the General Education Development (GED) test (Note, home school diplomas must be approved individually);
7. Be examined by a licensed physician and meet all physical requirements;
8. Be interviewed personally prior to employment by the department head or their representative to determine such things as the applicants: motive, appearance, demeanor, attitude, and ability to communicate;

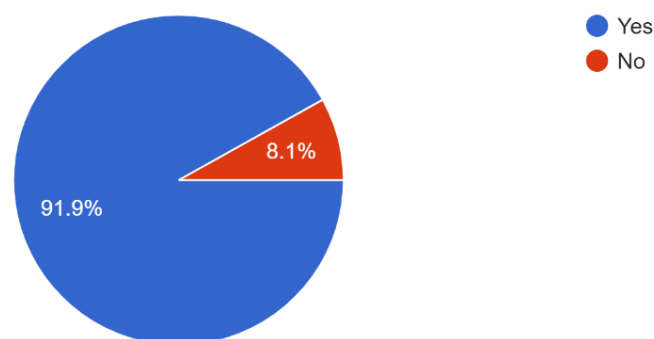
9. Be examined by an individual licensed to practice psychiatry or psychology and qualified to perform such evaluations in the State of Arkansas, who, after examination finds the officer to be competent and recommends the agency hire the individual;
10. Possess a valid driver's license;
11. Successfully complete a CLEST firearms qualification and review departmental policies, specifically policies covering the use of force, criminal law, and emergency vehicle operations;
12. Successfully complete a minimum of twenty-four (24) hours of CLEST-certified training annually (to include firearms qualification and racial profiling. Note that annual racial profiling training is required by Arkansas Code Annotated 12-12-1404); and
13. Be free of a misdemeanor domestic violence conviction in accordance with federal law (Federal law prohibits a person with a misdemeanor domestic violence conviction from carrying a firearm).

When comparing the current established qualifications by CLEST for law enforcement officers within the State of Arkansas, law enforcement administrators ( $n= 69$ ; 91.9%) reported that the minimum standards established by CLEST ensured the hiring of the highest quality candidates for law enforcement (See Table 17). Of the 6 (8.1%) administrators that requested improvements, these administrators suggested that CLEST raise minimum standards for training to include regional based training, riot control, and understanding how to communicate with the public on social media platforms (i.e. Facebook, Twitter, Instagram, etc.).

**Table 17. CLEST Qualification Adequacy**

Are the minimum standards for employment and continued employment established by CLEST adequate for ensuring the highest quality of officers are employed in Arkansas?

74 responses





## Psychological Examination: CLEST Rule 1002

In addition to qualifications for law enforcement employment, CLEST Rule 1002 outlines the psychological examination requirements for initial and continued employment as a law enforcement officer in the State of Arkansas. CLEST Rule 1002 requires the following for psychological examinations (CLEST Rule 1002, Section i):

(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 ability 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:

(I) 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.

When comparing the psychological examination requirement under Rule 1002 by CLEST for law enforcement officers within the State of Arkansas, law enforcement administrators (55.4%) suggested that officers should undergo periodic psychological evaluations throughout their careers in an effort to ensure that officers continue to meet the established qualifications for employment throughout their career.

*After reviewing CLEST Rule 1002, in conjunction with the statewide survey, the Task Force recommends that CLEST work with subject matter experts to ensure that CLEST Rule 1002 provides the following assessments: comprehensive psychological assessments including: aggression, implicit and racial bias pre-screening; physical fitness assessments; extensive character, employment, and criminal background investigations; and current bias assessments to better evaluate that law enforcement candidates are physically, emotionally, and mentally fit to serve.*

*Further, the Task Force recommends that CLEST conduct a study on the necessity for officers to be periodically reevaluated throughout their service at years 3, 7, and 10.*

#### State of Arkansas Law Enforcement: Health Insurance Coverage

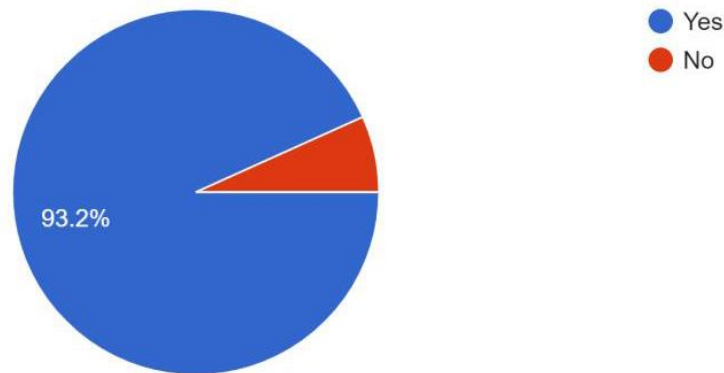
To address law enforcement responses in catastrophic events and health insurance benefits for law enforcement throughout the State of Arkansas, the Task Force administered a statewide survey to law enforcement administrators ( $n=74$ ).

Of the 74 surveyed law enforcement administrators, 69 (93.2%) stated that they offer health insurance for law enforcement officers, in which an officer's responsibility to pay insurance ranged from 0% to 62% (See Table 18).

**Table 18. Law Enforcement Officer Health Insurance Coverage**

Does your agency provide health insurance for officers?

74 responses

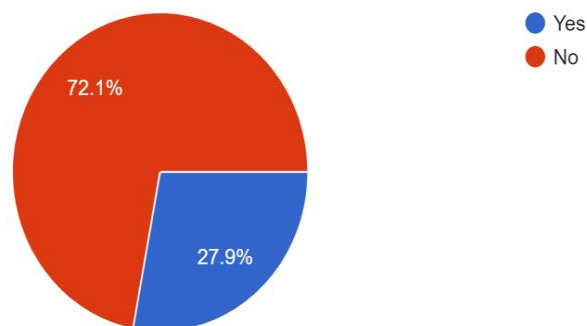


Further, 68 (91.9%) of the law enforcement administrators that reported having health insurance coverage, 19 (27.9%) administrators reported that they offer health benefits that extend to cover an officer's spouse and children (See Table 19).

**Table 19. Law Enforcement Health Insurance Extended Benefits**

If you selected "Yes" in regard to health insurance benefits, does the officer health insurance cover their spouse and children as well?

68 responses



Policing scholars have reported that consistent exposure to acute and chronic stress faced by law enforcement officers, serve as a risk factor for anxiety, sleep problems, depression, and suicidal ideation (Gershon et al., 2008; Violanti et al., 2014). With law enforcement representing a highly stressful occupation accompanied with unpredictable exposure to critical incidents, violence, chronic stress, job dissatisfaction, and societal expectations, officers may be at risk for

significant negative health outcomes (Christopher et al., 2018). It is imperative for law enforcement officers to have adequate health insurance to offset negative health outcomes. Additionally, law enforcement officers and their dependents should participate in an annual wellness assessment. These assessments can ensure that an officer's health, as well as, peer and support networks are not impacting an officer's ability to perform their duties effectively. These assessments are also beneficial for officers and their dependents to identify and mitigate any undiagnosed health concerns.

*Therefore, the Task Force recommends that state, local, and county governing bodies re-appropriate funding to provide health care coverage for full-time law enforcement officers and their dependents who participate in an annual wellness assessment. Annual wellness assessments should not be required for dependents who are minors.*

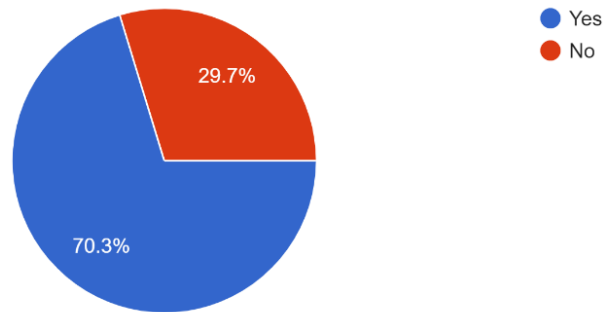
### Law Enforcement Resiliency Programs

Since 2015, there have been 13 law enforcement officers killed in the line of duty in the State of Arkansas. These officers were feloniously murdered (10 of the 13 due to being shot or physically assaulted), or died from inadvertent gunfire (1), an automobile crash (1), or a vehicle pursuit (1). Catastrophic events associated with emergency service personnel, such as law enforcement, are not uncommon within the United States. Previous studies have established that approximately 87% of all emergency service personnel will experience a critical incident causing an extraordinary reaction at least once within their career (Kureczka, 2002). Situations such as catastrophic accidents and use of lethal force are commonly recognized as acute stressors among law enforcement, as well as repetitive exposure to stressful interpersonal interactions with the public, committed responsibility to public trust and welfare, the continuous requirement to maintain calm and de-escalate high emotions, and instances of physically stressful interactions. Consequently, instances of catastrophic events, stressful situations, and instances of lethal force are not uncommon among on-duty officers and have resulted in increased levels of poor health outcomes in areas of mental and physical health related to chronic cumulative stress. The American Heart Association found that the average age for a law enforcement officer to suffer a heart attack was 49 when compared to the normal 67 average among the general population as a result of early onset of cardiovascular disease (Virani, et al., 2020). Findings from the Task Force displayed that the majority of law enforcement agencies ( $n=52$ ; 70.3%) in Arkansas require a debrief meeting for law enforcement officers who experience a critical event such as, but not limited to, an officer involved shooting, child death, or multiple fatality crash (See Table 20).

**Table 20. Law Enforcement Agency Critical Event Debrief**

Does your department require that involved officers attend debrief following a critical event (i.e., officer involved shooting, child death, multiple fatality crash, etc)?

74 responses



With law enforcement officers presenting themselves as a vulnerable population for many physical and mental health concerns, law enforcement leaders should recognize the need to address these emerging challenges through investing in the health and safety of department personnel. One area that may aid in increasing wellness among law enforcement is the implementation of health and wellness programs emphasizing a focus on improving officers' physical and emotional health in an effort to yield positive outcomes for law enforcement officers, their agencies, and the communities they serve.

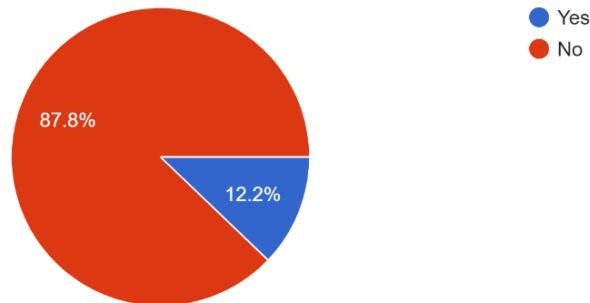
To combat these detrimental impacts associated with the law enforcement work environment, as well as the existing health conditions among officers, agencies across the nation, including the State of Arkansas, are developing and implementing programs aimed at increasing officer wellness in areas of mental and physical health. Despite the implementation of wellness units for law enforcement officers, agencies are finding that an officer's view of the world, support system, and physical health can be a contributing factor to their susceptibility for a negative health diagnosis. This implementation of wellness units is aiding in the removal of the long-established stigma associated with law enforcement officers on "asking for help," and agencies are beginning to develop and understand the mechanisms that help address officer wellness and increase employee retention. For example, a healthy lifestyle (i.e. diet, exercise, and proper sleep maintenance) can provide a significant reduction in an officer's chance of developing a negative health diagnosis.

The Task Force reported that 87.8% ( $n=65$ ) of law enforcement administrators did not have a resiliency or wellness program in place for their officers (See Table 21). Despite the absence of resiliency programs throughout the state, agencies did state that "resiliency programs were one of the greatest needs" and that the difficulty in expanding these programs was due to "program budgets and inability for providing resources".

**Table 21. Arkansas Law Enforcement Wellness Units**

Does your agency have a resiliency/wellness program for officers in place?

74 responses

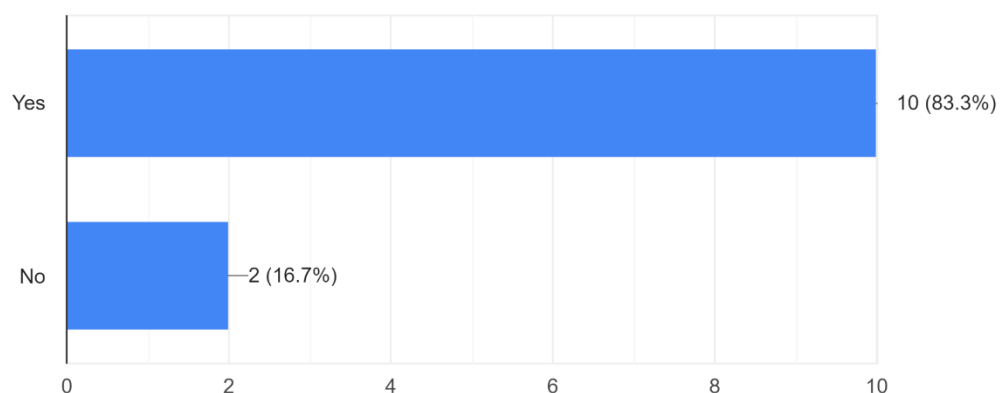


Of the law enforcement agencies (12.2%) that have implemented health and wellness units, law enforcement administrators ( $n=74$ ) reported that wellness programs within agencies were focused on the following wellness categories: physical fitness (83.3%), mental (58.3%), financial (50%), and spiritual (41.7%). Administrators reported that these resiliency programs were successful (83.3%), suggesting that officers that have participated in the resiliency programs were more likely to handle stressful situations correctly, as well as recover from on-duty injuries, illness, and missteps, increasing their ability to make it to retirement (See Table 22).

**Table 22. Law Enforcement Resiliency Program Success**

In regard to your resiliency/wellness program for officers, has the program been successful?

12 responses



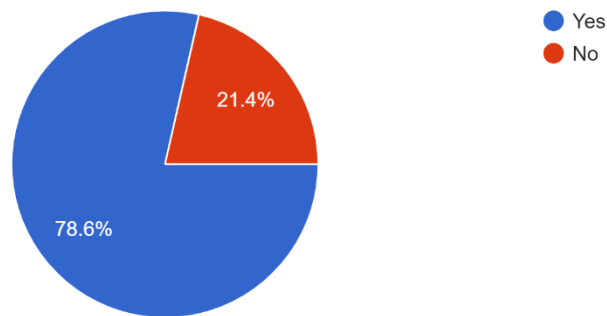
In addition to the success of resiliency programs, law enforcement agencies throughout the state reported that participation in resiliency programs is predominantly voluntary for officers ( $n=12$ , 80%), compared to three programs (20%) that were required by their agency. Of those that have

implemented voluntary and mandatory ( $n=14$ ) resiliency programs, the majority of officers (78.6%) were receptive to the established program (See Table 23).

**Table 23. Law Enforcement Officer Receptiveness**

In regard to your resiliency/wellness program for officers, are officers receptive to the program?

14 responses



Following the statewide assessment of resiliency and wellness programs available to officers, the Task Force identified four established resiliency programs in detail. The four programs consisted of three wellness unit programs created and implemented by local law enforcement and first responder affiliated organizations, as well as a one emerging resiliency program by the Department of Public Safety (DPS). The following four programs are discussed below:

#### Department of Public Safety (DPS) Wellness Unit

The DPS Wellness unit is a new and emerging unit within the State of Arkansas. Specifically, this unit replicates current resiliency programs offered to law enforcement officers across the nation in its focus on wellness. The Task Force has outlined the objectives of the DPS Wellness Unit in areas of its primary focus, pathway for development, and selection process for peer support members, below:

##### Primary focus of DPS Wellness Unit:

- Critical incident stress
- Suicide prevention and awareness
- Substance abuse education
- Emotional survival training
- Financial wellness
- Physical fitness
- Nutrition
- Spiritual wellness

##### DPS Pathway Development:

- Identifying and enhancing existing wellness resources
- Develop and provide wellness education



- Develop and train Peer Support Network
- Collaborate with academic institutions on innovative [law enforcement] studies
- Develop partnerships with health and wellness providers
- Staying abreast of wellness program best-practices through research and education
- Serve as an advocate for employees enduring personal or professional difficulties

#### Peer Support Members Selection Characteristics:

- *Nonjudgmental*. Individual who knows how to make people feel cared for and who understands that the role of the wellness team is supporting others, not passing judgment on them
- *Compassionate*. Individual who is empathetic and cares for others
- *Experienced*. Individual who is familiar with the department and has a personal understanding of the stress associated with working in a law enforcement agency
- *Proven legitimacy*. Individual whom members of the department already gravitate toward when they are seeking assistance, advice, or support
- *Trustworthy*. Individual who does not gossip about others
- *Demonstrates wellness*. Individual who attends to his or her own emotional and physical health and models that for others

#### The Arkansas Law Enforcement Assistance Program (ARLEAP)

The Arkansas Law Enforcement Assistance Program (ARLEAP) was established in 2018 and continues to serve first responders throughout the State of Arkansas. Specifically, ARLEAP aims to serve all first responders which includes: law enforcement, fire, emergency management personnel and other first responder agencies in and around the State of Arkansas. Moreover, agencies include any state, federal, private, and local first responder personnel. ARLEAP works collaboratively with Law Enforcement Assistance Program (LEAP) partners from surrounding states to expand wellness assistance outside of the State of Arkansas, through the implementation of critical incident stress management, critical incident debriefings, and post critical incident seminars.

ARLEAP is comprised of volunteer staff, with no paid personnel. Therefore, individuals serving as staff within ARLEAP strive to utilize a staff that dedicates their own personal time and resources and is a part of the first responder workforce. The goal of ARLEAP is to utilize past and present first responders to increase participation, an understanding of job-related obstacles, and trust among current first responders suffering from critical incidents and increased stress both in and outside of the work environment. Therefore, ARLEAP represents itself as an unaffiliated organization that continuously recruits volunteer first responders from all agencies throughout the State of Arkansas to increase and advocate program participation.

#### Conway Police Department Health and Wellness Program

The Conway Police Department Health and Wellness Program represents an emerging resiliency program within the State of Arkansas. The Conway Police Department recognizes that being a law enforcement officer is a position involving unique dynamics stemming from job

responsibilities and the overall work environment and job responsibilities, allowing for circumstances that may produce detrimental effects on an officer's health and wellness. Therefore, this unit strives to provide support to the employees of the Conway Police Department in developing and maintaining a healthy lifestyle. Goals of the Conway Police Department Health and Wellness Program aim to reduce the stress inherent in the law enforcement profession through providing support and resources to law enforcement to assist in the management of their own health and wellness. The program focuses on five core areas of health: mental, physical, financial, spiritual, and domestic. Stressors and needs in these five areas are addressed through education, access to resources, in-house services, and regular training. Additionally, new officers are provided with a mentor for the first two years of service to better acclimate new officers to this line of work, as well as to help address needs within these five core areas of health.

#### Little Rock Police Department Wellness Unit

The Little Rock Police Department Wellness unit represents a relatively small and recent resiliency program within the State of Arkansas that strives to remove the stigma of mental health treatment among law enforcement officers to ensure resiliency through improving mental and physical health, job satisfaction, and longevity. This wellness unit focuses on an overarching mission statement comprised of three tenants: education, the wellness outreach initiative, and officer trauma awareness. Specifically, the Little Rock Police Department Wellness Unit mission statement is as outlined below in detail:

“The Wellness Unit will develop and foster an environment within the Little Rock Police Department where employees will begin and end their careers in good health, both physically and emotionally. The Wellness Unit has drawn information and programs from the Indianapolis Wellness Model, the 6th Pillar of 21st Century Policing, and other agencies and will continue to pursue the newest and most innovative knowledge, research, and understanding to ensure the best possible outcome for employees serving the citizens of Little Rock.”

The first tenant of the Little Rock Police Department Wellness Unit mission statement is defined as education. Education represents the foundation of the law enforcement profession. To achieve this goal the wellness unit utilizes education programs regarding the physical and emotional tolls that address the obstacles unique to a career in law enforcement. This education includes support for new officers and supervisors, particularly in areas of job stress, emotional events, family stress, and the dangers associated with the work environment. Outside of job stress and work environment, this resiliency program also assists in financial education, general health, physical fitness, and other holistic practices that work together to build well-rounded, competent officers to better ensure public safety.

The second aspect of the wellness unit is identified as the wellness outreach initiative. This initiative focuses on mitigating the negative effects stemming from the profession in law enforcement through the incorporation of individual line officers, front-line supervisors, and other law enforcement professions. Each of these individuals work to recognize emerging issues with at-risk employees and provide assistance to address and prevent future harm to law enforcement employees' health, family, and career. By incorporating a robust peer support team and full-time

wellness staff, this initiative allows for employee support referrals on a daily basis to identify a variety of circumstances ranging from poor decision making related to sleeping habits, relationship support, counselling after traumatic incidents, or emotional trauma. Following this employee referral, the wellness unit responds to each at-risk law enforcement officer through individualized treatment and voluntary participation, in which employees are encouraged to take responsibility and access the services and expertise offered. Therefore, the Wellness Unit outreach initiative does not represent itself as a departmental disciplinary consideration, rather employees are to take advantage of the system through voluntary participation. Outcomes from this initiative have been found to significantly influence employee retention, holistic wellness, general health, and save officer lives.

The final component of the Little Rock Wellness Unit is to increase trauma awareness among law enforcement professionals. Traumatic events within law enforcement can be compromised of, but not limited to, traffic fatalities, death of a child, an injury or death to a law enforcement partner or friend, and job-related suicide. Studies focused on law enforcement have noted that law enforcement officers die by suicide on the job at a rate 3.5 times greater than that of the overall workplace suicide deaths (Tiesman et al., 2015) and are 2.4 times more likely to die by suicide than by homicide (Office of Community Policing Oriented Policing Services, 2015). As a result of job-related stressors, law enforcement officers are at-risk for developing disorders that terminate their careers and social support such as marriage. Little Rock Police Department Wellness Unit works to address this increase of exposure to trauma experienced by law enforcement by conducting critical incident stress debriefings with personnel. These debriefings are conducted by an in-house peer support team and have been a very positive aid in mitigating the present traumatic effects suffered by officers within their agency. Additionally, the wellness unit has partnered with outside support such as law enforcement agencies throughout the State of Arkansas and mental health practitioners in the central Arkansas area to coordinate and establish relationships to determine practitioners that can best assist law enforcement needs.

The Task Force recognized that it may be beneficial to offer re-entry psychological evaluations and counseling for officers who have been or are exposed to traumatic events. To address the emerging health risks associated with the law enforcement profession and the Task Force's extensive review of the development and establishment of the resiliency programs throughout the State of Arkansas, *the Task Force recommends that the Arkansas Department of Public Safety, in conjunction with existing programs, develop and administer a robust, state-wide wellness and resiliency program available to the Arkansas law enforcement community to include officers, jailers, dispatchers, coroners, and civilian staff.*

#### Law Enforcement Educational Opportunities

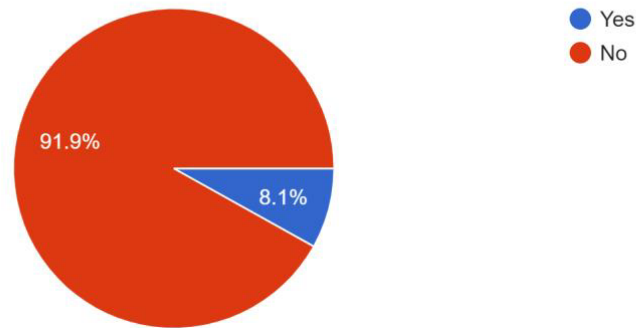
To assess the available educational opportunities available to law enforcement officers throughout the State of Arkansas, the Task Force examined the current state of educational requirements and advancement among law enforcement administrators. Findings from a statewide assessment revealed that, overwhelmingly, law enforcement agencies are unable to offer individuals reimbursement for college courses. Specifically, law enforcement administrators ( $n=74$ ) reported that 91.9% ( $n=68$ ) were unable to offer reimbursement for

college courses compared to the 8.1% ( $n=6$ ) that were able to offer educational opportunities (See Table 24).

**Table 24. Law Enforcement Agency Educational Reimbursement**

Does your agency offer reimbursement for any college courses?

74 responses

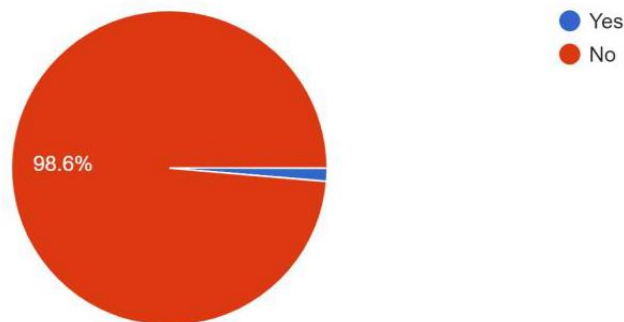


Of the agencies (8.1%) that were able to offer reimbursement, administrators reported that educational reimbursement consisted of courses that were applicable for the job description, local community college tuition waivers, scholarships, and outside organizational funding. Outside of the following identified educational opportunities, of the 74 law enforcement administrators, 73 (98.6%) reported that they were unable to offer incentives for educational advancement related to higher education once a law enforcement officer has completed the basic educational requirements (See Table 25).

**Table 25. Law Enforcement Agency Educational Advancement**

Does your agency offer a salary increase for a college degree?

74 responses



To address educational obstacles associated with recruitment, hiring, and retention, the Task Force assessed and identified a variety of educational opportunities focused on loan forgiveness that were readily available to law enforcement officers within and outside the State of Arkansas. Educational opportunities were identified as: Peace Officer Loan Repayment Assistance Program, Texas Senate Bill 16, Federal Public Service Loan Forgiveness Program (PSLFP), and the

Arkansas National Guard Student Loan Repayment Program, § 12-62-503. Following this extensive review of educational opportunities, the Task Force has identified a set of recommendations to aid in the recruitment, hiring, and retention of law enforcement officers within the State of Arkansas.

#### Peace Officer Loan Repayment Assistance program, Texas Senate Bill 16

Texas Senate Bill 16, entitled the “Peace Officer Loan Repayment Assistance Program,” was signed by Governor Abbott on June 10, 2019, with an effective date of September 1, 2019. The act directed the Texas Higher Education Coordinating Board (THECB) to establish the program and rules by December 1, 2019.

Currently, the Peace Officer Loan Repayment Assistance Program has no specific established revenue source. Language in the act itself does specifically allow for designated “donations” and “gifts,” so that a private individual or group could endow the program or at least supplement the funding. Therefore, funding is on a “to be determined” basis, which will take place each legislative session for the subsequent biennium.

The Peace Officer Loan Repayment Assistance Program allows for private education loans issued by banks and other entities. However, there is a provision in the Texas Senate Bill that the loan must not be subject to any other loan repayment plan.

#### Eligibility Requirements and Key Information:

- Outstanding balances and interest loans may be paid off up to a maximum of \$20,000 per officer, as funding allows
- The loan repayment assistance program is not retroactive; eligibility is limited to applicants with an initial appointment as a peace officer that began on after September 1, 2019
- In the first year of the program (September 2019 to September 2020), applications will be selected on a first-come-first-served basis until funds are exhausted. After the initial program year, priority will be given to previous recipients and initial applications will again be selected on a first-come-first-served basis
- An applicant must agree to five years of continuous full-time employment as a Texas peace officer after the date of initial application:
- Eligible peace officers are those specified under Texas Code of Criminal Procedure, Rule 2.12
- Recipients are required to submit renewal applications every year showing eligible service for the previous year
- To be eligible for repayment assistance, the loan must be evidenced by a promissory note which required the loan proceeds to be used to pay for the cost of attendance at an eligible Texas institution for a semester/term that ended in the five years immediately preceding the individual’s initial appointment as a peace officer
- Loan must not be in default at the time of the peace officer’s application
- Applicant must not have an existing service obligation (from some other assistance program, etc.)

- Applicant must have earned at least 60 semester credit hours, or the equivalent, at an eligible institution of higher education in Texas prior to initial appointment as a peace officer
- Applicant must be currently employed, and have completed at least one year of employment, as a full-time peace officer in Texas
- Applicant must not be subject to repayment through another student loan repayment or loan forgiveness program, or as a condition of employment
- Applications for loan repayment assistance based on service as an eligible peace officer from September 1, 2019 – August 31, 2020 (the initial year period) will not be available until September 1, 2020
- Eligible educational loans may have been issued by a public or private lender. However, loans from private individuals or credit card debt are ineligible

### Federal Public Service Loan Forgiveness Program (PSLFP)

The Federal Public Service Loan Forgiveness Program (PSLFP) pertains to any U.S. federal, state, local, or tribal government agency that is considered a government employer. This includes employers such as the U.S. military, public elementary and secondary schools, public colleges and universities, public child and family service agencies, and special governmental districts (including entities such as public transportation, water, bridge district, or housing authorities).

Unlike the Peace Office Loan Repayment Assistance Program, PSLFP remains more restrictive with regard to both federal and William D. Ford Federal Direct Loan Program loans (many if not most subsidized and unsubsidized federal education loans are not actually issued as a William D. Ford loan; that usually requires reconsolidation through the U.S. Dept. of Education). Further, in addition to public service requirements, the PSLFP also requires 10 years (120) of prior payments by the applicant under an eligible repayment plan.

### Eligibility Requirements and Key Information:

- Must employed by a U.S. federal, state, local, or tribal government or not-for-profit organization;
  - Qualifying employment includes:
    - Government organizations at any level (U.S. federal, state, local, or tribal)
    - Not-for-profit organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code
    - Serving as a full-time AmeriCorps or Peace Corps volunteer also counts as qualifying employment for the PSLFP Program.
  - Non-qualifying employment includes:
    - Labor unions
    - Partisan political organizations
    - For-profit organizations, including for-profit government contractors
- Work full-time for that agency or organization;
- Have Direct Loans (or consolidate other federal student loans into a Direct Loan);
  - Eligible loans include:
    - William D. Ford Federal Direct Loan (Direct Loan) Program

- Non-Eligible loans include:
  - Federal Family Education Loan (FFEL) Program
  - Federal Perkins Loan (Perkins Loan) Program
  - Any student loans from private lenders
- Repay your loans under an income-driven repayment plan;
- Make 120 qualifying payments:
  - After Oct. 1, 2007;
  - Under a qualifying repayment plan;
  - For the full amount due as shown on your bill;
  - No later than 15 days after your due date; and
  - While you are employed full-time by a qualifying employer
- Qualifying payments cannot be made while loans are in the following:
  - An in-school status,
  - The grace period,
  - A deferment, or;
  - A forbearance

#### Arkansas National Guard Student Loan Repayment Program, § 12-62-503

The Arkansas National Guard Student Loan Repayment Program established by the Army National Guard provides repayment for academic loans for qualified applicants who are eligible members of the Arkansas National Guard in amounts of up to one thousand dollars (\$1,000) in principal per annum or five hundred dollars (\$500) per semester; including all related accrued interest, up to a maximum total loan principal of five thousand dollars (\$5,000).

#### Eligibility Requirements and Key Information:

- Eligible members must enlist for at least six (6) years in a unit identified as a high readiness unit by the Adjutant General and have completed training and been awarded a military occupation specialty or Air Force skill code before payment may be made
- A soldier or airman of the Arkansas National Guard may attend a state-supported institution of higher education tuition-free if the soldier or airman:
  - Is an Arkansas resident;
  - Has completed initial active duty training and is in good standing as an active soldier or airman of the Arkansas National Guard;
  - Has been accepted to and is enrolled in a state-supported institution of higher education as a student in good standing;
  - Completed and submitted to the United States Department of Education a Free Application for Federal Student Aid (FAFSA);
  - Submitted applications for:
    - Federal and state grants and scholarships for which the soldier or airman is eligible; and grants and scholarships awarded by the state-supported institution of higher education in which the soldier or airman is enrolled;
    - Is enrolled in a program of study leading to an undergraduate degree;

- Has not received a bachelor's degree;
- To remain eligible to receive the tuition-free benefit under this section, a soldier or airman:
  - Shall maintain satisfactory academic progress as determined by the state-supported institution of higher education in which the soldier or airman is enrolled; and
  - Shall not drop more than six (6) semester credit hours during the period in which the soldier or airman receives the tuition-free benefit under this section unless dropping the courses is necessitated by a:
    - Mobilization that interrupts the enrollment of the soldier or airman in the state-supported institution of higher education; or
    - Medical reason approved by the Adjutant General
- Payments for the tuition-free benefit under this section shall be made directly to the state-supported institution of higher education on behalf of and for the benefit of the soldier or airman in a manner established by rule of the Adjutant General

Following this extensive review of the educational opportunities offered to first responders, government local, state, and federal workers, and the Army National Guard, the Task Force recommends the following to increase recruitment, hiring, and retention among law enforcement officers within the State of Arkansas:

1. *The Task Force recommends the proposal of legislation and funding to support a loan forgiveness program for law enforcement officers similar to the program recently enacted in Texas. The alternative to this recommendation is that the Federal Public Service Loan Forgiveness Program be amended to allow for forgiveness eligibility following 12 months instead of 120 months of qualifying payments for law enforcement officers.*
2. *The Task Force recommends the proposal of legislation and funding to allow for a full-time certified law enforcement officer to attend a state-supported institution of higher education tuition-free similar to the legislation for soldiers or airman in the Arkansas National Guard.*

### Arkansas Law Enforcement Retirement Systems

The Task Force found various retirement benefit packages available to law enforcement officers throughout the State of Arkansas. Specifically, three packages directly pertained to law enforcement officers: Arkansas Public Employees' Retirement System (APERS), Arkansas Local Police and Fire Retirement System (LOPFI), and Arkansas State Police Retirement System (ASPRS). Each of the following packages are discussed in detail below, as well as recommendations directly related to retirement benefits.



## Arkansas Public Employees' Retirement System (APERS)

Law enforcement officers employed by counties or some state agencies fall under this retirement system. APERS for law enforcement officers can be contributory or non-contributory based on the date of hire. The criteria for receiving benefits are as follows: (APERS Contributory or Non-Contributory Handbook 2009)

### Unreduced Benefits Contributory and Non-Contributory:

- An Arkansas State employee must vest in the retirement system after 5 years of service in both contributory and non-contributory plans.
- Under the Non-Contributory plan, an employee may retire with unreduced benefits at:
  - Age 65 with 5 actual years of service credited in the System(s); or
  - Any age with 28 actual years of service credited in the System(s); or
  - At least 55 years of age with 35 credited years of service in the System(s); or
  - At various ages for a public safety officer (hired before July 1, 1997). The full age is 65 reduced one month for each two months of public safety credited service, but not less than age 55 (the full age may go as low as age 52 for a sheriff or deputy sheriff, provided specific requirements are met).
- Under the Contributory plan (members with contributory service BEFORE January 1, 1978), a member is eligible for full benefits at:
  - Age 65 with 5 actual years of service credited in the System(s); or
  - Age 60 with 20 actual years of service credited in the System(s); or
  - Any age with 28 actual years of service in the System(s).
- Under the Contributory plan (members with contributory service after June 1, 2005) , a member is eligible for unreduced benefits at:
  - Age 65 with 5 actual years of service credited in the System(s); or
  - Any age with 28 actual years of service in the System(s).

### Reduced Benefits Contributory or Non-Contributory

- Reduced benefits can be taken if:
  - At age 55 with at least 5 years of service; or
  - At any age with 25 years of service.
  - The reduction is taken from either age 65 or 28 years of service – whichever is less. If 28 years is used, the reduction is 1% for each month away from 28 years of service. If age 65 is used, the reduction is ½ of 1% for each month early that you retire prior to age 65.
- Under the Non-Contributory Plan
  - Multipliers used to calculate annuity varies on when dates of service begin. The multiplied is either 1.72% or 1.75%
- Under the Contributory Plan

- The multipliers for the contributory plan (after July 1, 2005) are 2.03% and 2.00%.
- All employees are eligible for the Deferred Retirement Option Plan (DROP) after 28 years of actual service. DROP defers up to 75% of yearly benefits into an interest-bearing account (63% for 28 years of service increasing to 75% at 30 years). The DROP account must terminate after 84 months of participation.

#### Disability Retirement:

- Must have 5 years of service to apply to disability benefits and at least 18 of the 24 months of service immediately preceding occurrence of disability.
- To qualify for disability with the Arkansas Public Employees Retirement System, the employee must be found eligible for Federal Social Security Disability Benefits because you are totally and permanently disabled.
- Employees within ten (10) years of normal retirement age (for most members that is at least 55 years of age) may receive reduced benefits pending approval of your disability. If approved for disability, benefits are effective the month after approval of the application.

#### Arkansas Local Police and Fire Retirement System (LOPFI)

Law enforcement officers employed by municipalities are members of this retirement system. LOPFI is a contributory system. The criteria for earning benefits are as follows (System A. L., 2020):

- Contributions by employees are 2.5% if the employer pays into Social Security. Contributions by employees are 8.5% if the employer does not pay into Social Security.
- Employees hired on/after July 1, 2013 vest after 10 years of service (Prior to July 1, 2013 vesting period was 5 years).
- Employees may retire with unreduced benefits after:
  - At any age after 28 years of credited service, or
  - At age 55 with at least 20 years of credited service, or
  - At age 60 with at least 5 years of credited service, or
  - At age 60 with at last 10 years of actual LOPFI service credit.
- Reduced benefits can be taken:
  - At age 50 with at least 20 years of service;
  - At any age with at least 25 years of paid service;
  - Full benefit reduced by one half of one percent for each month the member is younger than 55.
- Multipliers used in calculating a normal annuity in LOPFI is 2.94%.

- All employees are eligible for the Deferred Retirement Option Plan (DROP) after 28 years of actual service. DROP defers 75% of yearly benefits into an interest-bearing account. The DROP account must terminate after 84 months of participation.

#### Disability Retirement

- Duty: No service credit requirement
  - 65% of final average pay
- Non-Duty: 5 years of service credit. Hired on/after July 1, 2013, 10 actual years of service.
  - Benefit is computed on actual years of service.

#### Arkansas State Police Retirement System (ASPRS)

Law enforcement officers employed by the Arkansas State Police are members of this non-contributory retirement system. There are 2 types of retirement plans within this system: Tier I and Tier II. Employees hired before April 3, 1997 belong to the Tier I retirement plan. All employees hired on or after April 3, 1997 belong to the Tier II plan. There are less than 50 employees left on the Tier I system. To receive benefits from the Tier II system, the following criteria must be met (System A. S., 2009):

- Employees vest after 5 years of service.
- Any employee with 30 actual years of service can retire at any age.
- Any employee who has more than 5 years of service but less than 30 years of actual service can retire with a reduced benefit of the required age of 65 reduced by seventy-five one hundredths (.75) of a month for each month of actual service but in no event younger than age 55.
- The rate of reduction for early retirement is  $\frac{1}{2}$  of 1% for each month the employee retires before the full benefit age of 65.
- The multiplier used for Tier II retirement is 2.475%.
- All employees are eligible for the Deferred Retirement Option Plan (DROP) after 30 years of total service. DROP defers 72% of yearly benefits into an interest-bearing account. The DROP account must terminate after 84 months of participation.

#### Disability Retirement:

- Must have 5 years of service to apply to disability benefits (waived if you receive Workers' Compensation for a disability arising solely and exclusively out of an injury in the course of your employment with the Department.
- Medical examination required
- Approval by Board of Trustees of ASPRS
- Accrued benefit at disability. Each member's benefit will be computed from the same formula applied to a set of facts unique to that member, such as (1) final average salary, and (2) total years and months of credited service according to the contributory

provisions of A.C.A. § 24-6-214 or the noncontributory provisions of A.C.A § 24-6-227 and A.C.A § 24-6-406, as applicable. However, a Tier I member's disability pension shall not be less than twenty percent (20%) of his or her final average compensation. There is no such provision for Tier II members.

All of the above retirement systems have a Social Security windfall built in where, after age 62, benefits are reduced to offset Social Security payout. Each system also has a variety of payout options and death benefits. However, penalties are severe for employees who choose to receive benefits earlier than the age requirement.

When comparing Arkansas age requirements for law enforcement retirement benefits to national findings, the National Institute of Health suggests that the average life expectancy of a law enforcement officer is 21 years lower than that of the average male in the U.S. population (Violanti, et al., 2013). According to the Center for Disease Control (CDC), the average life expectancy in the United States of America is 78 (Arais & Xu , 2019). The above facts, accompanied with the difficulties and scrutiny of the profession, force law enforcement officers in Arkansas to make difficult decisions as it relates to their career choice, financial decisions, overall health, and, most importantly, their families. Thus, long-term benefits offered to officers should aim to attract good job candidates, rather than potentially deter them from the profession of law enforcement.

As a result of the extensive review, the Task Force recommends the following regarding retention, compensation, and benefit packages offered to law enforcement officers in the State of Arkansas:

1. *The Task Force recommends the proposal of legislation that the first fifty percent (50%) of benefits received by a law enforcement officer of this state from an individual retirement account or the first fifty percent (50%) of retirement benefits received by a law enforcement officer of this state from public or private employment-related retirement systems, plans, or programs, regardless of the method of funding for these systems, plans, or programs, be exempt from the state income tax, with no age requirement.*
2. *The Task Force recommends that actuarial studies be conducted on all applicable retirement systems to determine the cost and feasibility to reduce actual service for law enforcement officers to no more than 25 years with at least a 3% multiplier. Specifically, actuarial studies should include separating law enforcement officers from civilian employees in APERS.*
3. *The Task Force recommends that actuarial studies be conducted on all applicable retirement systems to determine the cost and feasibility of allowing law enforcement officers who medically retire due to work related injuries to receive equivalent retirement benefits as if the law enforcement officer reached full retirement eligibility.*
4. *The Task Force recommends that law enforcement agencies provide long-term disability insurance for all law enforcement officers.*

## **Conclusion**

In response to ongoing efforts to improve training, community trust, and accountability among law enforcement nationwide, understanding and examining the best approaches to law enforcement training, policy, accountability, standards, and establishing citizen trust is imperative to the State of Arkansas. Law enforcement agencies throughout the state continually strive to incorporate best methods for ensuring public safety and are committed to researching and implementing training and procedures that advance law enforcement officers and the communities they serve.

The Task Force acknowledges this report as a collaborate effort among citizens and law enforcement as a guide to aid in the process of enhancing law enforcement practices. Understanding the current standards, training, policy, and operations toward ensuring public safety remains crucial when addressing the future of law enforcement and the communities they serve. The work produced from the Task Force will continue to evolve and remain innovative, as will the state's utilization of best law enforcement practices to ensure public safety for all Arkansas citizens. As such, the efforts of the Task Force, from June 12<sup>th</sup> to date represent the first step in advancing the state of law enforcement in Arkansas, as well as needed recommendations that assist in enhancing agencies statewide.

The recommendations developed in this report come as a result of the extensive work and collaboration between citizen advocates, law enforcement officers, stakeholders, and city, county, and state government officials. The Task Force sought to produce recommendations that were achievable, culturally aware, innovative, and necessary to ensure public safety and advance law enforcement agencies across the state. All are intended to bring knowledge and provide opportunities for improvement in law enforcement throughout the State of Arkansas.

The Task Force recognizes that researching, analyzing, and implementing best practices and resources for law enforcement is vital to the future of agencies throughout the state. Moreover, the State of Arkansas will continue to expand awareness and implementation of effective law enforcement programs focused on establishing community trust, resiliency, retention, and quality training. This will ensure that Arkansas law enforcement agencies continue to advance following the work of the Task Force.

Finally, this Task Force would like to thank and acknowledge Governor Hutchinson for appointing this task force to study and provide opportunities for the advancement of law enforcement in the State of Arkansas. The Task Force would also like to thank the countless individuals that contributed their time, resources, and knowledge to ensure that this report is a thorough and comprehensive analysis of the state of law enforcement in Arkansas. Specifically, the Task Force thanks Mary Hughes for her tireless work in preparing and finalizing this report. We appreciate that the state has taken an interest in addressing the needs of both citizens and law enforcement officers to ensure that the State of Arkansas produces the highest quality law enforcement officers and agencies.

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## **APPENDICIES**

**APPENDIX 1:**

**Executive Order 20-30**

**Meeting Agendas (June 10<sup>th</sup>- November 13<sup>th</sup>, 2020)**

**STATE OF ARKANSAS**  
**EXECUTIVE DEPARTMENT**  
**PROCLAMATION**

EO 20-32

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

**EXECUTIVE ORDER TO AMEND EXECUTIVE ORDER 20-30 FOR THE PURPOSE  
OF ADDING MEMBERS TO THE TASK FORCE TO ADVANCE THE STATE OF LAW  
ENFORCEMENT IN ARKANSAS**

- WHEREAS: The rule of law is a founding principle of our society; and
- WHEREAS: Well trained, educated, and professional law enforcement officers are essential to maintaining a free society by balancing the rights and liberties granted to all citizens with the enforcement of the rule of law; and
- WHEREAS: Citizens expect law enforcement officers to serve the public and conduct themselves with the highest standards of professionalism, fairness, and dignity toward citizens, while maintaining respect and reverence for the rule of law; and
- WHEREAS: It is a matter of state importance to ensure that law enforcement training, policies, and operations support and require these high standards for law enforcement officers; and
- WHEREAS: It is in the best interest of the state and its citizens to explore best practices and procedures for recruiting, training, and maintaining law enforcement officers who will uphold the high standards expected by the citizens of Arkansas and demanded by the rule of law;

NOW, THEREFORE, I, ASA HUTCHINSON, acting under the authority vested in me as Governor of the State of Arkansas, do hereby order the following:

- (1) There is hereby created a Task Force to Advance the State of Law Enforcement in Arkansas, which shall serve as an advisory body of the Governor.
- (2) The task force shall be composed of members appointed by the Governor and shall serve at the pleasure of the Governor. Mr. Fred Weatherspoon shall be chairman of the task force. The task force shall be composed of:
  - a) Fred Weatherspoon, Deputy Director of Arkansas Law Enforcement Training Academy;
  - b) Percy Wilburn, Lake Village Chief of Police and Vice Chairman of Arkansas Commission of Law Enforcement Standards and Training;
  - c) Jami Cook, Secretary of the Arkansas Department of Public Safety;
  - d) Shirley Washington, Mayor of Pine Bluff;
  - e) James Sanders, Mayor of Blytheville;
  - f) Tim Helder, Sheriff of Washington County;
  - g) Scott Hamilton, CEO and President of Urban League of the State of Arkansas;
  - h) Gina Gomez, Executive Director of El Centro Hispano;
  - i) KenDrell Collins, Assistant Federal Public Defender;
  - j) Bob McMahan, Arkansas Office of Prosecutor Coordinator;
  - k) Jimmy Warren, Citizen Activist, Conway;
  - l) Emma Davis, Citizen Activist, Van Buren;
  - m) Tim Campbell, Citizen Activist, Little Rock;
  - n) Layla Holloway, Citizen Activist, Van Buren;
  - o) Mike Reynolds, Fayetteville Chief of Police;
  - p) Steve Shults, Director of Law Enforcement Training Academy;
  - q) Randy Shores, Arkansas Department of Corrections – Emergency Preparedness;
  - r) Shawn Garner, Lieutenant Colonel, Arkansas State Police;

- s) Coty Williams, Sergeant, Arkansas State Police;
- t) Allen Hamby, Sergeant, Little Rock Police Department;
- u) Daniel Martinez, Business Owner, De Queen;
- v) Marty Boyd, Sheriff of Craighead County;
- w) Ty'Junia Clark, Arkansas Department of Community Corrections – Training Administrator;
- x) Geovanny Sarmiento, Rogers Chamber of Commerce – Vice President of Community Engagement;
- y) Mike Knoedl, Retired Law Enforcement Officer;
- z) Additional citizens as the Governor deems necessary.

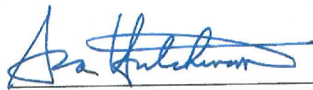
(3) The members of the task force shall have the following duties:

- a) Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations;
- b) Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including an evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers;
- c) Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing;
- d) Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including a review of resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers;
- e) Make recommendations to the Governor on enhancing trust between law enforcement and communities;
- f) Make recommendations to the Governor on improvements or changes needed to enhance the profession of law enforcement to ensure compliance with standards;
- g) Consider assigning subcommittees with directions to consider the topics outlined above and report back to the task force with recommendations to be considered;
- h) Submit a final report of the task force's findings and recommendations to the Governor no later than December 31, 2020;
- i) The work of the task force shall be concluded upon submission of the final report.

(4) Upon request, the Arkansas Department of Public Safety may provide staff and other personnel to support the work of the task force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed the 12<sup>th</sup> day of June, in the year of our Lord 2020.





Asa Hutchinson, Governor

# AGENDA

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## Advance the State of Law Enforcement in Arkansas

### Task Force Meeting

June 18, 2020

10:00a.m.

United States Marshals Museum

789 Riverfront Drive, Fort Smith, Arkansas

To join via Conference Call/Virtual:

Welcome and Charge of the Task Force.....Governor Asa Hutchinson

Introductions and Expectations..... Fred Weatherspoon

Public Meeting Rules.....Fred Weatherspoon

Strategic Planning Session.....Jami Cook

1. Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations;
2. Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including an evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers;
3. Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing;
4. Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers;
5. Recommendations to enhance trust between law enforcement and communities;
6. Recommendations for improvements or changes needed to enhance the profession of law enforcement to ensure compliance with standards

Set next meeting and Adjourn.....Fred Weatherspoon

# AGENDA

## Advance the State of Law Enforcement in Arkansas

### Task Force Meeting

July 16, 2020

10:00a.m.

Pine Bluff Convention Center

One Convention Drive

Pine Bluff, AR

**Welcome .....** Fred Weatherspoon

Process for presentations or public forum

**Criminal Justice Institute.....**Dr. Cheryl May

**Team Reports and Initial Ideas for Recommendations.....**Team Chairs and Members

1. Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations
  - a. Updates at ALETA
  - b. Field Training Officer programs
2. Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including an evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers
3. Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing
4. Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers
  - a. psychological examinations

**Set next meeting and Adjourn.....**Fred Weatherspoon

# AGENDA

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## Advance the State of Law Enforcement in Arkansas Task Force Meeting

August 20, 2020  
10:00a.m.

Arkansas State Police Headquarters  
One State Police Plaza Drive  
Little Rock, AR

Welcome ..... Fred Weatherspoon

- Arkansas State Police Command Staff
- Little Rock and Pulaski County Officials

Arkansas Sheriff's Association Community Initiatives.....Director Scott Bradley  
Sheriff John Staley  
Arkansas Sheriffs Youth Ranch

Team Reports and Initial Ideas for Recommendations.....Team Chairs and Members

1. Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations
2. Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including an evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers
3. Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing
4. Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers

Training Overview and Scenarios.....Arkansas State Police Training Staff

Set next meeting and Adjourn.....Fred Weatherspoon

# **AGENDA**

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**Advance the State of Law Enforcement in Arkansas**

**Task Force Meeting**

**Courtyard Marriott**

**4201 West Green Acres Road**

**Rogers, AR 72758**

**Thursday, October 15, 2020**

**10:00a.m.**

**Welcome ..... Fred Weatherspoon**

NW Arkansas officials recognition

**Team Reports and Recommendations for Final Report.....Team Chairs and Members**

1. Review the adequacy of law enforcement training, policy, and operations, specifically related to cultural, racial, and community relations
2. Study and analyze the processes for accountability, discipline, removal, and decertification of officers who do not meet standards, including an evaluation for the creation and implementation of a statewide, public database of complaints and resolutions concerning law enforcement officers
3. Study and analyze the effectiveness and sustainability of community policing efforts, including the impact of law enforcement officers living in the communities in which they are policing
4. Study and analyze the standards, requirements, and obstacles for recruitment, hiring, and retention of law enforcement officers, including resiliency programs, educational opportunities, and compensation and benefit packages available to law enforcement officers

**Set next meeting and Adjourn.....Fred Weatherspoon**



# AGENDA

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Advance the State of Law Enforcement in Arkansas

Task Force Meeting

November 13, 2020

9:00a.m.

Arkansas State Police Headquarters

One State Police Plaza Drive

Little Rock, AR

Welcome ..... Fred Weatherspoon

Discussion of added requests for recommendations.....Fred Weatherspoon/ Team Chairs

- *Recommendation that county and local law enforcement agencies study and analyze any potential negative impacts of a 287(g) program, including any unintended consequences associated with rebuilding community trust among minority populations*
- *Recommendation that law enforcement agencies develop intentional efforts towards assessing the needs of minority communities to rebuild trust to increase public safety for all citizens in Arkansas*
- *Recommendation that state, local, and county governing bodies re-appropriate funding to provide health care coverage for full-time law enforcement officers and their dependents*

Discussion and Adoption of Final Recommendations/Report .....Fred Weatherspoon/Mary Hughes

Conclusion.....Fred Weatherspoon

**APPENDIX 2:**  
**Criminal Justice Institute Overview (U-of-A)**



UNIVERSITY OF ARKANSAS SYSTEM  
**CRIMINAL JUSTICE INSTITUTE**

The Criminal Justice Institute (CJI) is a separate unit under the University of Arkansas System which provides advanced education and training to certified peace officers in state, local and county law enforcement agencies across the State. The vision of CJI is to make communities safer one officer at a time. CJI staff are committed to making communities safer by supporting law enforcement professionals through training, educational opportunities, resources and collaborative partnerships. CJI was established in 1994 by chiefs and sheriffs across the State and continues to be successful today because of Arkansas law enforcement leadership's commitment and dedication to comprehensive training and community service. This support has allowed CJI to expand the breadth of offerings for veteran officers and deputies and provide specialized educational and certificate opportunities, making CJI nationally unique.

Through classroom-based and online instruction, CJI provides an educational experience designed to enhance the performance and professionalism of Arkansas law enforcement. Courses focus on law enforcement leadership, supervision and professional development; forensic sciences and computer technology; traffic safety; drug and sexual assault investigations; and school safety. During the 2019 Fiscal Year, CJI delivered over 650 classes, with over 19,000 attendees representing over 320 different agencies. In-person courses were delivered in 75 different locations across the state and more than 8,700 individual officers and deputies benefited from CJI's programs. Currently, CJI offers 36 online programs, ranging in length from two to twenty-four hours.

CJI is proud to work with Governor Hutchinson on school safety issues, have assisted in Arkansas becoming the first state in the U.S. to have statewide Department of Justice certified Child Abduction Response Teams, provide naloxone training and distributing kits containing Narcan to first responders who have helped save over 650 lives in Arkansas and be a founding member of the National Cybersecurity Preparedness Consortium, providing cybersecurity training to IT professionals in critical infrastructure across the nation. By facilitating collaboration between the Arkansas Division of Children and Family Services, local and county law enforcement, community corrections and schools, CJI is playing a major role in the early identification and rescue of children who live in homes where illicit drug activities are occurring and helping to break the cycle of drug and child abuse.

A critical element of the Task Force is to review the adequacy of law enforcement training. Below is a summary of the most recent courses developed or offered by CJI that meet the scope of the Task Force.

1. **Racial Profiling Online:** This three-hour course was first offered in 2012 to assist law enforcement in more efficiently meeting the legislative mandate of completing a 2-hour racial profiling course each calendar year (Arkansas Statute 12-12-1404), develop awareness of potential bias and effective strategies to avoid biases. Since 2012, this course has been completed a total of 17,704 times by peace officers.
2. **Cultural Diversity Online:** This new four-hour online course was launched in July 2020. Diversity is common place in the 21st century, yet many struggle with accepting differences. Law enforcement officers must relate to peers and those in their communities in an impartial manner to effectively promote and enhance public relations, police services, and departmental image. This comprehensive look at cultural diversity aims to explore diversity plans, the bonuses of diversity, and tackle stereotypes.
3. **Ethics for Law Enforcement Online:** This seven-hour class provides a comprehensive overview of ethical problems and considerations confronting law enforcement professionals. Focus is placed on common ethical dilemmas and the development of ethical standards and their application to law enforcement. This course was first offered in 2015, with 1,623 officers/deputies successfully completing.
4. **Use of Force Online:** This six-hour course focuses on case law and legislation which defines the amount of force that is lawfully available to officers in attempted arrest/seizure cases as well as in high speed pursuits. The force continuum, concepts of and techniques for de-escalation and case scenarios involving use of force, deadly force and high speed pursuits are presented and discussed. This online class was first launched in 2017 and since the launch, 2,872 officers/deputies have completed this course or it's in person counterpart.
5. **Community Oriented Policing:** Building good relationships and trust in the community is imperative for any police department and its officers. Developing citizen participation and effective law enforcement strategies to build community trust and dialogue are emphasized in this six-hour in person course. To date, 182 law enforcement professionals have completed this course.
6. **Police and Community Relations:** This eight-hour in person course helps officers/deputies communicate more effectively with citizens, ensure compliance with federal and state laws, prepare for hostile encounters, and continue to engage in proactive policing without jeopardizing their safety. This course was scheduled to be offered during the spring of 2020. However, due to the COVID-19 pandemic this course is being re-scheduled for fall 2020.
7. **Communication Skills for Field Interviews and Officer Safety:** This eight-hour online course is designed to illuminate communicative behavior styles in both officers and subjects, with a focus on communication styles and behaviors, understanding why we have good communication with some and difficulties with others, understanding the dynamics of body language and how it can be used to de-escalate potentially hostile situations, and effectively conducting field interviews. This course was scheduled to be offered during the spring of 2020. However, due to the COVID-19 pandemic this course is being re-scheduled for fall 2020.

8. **Communications for Law Enforcement Online:** This fourteen-hour online class focuses on providing knowledge and skills necessary for law enforcement officers to communicate with others in a professional manner. Topics include basics of communication, IMPACT model of communication for law enforcement, nonverbal communication and reading body language, verbal judo/tactical communication, de-escalation techniques and emotional intelligence. Since the initial launch of this course in 2018, 633 officers/deputies have completed the program.
9. **Early Intervention Programs for Law Enforcement:** Law enforcement agencies across the U.S. are facing increased scrutiny for failure to identify and correct misconduct infractions by their officers. Many police agencies have implemented tracking systems that identify patterns of behavioral concern like sick time abuse, multiple use of force complaints, excessive resisting arrest charges, continuous loafing or sleeping on duty, and continuously missing court. An early intervention system or employee development program is designed to identify and correct these behavioral issues prior to the issue occurring. This eight-hour course is an option in the Professional Standards block of CJI's Academic Partnership Program and has been completed by 84 law enforcement supervisors.
10. **Field Training for the 21<sup>st</sup> Century:** Serving as a Field Training Officer (FTO) is one of the most important roles an officer can have in the agency. FTOs are critically important in maintaining or establishing the organizational climate. This forty-hour class focuses on recruit remediation, documentation of recruit performance, counseling and motivation, critical training issues such as cultural diversity, use of force, sexual harassment and interpersonal communications. Since 2006, CJI has trained 560 field training officers.
11. **De-escalation or Community Policing Focused Classes:** In addition to some of the courses described above, CJI has also delivered the following courses that focus on de-escalation or community policing. Courses marked with an "\*" below are scheduled to be delivered in the fall.
  - a. **Fundamental Principles of De-escalation and Understanding People\***
  - b. **Verbal Fitness and De-escalation for Law Enforcement**
  - c. **Implicit Bias**
  - d. **Procedural Justice**
  - e. **Fair and Impartial Policing for Command Staff**
  - f. **Communication Skills for Officer Safety\***
12. **Courses which Include Use of Force, De-escalation or Community Policing Related Components for Law Enforcement Supervisors**
  - a. **Foundations of Supervision and Leadership:** 24-hour basic supervision course previously offered in person, but since 2014 only offered online. To date, 3,171 officers or deputies have completed this class.
  - b. **Principles of Supervision and Leadership:** 24-hour intermediate supervision course offered in person and beginning in 2014, only offered online. To date, 3,238 officers or deputies have completed this program.
  - c. **Advanced Supervision:** This 24-hour course is only delivered in person. Since 2016, 214 officers or deputies have completed this course.

- d. **School of Law Enforcement Supervision (SLES):** SLES is a distinguished program of the Criminal Justice Institute. It is four weeks in length and designed for Sergeants and above. SLES was initially delivered in 1991. Since then, a total of 1,425 law enforcement leaders have graduated from this prestigious program.

**13. Law Enforcement Stress Support Courses:**

- a. **Coping with Law Enforcement Stress:** This is a 14-hour in person course that assists law enforcement in recognizing and coping with the stresses faced due to the nature of their work in serving and protecting their communities. This course also incorporates an evening session for families to participate and be provided an ability to recognize indicators of stress and a better understanding of stresses encountered by their loved one in law enforcement. To date, 362 officers or deputies have completed this program.
- b. **Law Enforcement Stress Management Online:** This 7-hour online course provides law enforcement with the ability to recognize indicators of stress and strategies to effectively manage stress. Since 2019, 378 officers or deputies have completed this course.

- 14. CJI Academic Partnership Program:** In 2003, CJI, with the approval of the Arkansas Department of Higher Education Coordinating Board, initiated a unique educational opportunity for law enforcement professionals to earn academic certificates (Certificate of Proficiency and Technical Certificate) and an Associate of Applied Science (AAS) Degree in Law Enforcement Administration by completing select CJI courses and general education courses offered by partnering colleges and universities. Currently there are 22 universities and colleges partnering with CJI in the project. These practitioner-focused programs can be achieved at a significantly reduced cost due to the agreement that all college credit earned through CJI course work will be transcribed free of charge. CJI courses account for 50% of the required degree program courses. There are currently 638 law enforcement professionals actively enrolled in these academic programs. A copy of the degree plan for each certificate and the AAS was provided.

We are grateful to Chair Weatherspoon and the members of the Task Force for the opportunity to present. We appreciate your service.

### **APPENDIX 3:**

#### **Arkansas Law Enforcement: Field Training Officer Program Review**

Arkansas Law Enforcement: Field Training Officer Program Review

Juan M. Reyes Jr.,

Arkansas Law Enforcement Training Academy



### Abstract

Field Training Programs can be a huge element in influencing the training, policy, and operations of a Law Enforcement Agency and the State of Arkansas is in an excellent position to leverage these programs to specifically target cultural, racial, and community relations. Effective communication between agencies and citizens, ethics, problem solving, and various social issues are already being addressed within the Field Training Officer programs. With focused instruction from the Office of Law Enforcement Standards, who already provides some standardization through minimum qualifications, it should be relatively easy to “spotlight” important social issues that are currently in need of addressing. With the help of more than a dozen agencies providing their Field Training Officer programs from throughout the State of Arkansas, a review of those programs was conducted and it was noted that all of the programs are reasonably consistent as to the “core” concepts. Certification of Field Training Officers, the classroom training on how to be a field training officer, is consistent with 32 – 40-hour classes. The recruit receiving the one-on-one training is also at a consistent range of twelve (12) weeks or more. It is recommended that issues that one would want more emphasis placed on be integrated into current classroom FTO teaching programs and instruction given to departments with Field Training Programs to add specifically worded entries into the forms used to determine the adequacy or competency of the student.

*Keywords: Field Training Officer, law enforcement, social issues*

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### **Overview of the standard Field Training Program**

The Field Training programs around the State of Arkansas were developed and implemented to assist in transitioning a newly hired law enforcement officer (trainee) from the academic setting presented during Basic Police Training to the performance of Law Enforcement duties in the field. The Field Training Program generally tries to achieve the Law Enforcement Department's goals set out in policy and procedure that require a performance standardization. The Field Training Officer Program pairs a veteran officer, having all the best qualities of a professional Law Enforcement Officer, with a newly hired officer trainee where they perform normal police officer duties and the veteran officer in a one-on-one real world environment assists the trainee in performing the job duties. The veteran officer then is responsible for evaluation of performance and teaching the trainee what is expected and necessary in their new profession and to provide a positive role-model. There are 196 Law Enforcement Agencies in the state with a Field Training Officer. (OLES,2020.) The Field Training Program generally consists of two parts. The first part is the Field Training Officer (Hereinafter FTO) classroom and certification. The second part consists of trainee reports, forms, and evaluations filled out by the FTO. The program centers around systematic, uniform methods of training and evaluation of new officer using on-the-job training monitored by proven veteran law enforcement officers that have been certified by the Office of Law Enforcement Standards as Field Training Officers. The FTO provides additional training as they identify weaknesses and deficiencies in a trainee's performance. The one on one style of training, and the fact that the instructor must guide the training in real life situations sets it apart from the prior basic training. "Field Training has significant impact on the individual student in terms of imprinting attitudes, style, values, and ethics in carrying out duties of police work that will remain throughout a career." (Arkansas State Police, Field Training Program, p1)

For this review copies of the FTO Class certification were obtained from ALETA as well as the schedule of classroom activity from the Criminal Justice Institute. An internet check revealed that most classroom FTO programs were 24-40 hours in length in other parts of the country. The Office of Law Enforcement Standards and Training keeps records of all classes certified throughout the State of Arkansas for documentation of training and certifications. A list of Field Training Officer Classes was obtained and departments with FTO programs were identified. The following departments were contacted and provided copies of their Field Training Manuals/Guides or reports prepared by the FTO officer on the recruits for comparison and review: Arkansas State Police, Texarkana Police Department, Arkansas Game and Fish Enforcement Division, Pulaski County Sheriff's Office, Conway Police Department, Elkins Police Department, Little Rock Police Department, Benton Police Department, Pine Bluff Police Department, El Dorado Police Department, Camden Police Department, Springdale Police Department, and Saline County Sheriff's Office.

### **Certification of the Field Training Officer**

The first step in the Field Training Program is the Field Training Officer. The veteran officer that the department wants to use should have the necessary skills to impart their knowledge onto the "trainee". In order to make sure the veteran officer has the ability to do this, the State of Arkansas created the Field Training Officer certification. The Field Training Officer certification is overseen by the Arkansas Office Of Law Enforcement Standards (OLES), under the umbrella of the Commission on Law Enforcement Standards and Training. OLES Rules 1014 and 1009 apply. (CLEST, 2020)

Rule 1014 sets out the minimum criteria for Field Training Officers to have:

1. Three years of full time experience
2. Possess not less than a General Certification (CLEST Rule 1009 defines the General Certification)
3. Have completed a minimum of 32 hour CLEST approved classroom instruction including the following topics:
  - a. Communications
  - b. Techniques of Instruction
  - c. Evaluation of Training
  - d. Trainee Motivation and Counseling

The Arkansas Law Enforcement Training Academy (Aleta) and The Criminal Justice Institute (CJI) provide CLEST approved classroom instruction for the Field Training Officer Certification with Aleta providing classroom materials to any agencies wishing to administer their own FTO classroom certification upon request. Both major organizations have within their criteria blocks on Ethics and Critical Training Issues in addition to communications, counselling, motivational, and practical exercise blocks. *See Figure 1 for an example schedule of Aleta's FTO teaching schedule.*

ARKANSAS LAW ENFORCEMENT TRAINING ACADEMY - FIELD TRAINING OFFICER COURSE – ALETA					
CLASS ***** ( 32 HOURS )					
	Mon.,	Tues.	Wed.	Thurs.	Fri.
8:00 to 8:50	1. ORIENTATION  ALETA	FUNCTIONS OF THE F.T.O. (Cont'd)    ALETA	5. EVALUATION & DOCUMENTATION WORKSHOP    ALETA	6. CRITICAL ISSUES:  1. USE OF FORCE Duty to Intervene 2. SEXUAL HARASSMENT 3. LIABILITY – Civil and Criminal 4. De-Escalation 5. Policing People with Disabilities/CIT 6. Ethics	
9:00 to 9:50	2. F.T.O.  Program Overview (pp) Key Elements of FTO (pp)				
10:00 to 10:50					
11:00 to 11:50	ALETA				
1:00 to 1:50	3. FUNCTIONS OF THE F.T.O.  1. Training 2. Counseling 3. Evaluation 4. Documentation	4. PRACTICAL COUNSELING EXERCISES    ALETA		CRITICAL ISSUES:	
2:00 to 2:50					
3:00 to 3:50					
4:00 to 4:50	ALETA			7. EXAM AND CRITIQUE	

Blocks of Time are estimates, and classroom discussions may alter schedule.

Figure 1. Example Field Training Officer classroom certification schedule (ALETA, 2020)

The FTO has the responsibility of directing, guiding, explaining, and demonstrating the fundamentals of police work. The FTO examines the recruit and evaluates his performance and corrects their decision making and actions accordingly. Thus, the classroom portion of the FTO program generally focuses on how to objectively evaluate the recruit, how adults learn, counselling the recruit, communication skills, motivational skills, and critical issues that might arise as well as things to look out for.

As this is classroom material on how to impart what the veteran officer already knows, the majority of the classroom blocks are oriented toward functions, documentation, recognition, evaluation, and counselling. However, cultural diversity, sexual harassment, criminal and civil liability, and crisis intervention blocks have been added in the critical issues blocks. *See Table 1 FTO Course Description with Critical Issues Block, page 9.*

With focused instruction from the Office of Law Enforcement Standards, who already provides some standardization through minimum qualifications, it should be relatively easy to “spotlight” important social issues that are currently in need of addressing during the Field Training Officer certification stage. OLES/CLEST could - using rule 1014 - mandate or identify further critical issues to be taught during the certification stage. Changes at this stage would be re-enforcing to the “teacher” mandatory issues that should be stressed to the student.

### **Teaching the Trainee.**

The second part of the Field Training Officer program is the actual “job” of teaching the trainee how to perform the duties of a Law Enforcement Officer to the standard of the employing department. All departments that were contacted indicated that 12 weeks of FTO were minimally needed to complete their FTO training program. 12 Weeks is also the recommended minimum number of weeks for the FTO program by the Arkansas Law Enforcement Training Academy.

### **Responsibility of the Officer serving as the Field Training Officer**

As noted above, the FTO is responsible for one-on-one training after an academic setting. The students should have been introduced at this point to all major fundamentals of Law Enforcement during a thirteen (13) week basic academy. Generally, there are two types of FTO Guides.

One type of guide is broken into weekly or bi-weekly tasks of instruction for the trainee and FTO to have accomplished or studied. Pine Bluff Police Department is a good example of this type of FTO Guide. I will recognize this type as an Overall Task List.

The second type of guide involves an overall task list for the department, weekly, and daily observation reports (DOR). Little Rock FTO Guide is a good example of this second type of guide.

Regardless of type of guide/manual used the twelve weeks are generally broken up into phases: phase one the recruit watches and critiques 95% of the time and each week their participation gradually increases to the point that in the last phase of the program the recruit is responsible for 95% of the work load while the FTO watches and critiques.

### **Overall Task Lists and General Reports**

The reports are generally a systematic list of topics that should have been instructed and performed/understood by the recruit. *See Appendix A, Figure A1.* Somewhere in these general reporting of tasks covered there will be a section or entries on Conduct where the FTO has covered ethics, conduct with the community, and other issues.

### **Daily Observation Reports.**

The FTO will have a guide or forms that they fill out for the recruit on a daily, weekly or “phase” basis. The daily reports are almost universally called Daily Observation Report or DORs. *See Appendix A, Figure A2 and A3.* The DORs are generally check lists as in the example that allow for a check off or numbering scale of unacceptable to superior (or whatever grade scale from bad to good). Most have a check box for Relationship with the public and ethnic groups. Entries in the DORs generally have a corresponding paragraph explaining to the recruit and FTO what the criteria for each entry is graded on.



The Daily Observation Report would be one way to re-enforce the importance of socially important issues. It would require the FTO and recruit to discuss the issue each day thereby “check off on” their understanding of the issue, knowledge, or attitude.

Table 1 FTO Course Description with Critical Issues Block

Field Officer Training Course Descriptions as obtained from OLES, Course Summaries.

2019-2020 current.

<b>Department</b>	<b># of Hours</b>	<b>Critical Issues Block</b>
ALETA	32	Yes
Criminal Justice Institute	40	Yes
Arkansas Highway Police	72	Yes- Ethics
Van Buren Police Dept.	32	Yes
Springdale Police Dept.	32	Yes
Dardanelle Police Dept.	32	Unk
Stuttgart Police Dept.	32	Yes
Pine Bluff Police Dept.	32	No
Swifton Police Dept..	32	Unk.
Jackson Co. Sheriff Office	32	Yes
Jacksonville Police Dept.	32	Yes
Fayetteville Police Dept.	32	Yes
<b>Total :12 Departments</b>		

## References

Arkansas Game and Fish Commission Enforcement Division, Field Training Program (2020)

Daily Observation Report Guide.

Arkansas State Police. (2020). Field Training Program, Page 1.

Benton Police Department, Field Training Guide (2020) Field Training Guide Phase 1,2,3.

Camden Police Department, Field Training Officer Manual (2017) Field Training Program

Manual for Field Training Officers and Field Training Staff.

Commission on Law Enforcement Standards and Training, Office of Law Enforcement

Standards, (2020) CLEST Rules. <https://www.dps.arkansas.gov/law-enforcement/clest/standards/clest-rules/>

El Dorado Police Department, Field Training Program Policy and Guide (2020) El Dorado Field

Officer Training Manual.

Elkins Police Department, Field Training Officer Course Summary (2020) FTO Training

Summary.

Little Rock Police Department, Probationary Police Officer Field Training Officer Guide (2020)

Field Training Officer Guide.

Office of Law Enforcement Standards and Training, OLES. (2020)

Pine Bluff Police Department, Recruit Training Manual (2020) Field Training Record and

Forms.

Pulaski County Sheriff's Office, Recruit Field Training Manual (2020) Daily Observation

Reports.

Saline County Sheriff's Office, Field Training Program (2020) Standardized Evaluation

Guidelines and Reports.

Texarkana Police Department, General Orders Manual, (2017) Field Training Program.

## Appendix A

Figure A1: Example Overall Task List

RECRUIT TRAINING MANUAL						
FIELD TRAINING CHECKLIST – WEEK 1						
	Instructed			Performed		
	Date	FTO	Rec	Date	FTO	Rec
<b>I. Appearance and Hygiene</b>						
A. Reporting for Duty Policy 100						
B. Policies 110 and 111						
1. Grooming						
2. Uniform Worn Correctly						
3. Court Attire						
<b>II. Preparation for Muster</b>						
A. Notebook						
B. Zone Boxes						
C. Court Docket						
D. Mailbox						
E. Bulletin Board						
F. Zone Alignment						
G. Car and Radio Numbers						
H. Time Cards						
I. Equipment Check (loaded weapon, forms, maps, ticket books, etc)						
<b>III. Department Vehicle Inspection</b>						
A. Policy 220						
1. Damage						
2. Suspicious Objects						
3. Cleanliness						
4. Check Under Seat for Weapons or Contraband						
5. Check Trunk for Required Equipment						
6. Check Vehicle Gauges						
7. Check Equipment						
a. Emergency Lights						
b. Spot Light						
c. Siren						
d. P. A. System						
e. Brakes						
f. "Downing" Vehicle						
g. Notifying Supervisor						
<b>IV. Use of Radio</b>						
A. Operation of Radio Policy 113						
1. Channel Assignment						
2. Radio Courtesy						
3. Emergency Buttons						
4. Emergency Traffic						
5. Proper Position to Hold Microphone						
6. Responding to Call from MECA						
B. Radio Codes						
1. Call Disposition						
2. Restricted Codes						
C. Phonetic Alphabet						
<b>V. Use of City Map</b>						
A. Map Orientation						
B. Determining Faster Routes						
C. City Streets						
1. Odd/Even Street Numbers						
2. Major Cross Streets						

Recruit\_Training\_Manual Rev June, 2013

Page 4

Source: Pine Bluff Police Department, Recruit Training Manual, June 2013.

Figure A2: Example Daily Observation Report

Revised 1/22/15 EP

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# Saline County Sheriff's Office

## FIELD TRAINING PROGRAM

### DAILY OBSERVATION REPORT

RECRUIT:

FTO:

DATES:

**RATING INSTRUCTIONS:** Rate observed behavior with reference to the scale below. Specific comments are required for all ratings of "2" or less or "6" or above. You may comment on any observed behavior. Use the category to reference your narrative.

**Not acceptable****Minimum acceptable level****Superior**

1  
N.O. = Not observed

2 3

4  
NRT = Not responding to training (requires a narrative)

5 6

7

**APPEARANCE**

1. General Appearance Class A's 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

**ATTITUDE**

2. Acceptance of Feedback: Behavior 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

3. Attitude toward Police Work 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

**KNOWLEDGE**

4. Dept. Policies/Procedures 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

5. Penal Code (Criminal) 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

6. Vehicle Code 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

7. Reflected in Verbal & Written Test 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

8. Reflected in Field-Performance Test 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

**PERFORMANCE**

9. Driving Skill: Normal Conditions 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

10. Driving Skill: Stress 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

11. Use of Locale: Orientation 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

12. Routine Forms: Completeness 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

13. Report Writing: Grammar 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

14. Report Writing: Neatness 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

15. Report Writing: Appropriate Time Used 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

16. Field Performance: Non-Stress 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

17. Field Performance: Stress 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

18. Investigative Skills 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

19. Interview/Interrogation Skills 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

20. Self-Initiated Field Activity 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

21. Deputy Safety: Traffic Stops 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

22. Deputy Safety: Prisoners/Suspects 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

23. Control of Conflicts: Voice Command 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

24. Control of Conflicts: Physical Skills 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

25. Use of Common Sense & Good Judgment 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

26. Radio: Appropriate Use of 10 Code 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

27. Radio: Listen/Comprehend Trans. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐


28. Radio: Articulating Transmissions 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

**RELATIONSHIPS**

29. With Citizens: General 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

30. Other Relationships: Supervisors 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ NO. ☐ N.R.T. ☐

Figure A3: Example Daily Observation Report



**Texarkana Arkansas Police Department**  
Field Training Program  
Daily Observation Report

**PHASE 1      WEEK 1**  
**END OF PHASE** Click or tap here to enter text  
**INTENSIVE REMEDIAL TRAINING** Choose ar

---

RECRUIT OFFICER Click or tap here to enter text.
**FTO Poole**
UNIFORM DIVISION SHIFT **B**
I

*RATING INSTRUCTIONS: Rate observed behavior on the scale below using the numerical value definitions contained in the standardized evaluation guidelines. You MUST comment on the most and least acceptable performance of the day. Although specific comments are required for all ratings of "1" "2" "4" or "5" and above, and "NRT", you are encouraged to comment on any behavior you wish. Use category numbers reference your narrative comments. Check "NO" box if a category is not observed. Check "NRT" box if the recruit fails to respond to training*

<u><b>ASSIGNMENT OR REASON FOR NO EVALUATION:</b></u>	Unacceptable	Needs Improvement	Acceptable	Above Average	Superior	NO	NRT	
	1	2	3	4	5			RECRUIT REVIEW
<b><u>PERFORMANCE TASKS</u></b>								
1 DRIVING SKILLS—NORMAL CONDITIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2 DRIVING SKILLS—STRESS CONDITIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3 ORIENTATION / RESPONSE TIME TO CALLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4 FIELD PERFORMANCE—STRESS CONDITIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5 SELF-INITIATED FIELD ACTIVITY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6 OFFICER SAFETY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7 CONTROL OF CONFLICT—VERBAL SKILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8 CONTROL OF CONFLICT—PHYSICAL SKILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9 RADIO / COMPREHENSION AND USAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10 ROUTINE FORMS—ACCURACY / COMPLETENESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11 REPORT WRITING / ORGANIZATION AND DETAIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12 REPORT WRITING / APPROPRIATE TIME USED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13 FIELD PERFORMANCE / NON-STRESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14 INVESTIGATIVE SKILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15 INTERVIEW / INTERROGATION SKILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16 PROBLEM SOLVING / DECISION MAKING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b><u>KNOWLEDGE</u></b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17 DEPARTMENTAL POLICIES / PROCEDURES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18 PENAL CODE, CODE OF CRIMINAL PROCEDURES, CITY ORDINANCES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19 VEHICLE CODE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b><u>ATTITUDE</u></b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20 ACCEPTANCE OF FEEDBACK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21 ATTITUDE TOWARD POLICE WORK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22 RELATIONSHIP WITH PUBLIC IN GENERAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
23 RELATIONSHIP WITH ETHNIC GROUPS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
24 RELATIONSHIP WITH OTHER OFFICERS / SUPERVISORS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Source: Texarkana Arkansas Police Department Field Training Program, Daily Observation Report. 2017.

**APPENDIX 4:**  
**CLEST Rule 1014**

#### **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.

**APPENDIX 5:**  
**CLEST Rule 1009**

## **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.

**APPENDIX 6:**

**Governor Hutchinson Address:**

**“Making a Difference with Crisis Intervention and Stabilization Units”**

**FOR IMMEDIATE RELEASE:**

October 23, 2020

**Governor Hutchinson's Weekly Address**  
**Making a Difference with Crisis Intervention  
And Stabilization Units**

*Governor Hutchinson's weekly radio address can be found in MP3 format and downloaded [HERE](#).*

**LITTLE ROCK** – Recent events around the nation have led to discussions about law-enforcement practices. Today I'd like to talk about the progress Arkansas has made with crisis intervention training for police officers and the Crisis Stabilization Units that offer an alternative to jail for people who are suffering a mental-health crisis.

Our innovative approach was driven by a 21-percent increase in the number of inmates over a three-year period from 2012 to 2015. By 2017, the Arkansas Department of Corrections was at capacity, and hundreds of more inmates were in county jails awaiting transfer to the prison system.

In 2017, the Arkansas Legislature passed Act 423, which called for Crisis Intervention Training for law-enforcement officers and created a pilot program of four Crisis Stabilization Units. Arkansas is the only state to create this kind of partnership of state government, counties, and law enforcement agencies.

The Crisis Intervention Training equipped officers to deescalate violent situations and to recognize the difference between someone whose behavior was criminal and those who were suffering a mental-health crisis. For those suffering a mental-health incident, the stabilization units offered treatment and a bed in a health clinic instead of a night in jail.

Since the first stabilization unit opened on March 1, 2018, the four units have treated nearly 5,000 people in mental-health crisis; nearly 1,500 were diverted by police. Over 500 police officers have received intervention training. At the Arkansas Law Enforcement Training Academy, more than 500 new recruits have received the 16 hours of training. Nearly 2,300 veteran officers have received online intervention training.

But the numbers don't reflect the real-life impact of this initiative. I have heard many stories about the people who have benefited from this forward-thinking approach, including this incident in Fort Smith, which illustrates the value of cooperation among teams as well as the stabilization units. Two crisis intervention officers were summoned to a hospital where police were observing a woman curled into the fetal position with her hair pulled over her eyes. She had no identification and couldn't speak to the officers. Animal control officers were caring for her dog, which was with her when police found her. At the suggestion of a crisis intervention officer, the officers caring for her dog found the dog had a chip and learned the woman's name. When the officer at the hospital called her by name, the woman began to answer then the officer sat with the woman and spoke her name. The lady officer immediately began looking at her and

she explained that the officers were there to help. The woman slowly began speaking and answering questions. Officers took her to the crisis stabilization unit, where the staff treated her, and she later thanked officers for their help.

The President of the United States has asked the U.S. Attorney General to study successful programs such as ours, and our report is on its way to the Administration.

We have neglected the mental-health challenges in our nation for far too long. The Crisis Stabilization Units provide help to those who suffer from mental illness, and the training reduces risk of injury to our officers and the people they encounter.

**CONTACT:** Press Shop ([press@governor.arkansas.gov](mailto:press@governor.arkansas.gov))

###



Governor's Office | State Capitol | 500 Woodlane Street, Suite 250 | Little Rock, Arkansas 72201

**APPENDIX 7:**  
**ALETA Racial Profiling Training Lesson Plan**

# **RACIAL PROFILING**

2 HOURS

Scott Williams, Training Instructor  
Revised: January 29, 2019

**REFERENCES:**

Act 1207 of 2003  
Act 2136 of 2005  
Act 1048 of 2007  
Arkansas Statutes 12-12-1401 through 12-12-1404  
Act 1458 of 2009

*A Resource Guide on Racial Profiling Data Collection Systems*, U.S. Department of Justice. 9-2002

*Critical Issues in Racially Biased Policing*, Police Executive Research Forum, Washington, D.C. 2-2003

**TRAINING AIDS:**

Power Point Presentation

"Racially Biased Policing"- DVD

**COORDINATION/PERSONNEL:****PREPARED BY:**

Dennis Jones, Training Instructor

**REVISED BY:**

Mark Williams, Training Instructor, 2013  
Trae Adkins, Training Instructor, 2016  
Scott Williams, Training Instructor, 2019

**Course Name:** Racial Profiling

**Terminal Objective:** To give the officer an overview of the concept of Racial Profiling and to give the officers guidelines to prevent the act of Racial Profiling.

**Enabling OBJECTIVES:** Following this block of instruction, the student will be able to:

1. define Racial Profiling, including statutes and acts.
2. differentiate between low and high discretion stops.
3. cite the covered statistics on Racial Profiling.

**TIME ALLOTTED:** 2 Hours

**INSTRUCTIONAL METHOD:** Lecture

**TARGET GROUP:** Basic

**STUDY ASSIGNMENTS:** None



## I. INTRODUCTION

During this block of instruction we are going to examine a very controversial subject. We are going to look at the practice of "Racial Profiling." We will define this term, examine recent legislation, and discuss ways to prevent "Racial Profiling" from occurring.

## II. BODY

### A. THE BASIC CONCEPT OF PROFILING

Slide#2

1. The principle of profiling is a viable and practical law enforcement activity.
2. As an officer you will be taught what the profile of an individual criminal activity would be.  
*( Ask the students to list some of these criminal activities that we have profiles for.)* DWI, Burglary, Batterer and others would be the more common.
3. The problem in profiling occurs when we add the issue of racial or ethnic background.

### B. PERCEPTIONS OF RACIAL PROFILING.

Slide#10-12

1. One of the greatest problems associated with racial profiling is the perceptions of the individuals involved in the process.
2. When an officer is asked what racial profiling is they will almost always respond with issues about vehicle stops.
3. When you ask a member of the minority community what racial profiling is they will refer to traffic stops but will also refer to many other law enforcement activities.
4. Because there is a difference in perception the issue of racial profiling becomes even more complex.
5. For our training purposes we will focus on law enforcement actions on levels that go beyond just a traffic stop.

### C. RACIAL PROFILING DEFINITION

Slide#4-5,#15-16

1. Racial profiling is defined in Act 1207 of 2003 and 2136 of 2005 (AR Statute 12-12-1401).
2. Racial profiling means the practice of a law enforcement officer relying, **to any degree**, on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities, or in deciding

upon the scope and substance of law enforcement activity following the initial routine investigatory activity.

3. No member of the Arkansas State Police, Arkansas Highway Police, a Sheriff's dept., a municipal police dept., constable, or any other law enforcement officer of this state shall engage in racial profiling.
4. Racial profiling is taking further action after a stop or contact based on racial or ethnic background.
5. Racial profiling does not include the use of a personal or vehicle description in the attempt to locate a particular suspect or suspects.

**D. Act 1207 of 2003 (AR Statute 12-12-1403)**

**Slide#6-8,#17-18**

1. Requires that each law enforcement agency in Arkansas develop a Racial Profiling Policy by January 1, 2004 that:
  - a. Prohibits Racial Profiling
  - b. Requires that law enforcement officers have reasonable suspicion prior to a stop, arrest, or detention.
  - c. Defines reasonable suspicion, to insure that individuals are stopped for valid reasons, and that race, ethnicity, national origin, or religion are not a basis for stops for violations for which other non-group-members would not be stopped
  - d. Requires law enforcement officers to identify themselves by full name and jurisdiction, and state the reason for the stop, and when possible, present written identification.
  - e. Provides for a systematic review process by supervising personnel within a department or law enforcement agency for investigating allegations of racial profiling to determine whether any officers of the law enforcement agency have a pattern of stopping or searching persons.
  - f. If the review reveals a pattern, requires an investigation to determine whether a trend is present indicating that an officer may be using race, ethnicity, national origin, or religion as a basis for investigating other violations of criminal law.
  - g. Provides, where a supervisor or other reviewer has detected a pattern of racial profiling, timely assistance, remediation, or discipline for individual law enforcement officers who have been found to be profiling by race, ethnicity, national origin or religion.

- h. Ensures that supervisors will not retaliate against officers who report racial profiling by others.
- i. Provides standards for the use of in-car audio and visual equipment, including the duration for which the recordings are preserved.
  - (1) Each law enforcement agency will provide annual training to all officers that:
    - (a) Emphasizes the prohibition against racial profiling
    - (b) Ensures that operating procedures adequately implement the prohibition against racial profiling and that the agency's law enforcement personnel have copies of, understand, and follow the operating procedures.
    - (c) Includes foreign language instruction, if possible, to ensure adequate communication with the residents of a community.
    - (d) Includes guidelines that stress understanding and respect for racial, ethnic, national, religious, and cultural differences, and development of effective and appropriate methods of carrying out the law enforcement duties.

**E. Act 2136 of 2005 and Act 1048 of 2007 amends 1207 of 2003 as follows (AR Statute 12-12-1404) Slide #9,#10**

1. Each law enforcement agency shall include a copy of its policy in the annual report submitted to the Division of Legislative Audit.
2. The Division of Legislative Audit shall submit to the Attorney General the names of any law enforcement agency that fails to comply with (1) and the Attorney General shall take such action as may be necessary to enforce this section.
3. The Division of Legislative Audit shall forward to the Attorney General a copy of each policy received by the division. The Attorney General shall review each policy to insure that the policy meets the standards required by law.
4. Each law enforcement agency may promote public awareness of the law enforcement agency's efforts to comply with the mandates of this section.

5. Each law enforcement agency shall make available for public inspection a copy of the law enforcement agency's policy.

**F. Arkansas Commission on Law Enforcement Standards and Training**

1. Adopt a training module an initial training module concerning diversity and racial sensitivity and a training module for biannual re-certification for all recruits and officers who have completed the initial training. Slide#20
2. All officers currently employed are required to complete the initial training by June 30, 2006.
3. By 1-1-06 shall promulgate rules that will set significant standards for all training required. Slide#21
4. Is authorized to make additions, amendments, changes, or alterations to the rules in accordance with the Arkansas Administrative Procedure Act, 25-15-201.
5. May review and recommend changes to the racial profiling policy of any law enforcement agency. Slide#22
6. Upon request the racial profiling policy of any agency will be made available to the commission for review and recommended changes.
7. Act 768 of 2009 established the Racial Profiling Hotline.

**G. Task Force on Racial Profiling Slide#23-29**

1. The governor shall appoint a 13-member task force on Racial Profiling.
2. The Governor shall appoint (4) active or retired law enforcement officers or prosecuting attorneys, (3) members associate4d with civil rights or community organizations, (2) lawyers practicing substantially in the field of criminal defense, and (4) citizen representatives.
  - a. The task force shall:
    - (1) Monitor the implementation and compliance of the racial profiling legislation among law enforcement agencies.
    - (2) Serve in an advisory capacity to the Director of the Department of Arkansas State Police and the State Board of Education regarding the public education and awareness campaigns on racial profiling.
    - (3) Study the effectiveness and feasibility of a racial profiling data collection requirement in the State of Arkansas.

- (4) Work with law enforcement agencies and civil rights advocates to determine an effective and appropriate penalty for violating the prohibition on racial profiling.
- (5) Compile an annual report of all complaints and investigations regarding racial profiling including the task force's findings and recommendations and provide the report to the Governor, Legislative Council, and Arkansas Legislative Black Caucus of the General Assembly.
- (6) Report its findings and recommendations to the Governor and Legislative Council before 12-31-2011.
- (7) Facilitate an annual symposium on racial profiling for the Governor's Office, Arkansas Legislative Black Caucus of the General Assembly, Department of Arkansas State Police and other interested persons to:
  - (a) Serve as a forum for dialogue to promote awareness and understanding of racial profiling between the public, law enforcement agencies, and other government agencies.
  - (b) Disseminate information and materials about the best practices toward combating misinformation and prejudice.
  - (c) Provide assistance to community leaders and law enforcement agencies in the fight against racial profiling.
  - (d) Advocate and promote a state policy agenda that establishes the best practices for addressing racial profiling.
  - (e) The commission (did) expire on 12-31-06 but was reinstated by Act 1458 of 2009.

## **H. THE REASON FOR THIS LEGISLATION**

**Slide#13-14**

- 1. Nationally, a problem has been identified in regard to racial profiling.
- 2. Several states and local law enforcement agencies have been successfully sued for racial profiling.

3. Racial Profiling is creating an atmosphere of distrust between law enforcement and minorities.
4. Several states have already passed legislation that clearly defines and prohibits racial profiling.

## **I. THE CONCEPT OF MINORITIES AS PRIMARY VIOLATORS Slide#30-34**

1. While most officers are offended by the statement that law enforcement targets minorities as offenders, the facts bear out that it is a practice that is not being done by a few "bad apples" but, rather, a standard practice.
2. Several studies of offender racial breakdown have been made. I will use the results of studies that are cited in publications about racial profiling.
  - a. The most cited study was conducted by Dr. John Lamberth of Temple University. His study concluded that 28.4% of blacks that were stopped and searched were found with contraband and 28.8% of whites that were stopped and searched had contraband.
  - b. The 1999 New Jersey Attorney General's study found that 10.5% of whites and 13.5% of blacks that were searched had contraband.
  - c. The 1999 New York Attorney General's report found that 12.6% of whites, 10.5% of blacks and 11.3% of Hispanics had contraband when searched.

While there are different percentages reflected in each study, there is no significant difference between blacks and whites being found with contraband.

## **J. BASIS FOR VIOLATOR CONTACTS Slide#35-40**

1. The most common way of officers making citizen contacts is traffic stops.
2. Contacts can be broken down into two types. This breakdown is based on officer discretion.
3. Discretion defined:
  - a. For classroom purposes, we will define discretion as "the ability of an officer to make decisions about the actions that they will take." The exercise of discretion gives an officer a great deal of power over the individual that they are dealing with. As with any type of power, discretion is subject to abuse and must be closely monitored.
4. Types of Discretion:

- a. Low discretion – These stops are the ones that are based on externally generated reports of a crime or suspicious activity. It could also be a visible violation of law that occurs in the presence of the officer.
- b. Examples of low discretion:
  - (1) DWI
  - (2) Excessive speed – 20 miles plus over the speed limit.
  - (3) A report of a crime coupled with a suspect or vehicle description.
  - (4) While these are a few examples and they don't include every situation, they are examples that should help you understand.

The New York Attorney General's Study found that only 30% of officer stops were based on descriptions.

- c. High discretion – This stop involves the officer making stops without external descriptions. It normally involves minor violations of the law
- d. Examples of high discretion actions:
  - (1) Under-inflated tires
  - (2) Failure to signal
  - (3) Drove left of center or off road
  - (4) Obscured license plate
  - (5) License plate light out
  - (6) Wrong person in a neighborhood.
  - (7) Wrong car for that person.

These are a few examples but it should give you an idea of what constitutes high discretion stops.

## **K. STUDIES OF RACIAL PROFILING**

**Slide#41-42**

- 1. Many studies have been done to validate the public's accusations of racial profiling.

2. We will examine the study conducted by Dr. John Lamberth of Temple University.
3. Lamberth conducted his study by:
  - a. Collecting data on arrests made on a section of the New Jersey Turnpike for a three year period.
  - b. Collecting driving population data by placing observers on this section of the turnpike and having them count and record drivers by race.
  - b. Collecting violation data by having the observers set their cruise control at 5 M.P.H. over the posted speed and record the drivers that passed them by race. Other violations were also recorded by race.
4. Conclusions drawn by Lamberth:
  - a. 13.5% of the driving population was black.
  - b. 73.2% of those stopped and arrested were black.
  - c. There was no difference in visible traffic violations by race.
  - d. The foundations conclusion was that blacks were being stopped significantly more than whites.

Many other studies have been done but Lamberth's was the most comprehensive and closely followed the principles of scientific sampling.

**L. THE INTENT OF NATIONWIDE STUDIES AND LEGISLATION      Slide#43**

1. There is not any intent to prevent officers from making "probable cause" stops.
2. The intent is for an even-handed impartial application of criminal procedure

**M. AGENCY STEPS TO TAKE TO AVOID RACIAL PROFILING      Slide#44**

1. If complaints are made, act on them.
2. Collect data on vehicle stops.
3. First-line supervisors must be aware of what the street officers are doing.



4. Attempt to hire and retain only the best officers.

**N. OFFICER STEPS TO TAKE TO AVOID RACIAL PROFILING Slide#47-48**

1. Be sure that each stop has a basis for the stop that is legal, clear and explainable.
2. Don't conduct any search unless real probable cause for a search exists.
3. Identify yourself and give the reason for the stop.
4. If you stop based on a description and you are obviously dealing with someone who is not the suspect explain the reason for the stop and apologize for the inconvenience.

**O. DATA COLLECTION Slide#45-46**

1. The wording of Act 2136 of 2005 clearly indicates that there will be some form of data collection implemented by the task force.
2. Try to find the easiest and shortest method to collect the needed data.
3. Never try to short cut the data collection. Bad data can harm you and your agency.
4. Do not use the requirement of data collection as an excuse for not doing your job.
5. Make use of the data. Properly handled data can show how effective our actions are and give a clear presentation of officer and agency performance.

**III. CONCLUSION**

During this block of instruction, we have examined the current data available on Racial Profiling and looked at the actions required by Act 1207 of 2003 and subsequent legislation.

If we apply this data to our current enforcement practices, we can see what changes need to be made and how these changes can enhance our ability to effectively do our job.

**APPENDIX 8:**  
**Arkansas State Police (ASP) Basic Rights Guide**

## ❖ ARKANSAS STATE POLICE ❖

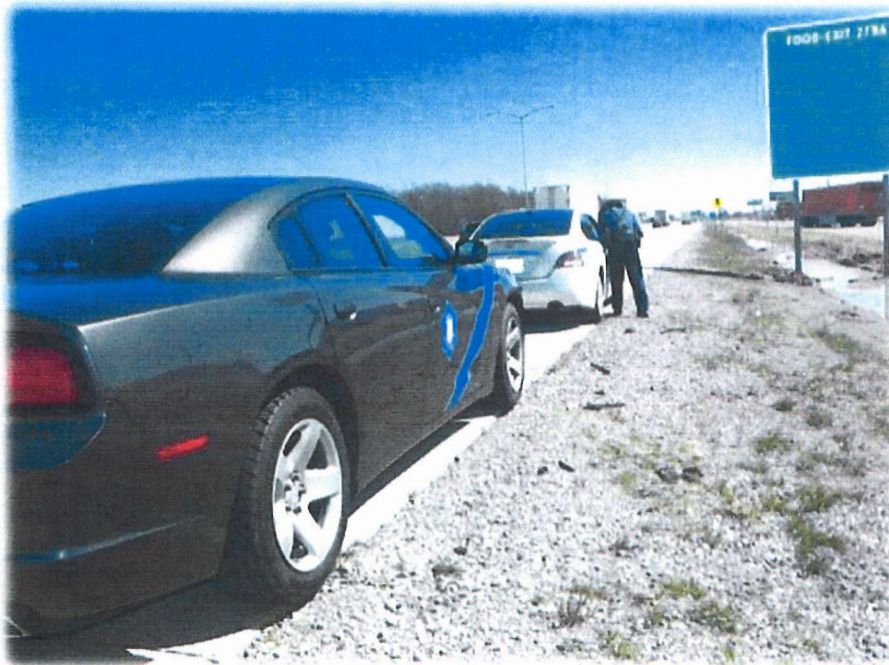
### WHAT TO DO WHEN YOU ARE STOPPED BY A LAW ENFORCEMENT OFFICER

The steps outlined below provide drivers with basic information of what to do when stopped by a law enforcement officer or when passing a law enforcement officer stopped alongside a roadway to ensure the officer's safety, the safety of the driver and any passengers.

1. Pull over to the right side of the road – activate your turn signal or emergency flashers to indicate to the officer that you are seeking a safe place to stop.
2. If you are unsure if you are being stopped by an actual police officer, activate your turn signal or emergency flashers and pull to the nearest well-lit location, or dial 9-1-1 and request confirmation that an actual police officer is attempting to stop you.
3. Pull to the nearest/safest spot out of the traffic lane (Do not stop on bridges or overpasses).
4. Remain in the vehicle unless instructed by the officer to exit.
5. Ensure that both hands are visible to the officer as he or she approaches (ex: placing your hands on the top of the steering wheel) and at all times during the stop.
6. Do not make any sudden movements while looking for your documents or throughout the stop.
7. If you are stopped at night, turn on the interior lights of the vehicle if possible so that the officer can see you more clearly.
8. Turn off the radio, put down any mobile devices, and give the officer your full attention during the stop.
9. The officer should introduce himself or herself by name, the agency he or she represents, and tell you the reason for the stop (A.C.A. § 12-12-1403).
10. In accordance with Arkansas laws (A.C.A. §§ 27-22-104, 27-16-601, and 27-14-714), you are required to provide the officer with your driver's license, proof of insurance and vehicle registration when requested.
11. Inform the officer where the documents are located and ask before reaching to retrieve them.
12. Be sure to inform the officer if there is a weapon in the vehicle, the type of weapon and the location. **You should not reach for the weapon.** Follow the instructions of the officer concerning any weapon inside the vehicle.
13. If you have a concealed carry permit, present it to the officer with your driver's license.
14. The officer may approach the driver's side or the passenger side of the vehicle. Do not be alarmed. The officer will approach in the safest manner possible.
15. Be courteous to the officer, even if you disagree with his or her actions.

16. If you wish to contest a citation, you should contact the court listed on the citation. Do not attempt to argue with the officer on the side of the road.
17. You may be required to sign a citation. Signing a citation is not an admission of guilt. It is just a promise to appear in court at the designated time or to pay the fine before the court date. Failure to sign a citation, if required, may force the officer to conduct a physical arrest and require that you post a bond prior to release. This may also result in the impoundment of your vehicle.
18. If you observe a traffic stop that does not involve you, do not approach the officer.
19. If you are passing an officer or other authorized vehicle stopped on the side of the road, Arkansas Law (A.C.A. § 27-51-310) requires that you move to the farthest lane or position away from the authorized vehicle as you pass. If it is unsafe or not possible to change lanes, then the law requires you to reduce your speed as you pass. In all cases the driver shall exercise due caution.

Following these tips doesn't mean that you won't get a citation, but it does mean that you are doing what you can to ensure the safety of the general public and the law enforcement officers that you may encounter.



**APPENDIX 9:**

**President Trump Executive Order:  
“Safe Policing for Safe Communities”**



## EXECUTIVE ORDERS

# Executive Order on Safe Policing for Safe Communities

## — LAW &amp; JUSTICE

Issued on: June 16, 2020



By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. As Americans, we believe that all persons are created equal and endowed with the inalienable rights to life and liberty. A fundamental purpose of government is to secure these inalienable rights. Federal, State, local, tribal, and territorial law enforcement officers place their lives at risk every day to ensure that these rights are preserved.

Law enforcement officers provide the essential protection that all Americans require to raise their families and lead productive lives. The relationship between our fellow citizens and law enforcement officers is an important element in their ability to provide that protection. By working directly with their communities, law enforcement officers can help foster a safe environment where we all can prosper.

Unfortunately, there have been instances in which some officers have misused their authority, challenging the trust of the American people, with tragic consequences for individual victims, their communities, and our Nation. All Americans are entitled to live with the confidence that the law enforcement officers and agencies in their communities will live up to our Nation's founding ideals and will protect the rights of all persons. Particularly in African-American communities, we must redouble our efforts as a Nation to swiftly address instances of misconduct.

The Constitution declares in its preamble that one of its primary purposes was to establish Justice. Generations of Americans have marched, fought, bled, and died to safeguard the promise of our founding document and protect our shared inalienable rights. Federal, State, local, tribal, and territorial leaders must act in furtherance of that legacy.

Sec. 2. Certification and Credentialing. (a) State and local law enforcement agencies must constantly assess and improve their practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services to their communities. Independent credentialing bodies can accelerate these assessments, enhance citizen confidence in law enforcement practices, and allow for the identification and correction of internal deficiencies before those deficiencies result in injury to the public or to law enforcement officers.

(b) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those State and local law enforcement agencies that have sought or are in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.

(c) The Attorney General shall certify independent credentialing bodies that meet standards to be set by the Attorney General. Reputable, independent credentialing bodies, eligible for certification by the Attorney General, should address certain topics in their reviews, such as policies and training regarding use-of-force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement. The Attorney General's standards for certification shall require independent credentialing bodies to, at a minimum, confirm that:

(i) the State or local law enforcement agency's use-of-force policies adhere to all applicable Federal, State, and local laws; and

(ii) the State or local law enforcement agency's use-of-force policies prohibit the use of chokeholds — a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation — except in those situations where the use of deadly force is allowed by law.

(d) The Attorney General shall engage with existing and prospective independent credentialing bodies to encourage them to offer a cost-effective, targeted credentialing process regarding



appropriate use-of-force policies that law enforcement agencies of all sizes in urban and rural jurisdictions may access.

Sec. 3. Information Sharing. (a) The Attorney General shall create a database to coordinate the sharing of information between and among Federal, State, local, tribal, and territorial law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.

(b) The database described in subsection (a) of this section shall include a mechanism to track, as permissible, terminations or de-certifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. The database described in subsection (a) of this section shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The Attorney General shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.

(c) The Attorney General shall regularly and periodically make available to the public aggregated and anonymized data from the database described in subsection (a) of this section, as consistent with applicable law.

(d) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those law enforcement agencies that submit the information described in subsection (b) of this section.

Sec. 4. Mental Health, Homelessness, and Addiction. (a) Since the mid-twentieth century, America has witnessed a reduction in targeted mental health treatment. Ineffective policies have left more individuals with mental health needs on our Nation's streets, which has expanded the responsibilities of law enforcement officers. As a society, we must take steps to safely and humanely care for those who suffer from mental illness and substance abuse in a manner that addresses such individuals' needs and the needs of their communities. It is the policy of the United States to promote the use of appropriate social services as the primary response to individuals who suffer from impaired mental health, homelessness, and addiction, recognizing that, because law enforcement officers often encounter such individuals suffering from these conditions in the course of their duties, all officers should be properly trained for such encounters.



(b) The Attorney General shall, in consultation with the Secretary of Health and Human Services as appropriate, identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to increase the capacity of social workers working directly with law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together. The Attorney General and the Secretary of Health and Human Services shall prioritize resources, as appropriate and consistent with applicable law, to support such opportunities.

(c) The Secretary of Health and Human Services shall survey community-support models addressing mental health, homelessness, and addiction. Within 90 days of the date of this order, the Secretary of Health and Human Services shall summarize the results of this survey in a report to the President, through the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, which shall include specific recommendations regarding how appropriated funds can be reallocated to support widespread adoption of successful models and recommendations for additional funding, if needed.

(d) The Secretary of Health and Human Services shall, in coordination with the Attorney General and the Director of the Office of Management and Budget, prioritize resources, as appropriate and consistent with applicable law, to implement community-support models as recommended in the report described in subsection (c) of this section.

Sec. 5. Legislation and Grant Programs. (a) The Attorney General, in consultation with the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, shall develop and propose new legislation to the Congress that could be enacted to enhance the tools and resources available to improve law enforcement practices and build community engagement.

(b) The legislation described in subsection (a) of this section shall include recommendations to enhance current grant programs to improve law enforcement practices and build community engagement, including through:

(i) assisting State and local law enforcement agencies with implementing the credentialing process described in section 2 of this order, the reporting described in section 3 of this order, and

the co responder and community-support models described in section 4 of this order;

(ii) training and technical assistance required to adopt and implement improved use-of-force policies and procedures, including scenario-driven de-escalation techniques;

(iii) retention of high-performing law enforcement officers and recruitment of law enforcement officers who are likely to be high-performing;

(iv) confidential access to mental health services for law enforcement officers; and

(v) programs aimed at developing or improving relationships between law enforcement and the communities they serve, including through community outreach and listening sessions, and supporting non profit organizations that focus on improving stressed relationships between law enforcement officers and the communities they serve.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

June 16, 2020.

**APPENDIX 10:**  
**CLEST Overview**

## **COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING**

### **HISTORY**

The Arkansas Law Enforcement Training Academy (ALETa) was established by Act 526 of 1963. No funds were appropriated for the operation of the Academy at that time. For the next two years, concerned and interested law enforcement administrators worked diligently to establish an Academy that would provide training to law enforcement officers in the state. Act 514 of 1965 provided the necessary appropriations for the operations of the Academy. The same year, Act 172 amended placed ALETa under the supervision and direction of a board composed of three members appointed by the Governor. The first Academy course was a supervisory training course conducted in October 1965. For several months, academy operations were conducted in various locations around the state. The first temporary facility was obtained through a contract with the Parks and Publicity department to use Hardison Hall on Petit Jean Mountain. It soon became apparent that the Academy needed a full-time facility in order to fulfill its training obligations. 13.6 acres in East Camden, AR, previously owned by the United States government, was donated to ALETa in the late 1960's. The original structure was formerly used as Bachelor Officer Quarters at the Naval Depot. The structure was modified and converted to provide food, lodging, and training to law enforcement officers of the state. In 1971, the International Paper Company donated 56.9 acres to ALETa, and then in 1986, Highland Resources Inc. donated 2.21 acres to ALETa. ALETa Class 68-A was the first basic course conducted at the new Camden facility. Thirty-four officers graduated from the three week basic course.

The Executive Commission on Law Enforcement Standards was created by Act 452 of 1975. The Act granted the Executive Commission the power to establish reasonable minimum standards for selection and training of law enforcement officers in Arkansas, to certify officers as being qualified by training and education, to examine and evaluate instructors and courses of instruction, and certify extent of qualification. The Commission was composed of five members, appointed by the Governor, to serve five-year terms. Act 452 required the Commission to meet at least four times per year, adopt rules and regulations to govern its operations, select one of its members as a chairman, and granted the Commission authority to enter into contracts or do such things as may be necessary and incidental to the administration of the Act.

The first published minimum standards took effect in January, 1978. Officers employed before January 1, 1978 were granted "grandfather" status and were not required to attend the basic academy or meet other minimum standards as long as they maintained employment with the same agency they were employed by before the passing of the Act.

Act 642 of 1979 granted the Commission authority to permit extensions of time to complete training beyond the one year requirement.

Act 45 of 1981 abolished the Department of Public Safety and transferred the Arkansas Law Enforcement Training Academy (ALETa) and the Executive Commission on Law Enforcement Standards to the newly created "Arkansas Commission on Law Enforcement Standards and Training." The Act increased the number of commission members from five to seven.

Acts 131 and 135 of 1983 added an additional member to the Commission, specifically a citizen over the age of sixty to represent the “older population.” The same year, Act 905 was passed prohibiting persons convicted of a felony from serving as a law enforcement officer in the state.

Act 109 of 1993 added an additional member to the Commission, specifically, the President of the Arkansas Municipal Police Association, resulting in a nine member Commission.

Act 205 of 2009 added an additional member to the Commission, specifically, an officer of the Arkansas State Police, resulting in the ten member Commission as it presently exists.

The Northwest Arkansas Law Enforcement Training Academy (NW ALETA) was established in 1997. In 2001, NW ALETA moved to a state-owned, 72-acre, property in the Elm Springs/Springdale area. The property houses a 12,000 square foot training building with main offices, classrooms, and gymnasium as well as two simulation houses for practical training and a firing range.

The Black River Technical College Law Enforcement Training Academy (BRTC-LETA) was founded in 1999. BRTC-LETA conducts CLEST-approved basic law enforcement training courses. BRTC-LETA is located in Pocahontas, Arkansas.

The Central Arkansas Law Enforcement Training Academy (Central ALETA or CALETA) was established in 2017. Through a partnership with Camp Robinson, Central ALETA began its inaugural basic academy class in February, 2017. Central ALETA was created as a resource for law enforcement agencies in Central Arkansas.

Following the original publication of minimum standards in 1978, the Commission made revisions to its rules in 1984, 1990, 1994, and 1999.

Act 1207 of 2003 required law enforcement agencies to implement mandatory, annual, racial profiling training. Act 2136 of 2005 required the Commission to adopt a training module for racial profiling training and to promulgate rules related to racial profiling training. The Act also gave the Commission authority to review and make recommendations on changes to agency policies related to racial profiling.

Following the 2013 legislative session, the Commission conducted an extensive review of its rules, resulting in several significant changes to minimum standards, including:

- A new minimum standard for handgun qualification;
- Reduction in time to complete basic training, from twelve months (with an additional eight month extension) to nine months (with a maximum three month extension);
- Requiring officers to complete a firearms qualification course prior to being armed;
- Creation of sixteen hours of required continuing education training annually; and
- Requiring officers to review all department policy prior to being armed.

Following the 2015 legislative session, the Commission, again, conducted an extensive review of its rules, resulting in a significant reduction in the bureaucratic processes found in Commission rules. Changes included:

- Eliminating the radar refresher course;
- Making radar and instructor certificates non-expiring, unless the officer has been out of law enforcement for more than three years;
- Creation of the marijuana leaf field technician certification, reducing the demand for testimony from Arkansas State Crime Lab technicians in misdemeanor marijuana cases;
- Clarified the requirements for participation in the Veterans to Law Enforcement Program;
- Allowed for the acceptance of home school high school diplomas under certain conditions;
- Creation of the Chief of Police certification; and
- Increase in minimum basic training hours from 480 to 520.

Act 497 of 2017 implemented new changes related to the operations of the Commission, including:

- Granting the agency Director authority to suspend a law enforcement officer's ability to act as a law enforcement officer pending review by the Commission;
- Granting the Commission the authority to assess administrative penalties against law enforcement agencies for non-compliance with CLEST rules;
- Updates related to the ability to employ auxiliary law enforcement officers; and
- Granting the Commission authority to subpoena witnesses to testify at an administrative hearing.

The same year, Act 378 required new or inactive law enforcement agencies to appear before the Commission to request permission to establish or reactivate a law enforcement agency. Act 423 required all basic law enforcement students to complete sixteen hours of Crisis Intervention Team training while in the basic academy. Act 423 also required municipal agencies employing more than ten officers and all sheriffs' departments to employ at least one officer that has completed forty hours of Crisis Intervention Team training.

Following the 2017 legislative session, the Commission conducted a thorough review of its rules and made several changes, including:

- Creating detailed processes for the suspension of law enforcement officers by the Director and for administering penalties for non-compliance with CLEST rules.
- Creation of one clear and comprehensive decertification rule outlining requirements and processes for officer decertification under the Administrative Procedures Act;
- Requiring law enforcement officers to obtain the appropriate certificate for their classification within ninety days of completing their probationary period; and
- Restricting law enforcement officers to one designation within an employing agency.

In 2018, the Commission made huge advancements in its management of records and delivery of training through its RMS and LMS system. Through its RMS and LMS system, the Commission was able to create and publish over one hundred hours of online training curriculum. Officers are

now granted instant access to their training and certification information through the RMS and can access over one hundred hours of online training, free of charge, through the LMS.

Act 151 of 2019 implemented several new changes for CLEST and law enforcement, including:

- Elimination of “Part-Time I” and “Part-Time II” law enforcement officer positions;
- Changes in the definitions for “Full-Time” law enforcement officer and “Part-Time” law enforcement officer;
- Requiring the Commission to issue radar certificates to officers that meet the requirements for obtaining a radar certificate prior to operating a radar device; and
- Granting the Commission the statutory authority to have a criminal file “unsealed” in order to determine eligibility for certification.

Act 910 of 2019 separated the Commission on Law Enforcement Standards and Training from the staff that is employed to support the Commission. Following Act 910, the staff is now employed by the Division on Law Enforcement Standards and Training, a state Division of the Arkansas Department of Public Safety designed to support the daily operations of the Commission.

Act 920 of 2019 required all law enforcement officers in the State of Arkansas to complete training related to the investigation of unidentified and missing persons. Following the passing of the Act, the Commission developed and published an online course, free of charge, on its LMS system.

Act 629 of 2019 allowed for the appointment of an officer as an “institutional law enforcement officer” at a public elementary or secondary school.

Following the 2019 legislative session, the Commission implemented the following changes to its rules:

- Increased officer training requirements from sixteen hours annually to twenty-four hours annually;
- Consolidated CLEST Regulations and Specifications into one set of CLEST “Rules” in compliance with Act 315 of 2019;
- Incorporated changes associated with Act 910 of 2019;
- Eliminated the forty hour “refresher” course and established the one hundred and ten hour Part-Time curriculum as the required curriculum for all officers that have been out of law enforcement for more than three years or that are transferring from another state or federal agency; and
- Clarified the duties of a specialized law enforcement officer.

**APPENDIX 11:**  
**CLEST Decertification Overview:**  
**Administrative Procedures Act, Arkansas Statutes, and Rules**



**COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING**  
**DECERTIFICATION**

**PROCEDURES**

Requests for decertification are received through a webform on the Division's Records Management System Portal. Requests are processed by administrative staff and forwarded to the Division's Attorney and Deputy Director of Standards for review.

Requests that do not meet the threshold for decertification, as determined by applicable state law and Commission Rules, are returned to the law enforcement agency by letter with a detailed explanation of the threshold required for decertification. Requests that do meet the threshold are forwarded to the Commission by memo for consideration at the next regularly scheduled Commission meeting. The memo to the Commission provides sufficient documentation to support the request and a brief synopsis of the facts justifying the request.

At the Commission's next regularly scheduled meeting, the Commission reviews each memo packet and votes on whether to proceed to a hearing or dismiss the request. If the Commission votes to not proceed with the request, the vote is noted in the officer's file, the law enforcement agency is notified, and the officer is eligible to continue employment as a law enforcement officer in the state. If the Commission votes to proceed to a hearing on the request, the vote is noted in the officer's file and the law enforcement agency is notified. Following a vote to proceed to a hearing by the Commission, a packet is sent to the officer consisting of the following:

1. Letter to the officer as follows:

The Commission on Law Enforcement Standards and Training has found probable cause to hold a hearing to revoke your Law Enforcement Officer Certification. The basis for the revocation is the belief that you violated Rule 1034(1)(b) of the Commission's Rules.

If you desire a hearing to contest your decertification, please sign and return the applicable section on the enclosed form entitled "Request for Hearing" within twenty (20) days after receipt of this notice. If you request a hearing, you will be provided with an Order and Notice of Hearing, which will set forth the allegations that form the basis of the decertification, along with the applicable laws and rules you are alleged to have violated. The date, time, and location of the hearing will be stated in the Order and Notice of Hearing. You are entitled to be present at the hearing, to examine witnesses and to be assisted by counsel.

If you fail to request a hearing within twenty (20) days after receipt of this notice, the attached Proposed Order will be entered at an upcoming Commission meeting.

If you elect to request a hearing, you must provide a current address and phone number where you can be reached.

2. Proposed Order detailing the allegations of fact and conclusions of law in compliance with the Administrative Procedures Act; and
3. A form "Request for Hearing" as follows:

BEFORE THE COMMISSION ON  
LAW ENFORCEMENT STANDARDS AND TRAINING

IN THE MATTER OF [OFFICER'S NAME]

REQUEST FOR HEARING

The Arkansas Commission on Law Enforcement Standards and Training finds probable cause to move forward with a hearing for decertification.

I, [Officer's Name], hereby request a hearing to contest decertification.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Please provide a current address and phone number where you can be reached.

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_  
\_\_\_\_\_

As noted in the letter to the officer, an officer has twenty days following receipt of the letter to return the Request for Hearing form. Officers that do not request a hearing are decertified at the next regularly scheduled Commission meeting. Officers that request a hearing are tracked by Division counsel to be scheduled for a hearing at a later Commission meeting.

Officers that have requested a hearing must be served with a Notice of Hearing at least twenty days before the hearing. Pursuant to the Administrative Procedures Act, officers may be represented by counsel and call witnesses on their behalf. Hearings before the Commission are conducted with a Hearing Officer. Hearings are presented by Division counsel.

Orders are prepared by Division counsel following a hearing. Orders are prepared in compliance with the Administrative Procedures Act and notify the officer of the action taken by the Commission. If an officer is not decertified following a hearing, the officer is eligible to continue working as a law enforcement officer in the State. If, following a hearing, the officer is decertified, the Division:

1. Revokes all certifications for the officer in the Division's Records Management System;
2. Adds the officer's information to a tracking list maintained by the Division; and

3. Reports the officer's decertification to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

Pursuant to Commission Rule 1034, 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.

## **ARKANSAS STATUTES**

### **12-9-103**

(e) Members of the commission shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

### **25-15-104**

(a)(1) The following boards and commissions shall have the power to issue subpoenas and bring before the board or commission as a witness any person in this state:

(O) Arkansas Commission on Law Enforcement Standards and Training, § 12-9-101 et seq.

### **16-90-1416**

(a)The custodian of a sealed record shall not disclose the existence of the sealed record or release the sealed record except when requested by:

(7) The Arkansas Commission on Law Enforcement Standards and Training.

### **16-90-1417**

(a)(1) A person whose record has been sealed under this subchapter shall have all privileges and rights restored, and the record that has been sealed shall not affect any of his or her civil rights or liberties unless otherwise specifically provided by law.

(2) This subchapter does not prevent the use of the record of a prior conviction otherwise sealed under this subchapter for the following purposes:

(G) Determination of certification, eligibility for certification, or of the ability to act as a law enforcement officer, by the Arkansas Commission on Law Enforcement Standards and Training.

### **12-9-104**

In addition to powers conferred upon the Arkansas Commission on Law Enforcement Standards and Training elsewhere in this subchapter, the commission may:

(1)(A) Promulgate rules for the administration of this subchapter.

(3)(A) Establish minimum selection and training standards for admission to employment as a law enforcement officer or as a private college or university law enforcement officer.

(4) Establish minimum curriculum requirements for preparatory, in-service, and advanced courses and programs of schools operated by or for the state and political subdivisions for the specific purpose of training recruits as law enforcement officers;

(17) Adopt rules to implement §§ 14-15-309 and 19-6-821; and

(18) Impose administrative penalties against a law enforcement agency or governmental entity for violations of commission rules as permitted under § 12-9-120.

#### **12-9-106**

(a)(1) The Arkansas Commission on Law Enforcement Standards and Training shall provide by rule that a person shall not be appointed as a law enforcement officer, except on a temporary basis not to exceed nine (9) months, unless the person has satisfactorily completed a program of police training at a school approved by the commission.

(2) If the executive body of the commission determines that extraordinary circumstances exist, the commission may approve an extension of temporary employment.

(b)(1) In addition to the requirements of subsection (a) of this section and § 12-9-104(7), the commission, by rules, shall fix such other qualifications as it deems necessary.

(2) However, no person who pleads or is found guilty of a felony shall be eligible to be appointed or certified as a law enforcement officer.

#### **12-9-602**

(a)(1) An employing agency shall immediately notify the Division of Law Enforcement Standards and Training, in a manner adopted by the division, of the employment or appointment, or separation from employment or appointment, of any law enforcement officer.

(2) Separation from employment or appointment includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence of any law enforcement officer.

(3) A submission to the division related to the employment or appointment, or separation from employment or appointment, of a law enforcement officer is subject to the provisions of § 5-53-103 concerning false swearing.

(b)(1) In a case of separation from employment or appointment, the employing agency shall notify the Division, in a manner adopted by the division, setting forth in detail the facts and reasons for the separation.

(2) In a case of a separation from employment or appointment for one (1) of the following reasons, the notice shall state that:

(A) The law enforcement officer was separated for his or her failure to meet the minimum qualifications for employment or appointment as a law enforcement officer;

(B) The law enforcement officer was dismissed for a violation of state or federal law;

(C) The law enforcement officer was dismissed for a violation of the regulations of the law enforcement agency; or

(D) The law enforcement officer resigned while he or she was the subject of a pending internal investigation.

(3) Any law enforcement officer who has separated from employment or appointment shall be permitted to respond to the separation, in writing, to the division, setting forth the facts and reasons for the separation as he or she understands them.

(c)(1) Before employing or appointing a law enforcement officer, a subsequent employing agency shall contact the division to inquire as to the facts and reasons a law enforcement officer became separated from any previous employing agency.

(2) The division shall provide subsequent employing agencies with all information in the division's possession resulting from the requirements of subsection (b) of this section.

(d)(1) An administrator of an employing agency who discloses information under this section is immune from civil liability for such disclosure or its consequences.

(2) An employing agency is not civilly liable for disclosure of information under this subchapter or performing any other duties under this subchapter.

(e)(1) The division and its employees who disclose information under this section are immune from civil liability for such disclosure or its consequences.

(2) The division and its employees are not civilly liable for:

(A) Disclosure of information under this subchapter; or

(B) Performing any other duties under this subchapter.

### **12-9-603**

When an employing agency reports that a law enforcement officer was separated from employment or appointment for one (1) or more of the reasons specified in § 12-9-602(b)(2), the Arkansas Commission on Law Enforcement Standards and Training shall review the certification of the law enforcement officer, the law enforcement officer's eligibility for certification, and the law enforcement officer's ability to act as a law enforcement officer, to determine whether to suspend or revoke the law enforcement officer's:

(1) Certification;

(2) Eligibility for certification; or

(3) Ability to act as a law enforcement officer.

## **COMMISSION RULES**

### **Rule 1002**

(3) Every officer employed by a law enforcement agency shall:

- (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. Commission Form F-11, Qualifications Appraisal Guide, or other appropriate form may be used to record the interview.
- (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.
- (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.

**Rule 1034****(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.

### **ADMINISTRATIVE PROCEDURES ACT**

#### **25-15-208**

(a) In every case of adjudication:

(1) All parties shall be afforded an opportunity for hearing after reasonable notice;

(2) The notice shall include:

(A) A statement of the time, place, and nature of the hearing;

(B) A statement of the legal authority and jurisdiction under which the hearing is to be held; and

(C) A short and plain statement of the matters of fact and law asserted;

(3) In every case of adjudication wherein an agency seeks to revoke, suspend, or otherwise sanction a license or permit holder, the agency or its attorney, upon the request of the license or permit holder, must provide the following information prior to conducting a hearing of adjudication:

(A) The names and addresses of persons whom the agency intends to call as witnesses at any hearing;

(B) Any written or recorded statements and the substance of any oral statements made by the license or permit holder, or a copy of the same;

(C) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations, scientific tests, experiments, or comparisons, or copies of the same;

(D) Any books, papers, documents, photographs, or tangible objects which the agency intends to use in any hearing or which were obtained from or belong to the license or permit holder, or copies of the same;

(E) Disclosure shall not be required of research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the agency or members of his or her staff or other state agents;

(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved;

(5) The record shall include:

(A) All pleadings, motions, and intermediate rulings;

(B) Evidence received or considered, including, on request of any party, a transcript of oral proceedings or any part thereof;

(C) A statement of matters officially noticed;

(D) Offers of proof, objections, and rulings thereon;

(E) Proposed findings and exceptions thereto; and

(F) All staff memoranda or data submitted to the hearing officer or members of an agency in connection with their consideration of the case;

(6) Findings of fact shall be based exclusively on the evidence and on matters officially noticed;

(7)(A) If the agency is authorized by law to issue subpoenas for the attendance and testimony of witnesses and the production of documents or things, then any party shall to the same extent be so authorized, and the agency shall issue a subpoena forthwith on written application thereof.

(B) A subpoena may be served in the manner as now provided for by statute or rule for the service of subpoenas in civil cases or by any form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or agent of the addressee.

(b) Nothing in this subchapter shall prohibit informal disposition by stipulation, settlement, consent order, or default.

**25-15-210**

(a) When, in a case of adjudication, a majority of the officials of the agency who are to render the decision have not heard the case or read the record, the decision, if adverse to a party other than the agency, shall not be made until a proposal for decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary thereto, prepared by the person who conducted the hearing.

(b)(1) In every case of adjudication, a final decision or order shall be in writing or stated in the record.

(2) A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.

(c) Parties shall be served either personally or by mail with a copy of any decision or order.

**25-15-212**

(a) In cases of adjudication, any person, except an inmate under sentence to the custody of the Division of Correction, who considers himself or herself injured in his or her person, business, or property by final agency action shall be entitled to judicial review of the action under this subchapter. Nothing in this section shall be construed to limit other means of review provided by law.

(b)(1) Proceedings for review shall be instituted by filing a petition within thirty (30) days after service upon petitioner of the agency's final decision in:

(A) The circuit court of any county in which the petitioner resides or does business; or

(B) Pulaski County Circuit Court.

(h) The court may affirm the decision of the agency or remand the case for further proceedings. It may reverse or modify the decision if the substantial rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) In violation of constitutional or statutory provisions;

(2) In excess of the agency's statutory authority;

(3) Made upon unlawful procedure;

(4) Affected by other error or law;

(5) Not supported by substantial evidence of record; or

(6) Arbitrary, capricious, or characterized by abuse of discretion.

(i) Any agency order which is affirmed or affirmed in part by the court shall be a final judgment subject to writ of garnishment or execution to the extent it is affirmed.

### **25-15-213**

In every case of adjudication, and in cases of rule making in which rules are required by law to be made on the record after opportunity for an agency hearing, and in cases of rule making in which, pursuant to § 25-15-204(a)(2), the agency shall direct that oral testimony be taken or a hearing held:

(1) Any person compelled to appear before any agency or representative thereof shall have the right to be accompanied and advised by counsel. Every party shall have the right to appear in person or by counsel;

(2)(A) There shall preside at the hearing:

(i) The agency;

(ii) One (1) or more members of the agency; or

(iii) One (1) or more examiners or referees designated by the agency.

(B) All presiding officers and all officers participating in decisions shall conduct themselves in an impartial manner and may at any time withdraw if they deem themselves disqualified.

(C) Any party may file an affidavit of personal bias or disqualification. The affidavit shall be ruled on by the agency and granted if timely, sufficient, and filed in good faith;

(3)(A) Presiding officers shall have power, pursuant to published procedural rules of the agency:

(i) To issue subpoenas if the agency is authorized by law to issue them;

(ii) To administer oaths and affirmations;

(iii) To maintain order;

(iv) To rule upon all questions arising during the course of a hearing or proceeding;

(v) To permit discovery by deposition or otherwise;

(vi) To hold conferences for the settlement or simplification of issues;

(vii) To make or recommend decisions; and

(viii) Generally to regulate and guide the course of the pending proceeding.

(B) In any proceeding before any agency, if any person refuses to respond to a subpoena, refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or refuses to obey any lawful order of an agency contained in its decision rendered after hearing, the agency or the presiding officer of the agency hearing may apply to the circuit court of the county where the proceedings were held or are being held or to the circuit court of the county where a petition for judicial review was filed for an order directing that person to take the requisite action or to otherwise comply with the order of the agency. The court shall issue the order in its discretion. Should any person willfully fail to comply with an order so issued, the court shall punish him or her as for contempt;

(4) Except as otherwise provided by law, the proponent of a rule or order shall have the burden of proof. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form;

(5) Parties shall have the right to conduct such cross examination as may be required for a full and true disclosure of the facts; and

(6) Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.

## **APPENDIX 12**

**Arkansas Code Annotated 12-9-118**

**Arkansas Code Annotated 12-9-118**

12-9-118. New or inactive law enforcement agency – Approval by commission required –

Definition

- a) As used in this section, “inactive law enforcement agency” means a law enforcement agency that existed and operated under a state law or local ordinance in the past but that currently does not exist or has not operated for at least one (1) year.
- b) The chief executive officer of an entity authorized by law to create a new law enforcement agency or reactivate an inactive law enforcement agency shall appear before the Arkansas Commission on Law Enforcement Standards and Training to request the creation of the new law enforcement agency or reactivation of the inactive law enforcement agency and present the law and documentation regarding:
  - (1) The funding mechanism, funding source or sources, and current budget proposal for the law enforcement agency;
  - (2) The proposed or enacted law enforcement agency policies, including without limitation policies regarding:
    - (A) Use of force;
    - (B) Vehicle pursuit;
    - (C) Professional conduct of law enforcement officers to be employed by the law enforcement agency; and
    - (D) Biased-based policing;
  - (3) The administrative structure and organizational chart of the law enforcement agency; and
  - (4) Any other information or documentation required by the commission.
- c) After the appearance and presentation under subsection (b) of this section, the commission shall approve or disapprove the request to create the new law enforcement agency or reactivate the inactive law enforcement agency.

**APPENDIX 13:**  
**FBI Use-of-Force Program Data Collection Resource Guide**



## **National Use-of-Force Data Collection: History**

Since the passage of the Violent Crime Control and Law Enforcement Act of 1994, the Attorney General has been mandated with the responsibility of collecting law enforcement use of force statistics. Specifically, Title XXI: State and Local Law Enforcement, Subtitle D: Police Pattern or Practice, Section 210402, states that the Attorney General is responsible for collecting data on excessive force in the following methods: data collection about the use of excessive force acquired through law enforcement officers, de-identifiable data that may be connected to victim or officer personal information, and an annual summary report of the acquired data findings. Despite this mandate, law enforcement agency participation remains voluntary. Currently, 41% of all federal, state, local, and tribal officers are represented within the National Use-of-Force Data Collection. To participate in the data collection process, federal and state agencies can obtain access through the FBI's Crime Data Explorer ([insert link](#)).

Following the development of the Violent Crime Control and Law Enforcement Act of 1994, the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) (1995) held a Police Use of Force Workshop to clarify the objectives set forth in Section 210402. From this workshop, two data collection methodologies were developed: The International Association of Chiefs of Police (IACP) National Use of Force Database Center and BJS's Police-Public Contact Survey (PPCS). As a result, BJS and DOJ agencies have created additional efforts to capture law enforcement use of force, in addition to training and police. Bureau of Justice Statistics (BJS) highlights these six data collection projects on law enforcement use of force as: Police-Contract Survey (PPCS), Arrest-Related Deaths (ARD) program, Law Enforcement Management and Administrative Statistics (LEMAS), Survey of Inmates in Local Jails (SILJ), FBI's Supplementary Homicide Reports (SHR), and FBI's Law Enforcement Officers Killed and Assaulted (LEOKA). Each of these data collection projects aim to capture the various aspects of use of force within law enforcement through nationally representative samples.

Outside of the Bureau of Justice Statistics (BJS) the Centers for Disease Control (CDC) also collects nationally representative data pertaining to use of force on lethal and nonlethal injuries inflicted through legal intervention, defined as law enforcement or law-enforcing agents. Specifically, lethal incidents are captured through the National Vital Statistics System (NVSS), Fatal Injury Reports. Whereas nonlethal incidents are captured through the National Electronic Injury Surveillance System All Injury Program (NEISS-AIP). Outside of lethal and non-lethal incidents, the CDC has also expounded upon data collection through the National Violent Death Reporting System (NVDRS). Each of the following databases can be assessed through the Web-Based Injury Statistics Query Reporting System (WISQARS).

Most recently in 2019, the United States FBI Annual Mandated Report on Use of Force stated that 5,043 federal, state, local, and tribal law enforcement agencies participated in reporting use of force data to the National Use-of-Force Data Collection. Therefore, the Use-of-Force Data Collection represents more than 40% of officers nationally. The FBI allows for this data to be published if 60% of the total officer population is represented by displaying ratio and percentage findings. If at least 80% of participation is represented by officers, the data may then be presented aggregately. If at any point data representation does not meet at least 40% of officers within the nation, the FBI will not release the annual use-of-force data. Each participating agency submitted monthly data for each qualifying instance of force used by an officer. A qualifying use of force incident by the National Use-of-Force Data collection includes any action that resulted in a death or seriously bodily injury of a person, as well as the discharge of a firearm at or in the direction of a person. However, if no qualifying incidents occurred, agencies were required to submit a zero report for that month. Agencies that submitted at least one incident report for 2019 were included within the final data collection. Findings obtained from the National Use-of-Force Data Collection aid in the development of best practices and protections towards the privacy of officers and victims. Moreover, this data collections serves as a detailed nationally representative sample on uses of force among officers within the United States. Therefore, the overarching goal of National Use-of-Force

data is to increase the representation of law enforcement throughout the nation in an effort to develop technological solutions and more precise data.

### **Current State of National Use of Force Assessment**

The Task Force reports that on September 5, 2018, the Federal Bureau of Investigation (FBI) CJIS Division received approval from the Office of Management and Budget (OMB) to launch the National Use-of- Force Data Collection. The FBI established a National Use-of-Force Data Collection at the behest of federal, state, local, tribal, and college and university law enforcement partners and major law enforcement organizations. This data collection officially launched on January 1, 2019 and promotes transparency between law enforcement and the communities they serve.

This voluntary program gathers data on law enforcement use-of-force incidents which result in the death or serious bodily injury of a person, as well as the discharge of a firearm at or in the direction of a person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

The goal of the resulting statistics is not to offer insight into single use-of-force incidents but to provide an aggregate view of the incidents reported and the circumstances, subjects, and officers involved.

### Discussion and Analysis

Calendar year 2020 has once again proven to be a crucial year for the National Use-of-Force Data Collection. As of June 1, 2020, there were 5,034 (27.19 percent) out of over 18,000 of law enforcement agencies were reporting use-of-force data to the FBI. These agencies represent 347,482 (40.40 percent) out of approximately 860,000 of sworn law enforcement officers nationwide. Participating agencies are defined as agencies that have released a use-of-force incident or a zero report to the FBI having an incident occurrence date on or between January 1, PUBLICATION YEAR and December 31, PUBLICATION YEAR. For example, if a police department released a zero report to the FBI on January 4, 2020, for December 2019, then the police department will be listed as participating in the National Use-of-Force Data Collection for the 2019 publishable year.

As of June 1, 2020, there are 8,524 agencies submitting data to the National Incident-Based Reporting System (NIBRS) across 41 certified state Uniform Crime Reporting (UCR) programs. Of the 8,524 NIBRS agencies, 4,987 agencies also participate in the National Use-of-Force Data Collection.

### Use-of-Force Data Publication

The FBI is striving to achieve participation thresholds established in collaboration with the OMB. The FBI is required to adhere to terms of clearance for publishing use-of-force data at the 40, 60, and 80 percent participation thresholds. The terms of clearance present the quality standards necessary for dissemination of the data. In addition, the terms of clearance provide guidance on the publishable data elements at each threshold and how those data elements are represented, i.e., percentages, ratios, lists, or counts.

The success of this collection is measured according to participation “coverage rate”, which refers to the total sworn law enforcement officer population covered by the National Use-of-Force Data Collection. The total sworn law enforcement officer population standard is 860,000 and includes all known and reasonably presumed federal, state, local, tribal, and college and university law enforcement eligible to participate in this national collection. To provide nationally representative metrics to the general public, a minimum coverage rate of 40 percent of sworn law enforcement officers participating and releasing data to the FBI is required within two years after the January 1, 2019 launch of the data collection. The FBI met the 40 percent threshold for publication in April 2020.

In summer 2020, the FBI will publish the 2019 National Use-of-Force Data Collection on the Crime Data Explorer (CDE). The publication caveats define enrolled agencies, participating agencies, as well as indicating the data is voluntarily submitted by law enforcement agencies. The key variables published include the following:

- A narrative detailing the number of agencies participating in the collection.
- The percentage of sworn law enforcement officers accounted for within the geographical area represented.
- A list of agencies participating in the collection, including federal data at the cabinet level.
- Response percentages to include:
  - The number of agencies that submitted a zero report.
  - The number of agencies that submitted an incident report.
  - The number of agencies that did not submit any data for a given month.

To ensure the continuation of the collection, a better than 60 percent coverage rate of participation is needed within the first three years of launching the data collection. Once the coverage rate between 60 percent and 80 percent is reached, the FBI may publish the 40 percent information in addition to the FBI may publish the ratios, percentages, and lists at the national, regional, state, and department levels for the following variables:

- Percentage of sworn law enforcement officer population participating in the collection.
- Lists of the most common types of resistance encountered.
- Percentages of each type of use-of-force reported (death, serious bodily injury, or firearm discharges at or in the direction of a person).
- Lists of the most common types of force used.

Once the 80 percent threshold is reached, no conditions are applied to the data. At this point, the FBI may publish the data elements collected at all levels. These data elements include but not limited to the following:

- Number of types of incidents report each month (death, serious bodily injury, or firearm discharges at or in the direction of a person)
- Counts of participating agencies and sworn law enforcement officers
- Number of incidents
- Counts of types of resistance encountered

- Counts of types of force used
- Counts of apparent/known impairments
- Counts of location types

#### The National Use-of-Force Data Collection Data Elements:

The Task Force determined that the National Use-of-Force Collection will include the following data elements with regard to the following areas: Incident, Subject, and Officer Information.

##### 1. Incident Variables

- Date and time of the incident
- Total number of officers who applied actual force during the incident
- Number of officers from the reporting agency who applied actual force during the incident
- Location of the incident (address or latitude/longitude)
- Location type of the incident (street, business, residence, restaurant, school, etc.)
- Did the officer(s) approach the subject(s)?
- Was it an ambush incident?
- Was a supervisor or a senior officer acting in a supervisory capacity present or consulted at any point during the incident?
- What was the reason for initial contact between the subject and the officer (response to unlawful or suspicious activity, routine patrol, traffic stop, etc.)?
- If the initial contact was due to “unlawful or criminal activity,” what were the most serious reported offenses committed by the subject prior to or at the time of the incident?
- If applicable, the reporting agency will enter the National Incident-Based Reporting System or local incident number of the report detailing criminal incident information on the subject and/or assault or homicide of a law enforcement officer
- If the incident involved multiple law enforcement agencies, the agency will include case numbers for the local use-of-force reports at the other agencies

##### 2. Subject Variables

- Age, sex, race, ethnicity, height, and weight
- Injury/death of subject(s) (gunshot wound, apparent broken bones, unconsciousness, etc.)
- Type(s) of force used connected to serious bodily injury or death (firearm, electronic control weapon, explosive device, blunt instrument, etc.)
- Did the subject(s) resist?
- Was the threat by the subject(s) directed to the officer or to another party?
- Type(s) of subject resistance/weapon involvement (threatened officer, threatened others, threatened self, active aggression, firearm, attempt to flee, etc.)
- Was there an apparent or known impairment in the physical condition of subject? If yes, indicate which (mental health/alcohol/drugs/unknown)

- At any time during the incident, was the subject(s) armed or believed to be armed with a weapon?

### 3. Officer Variables

- Age, sex, race, ethnicity, height, and weight
- Years of service as a law enforcement officer (total tenure, number of years)
- At the time of the incident, was the officer a full-time employee?
- Was the officer readily identifiable?
- Was the officer on duty at the time of the incident?
- Did the officer discharge a firearm?
- Was the officer injured?
- What was the officer's injury type (gunshot wound, apparent broken bones, severe laceration, unconsciousness, etc.)

### Engagement

Although 2020 has thus far proved difficult for face-to-face meetings, the FBI continues to collaborate with agencies virtually to focus on the benefits of participating in the National Use-of-Force Data Collection and to guide agencies through the on-boarding process. Since launching on January 1, 2019, the FBI has engaged law enforcement communities across the nation at over 100 speaking engagements, eight webcast portal demonstrations, six articles published on use-of-force topics, podcasts, and countless phone calls/emails.

The Use-of-Force Task Force continues to support the FBI's engagement advocate and advocate with their fellow law enforcement partners to increase participation. These representatives from the law enforcement community meet quarterly via teleconference and serve as champions, sharing the importance of the data collection to their peer groups. Task force members include representatives from the International Association of Chiefs of Police, Major Cities Chiefs Association, Major County Sheriffs of America, National Organization of Black Law Enforcement Executives, National Sheriffs Association, Association of State Uniform Crime Reporting Programs, Association of State Criminal Investigative Agencies, Police Executive Research Forum, along with representatives from federal, state, local, tribal, and college and university law enforcement agencies.

Direct engagement with the law enforcement community continues to be the primary focus to increase participation in the National Use-of-Force Data Collection. With more than 18,000 law enforcement agencies across the country, engagement activities throughout 2020 continue to focus on federal, state, local, tribal, and college and university law enforcement agencies for increased discussions on the National Use-of-Force Data Collection. These engagements include state UCR Program Managers, CJIS Systems Officers, peer groups, and major law enforcement organizations. As of June 1, 2020, 246 out of the 510 priority agencies that employ 200 or more sworn law enforcement officers reported use-of-force data to the FBI. If all priority agencies begin reporting use-of-force data to the FBI, the overall participation percentage for agencies would be greater than 80 percent.

The outreach to state and local law enforcement have given agencies the opportunity to request additional information on the data collection, the submission process and acquiring a LEEP account, all while strengthening the relationship between local law enforcement and the FBI. Due to these efforts, the FBI has been able to increase participation and track commitment dates. The commitment dates assist in projecting when the data collection will achieve important participation milestones. Seven states have provided solid commitments dates indicating they will begin managing and participating in the National Use-of-Force Data Collection in calendar year 2020. As of June 1, 2020, two of these states are now releasing data to the FBI. The remaining five states have stated to the FBI they will begin reporting data to this collection by September 1, 2020. The remaining states will increase overall participation by over 20 percent, provided all of their agencies participate.

The FBI continues to encourage participation from federal agencies via direct outreach to the 133 known agencies. One of the challenges faced is in determining which federal agencies employ sworn law enforcement. If agencies do not employ sworn law enforcement officers, then they do not house relevant use-of-force information. As of June 1, 2020, we have established points of contact for 34 agencies and police employment counts for 30 agencies. As of June 1, 2020, we have concluded that 23 federal agencies out of the 133 do not employ sworn law enforcement officers. There are 30 federal agencies participating in this data collection.

The FBI is actively working to gain participation from all tribal entities. Tribal engagement activities have involved the APB Tribal Task Force, the CJIS Tribal Engagement Program, the Department of Justice's Tribal Access Program, and the Department of Interior's Bureau of Indian Affairs. As of June 1, 2020, 40 tribal agencies are participating in the data collection.

Continued work with university law enforcement associations to promote the National Use-of-Force Data Collection is ongoing. Active engagement and discussions are occurring between the FBI and the International Association of Campus Law Enforcement Administrators. Endeavors are ongoing with various university chiefs of police who are bringing great insight and assistance to our liaison efforts. As of June 1, 2020, 163 college and university law enforcement agencies are participating.

The Use-of-Force portal application, which is housed within the LEEP, continues to minimize the resources needed to submit data to the National Use-of-Force Data Collection. Agencies across the country have been encouraged to utilize the Use-of-Force portal if a means does not currently exist for their agency. Available on the Use-of-Force portal are help videos, quick start guides, and frequently asked questions. These resources help reduce the need for onsite training. The application allows agencies and state programs to manage all aspects of their use-of-force data, to include entering information, running reports, and creating charts.

## Resources

Significant increases in participation have been achieved since launching this collection on January 1, 2019. The FBI is moving toward 80 percent and higher participation. The FBI continues to liaise with law enforcement agencies, major law enforcement organizations, legislative bodies, advocacy groups, criminologists, criminal justice students, media outlets, and

the general public utilizing publications, conferences, training events, and social media to increase participation.

If non-participating law enforcement agencies do not take action and proactively begin releasing data to the FBI, we may fail our partners who have specifically requested the creation of the National Use-of-Force Data Collection. If a better than 60 percent coverage rate is not achieved within the first three years, then the OMB recommends revisiting options with separate statistical entities.

The FBI has many resources easily accessible for state program managers and direct contributors. The FBI developed a webpage located at <http://www.fbi.gov/useofforce>, which law, enforcement agencies and the public may use to obtain answers to frequently asked questions and access resources and support information. The National Use-of-Force Data Collection Technical Specification, last updated on March 7, 2019, is available at the following link: <https://www.fbi.gov/file-repository/ucr/use-of-force-flat-file-bulk-load-tech-spec.pdf/view>. In addition, the Use-of-Force Help Desk may be reached by telephone at 304-625-9998 or via e-mail at [useofforce@fbi.gov](mailto:useofforce@fbi.gov).

#### Point of Contact

Global Law Enforcement Support Section (GLESS), Crime Statistics Management Unit (CSMU). Questions regarding this topic should be directed to [agmu@leo.gov](mailto:agmu@leo.gov)

#### **Division of Arkansas Crime Information Arkansas Department of Public Safety: Use of Force Project TAC10, Global Software Corporation NIBRS/NDEx State Repository**

The Task Force reported that the FBI staff recently found that the NIBRS Repository contains a basic version of the FBI Use of Force collection process outlined below.

The FBI staff estimated that a total of 220 hours will be needed to develop and build a State Repository system within the state of Arkansas from the basic UoF platform housed within the NIBRS Repository and the established SQL database located at ACIC. In sum it was estimated that the total cost for the anticipated project would be approximately \$44,000, in addition to a yearly maintenance fee of approximate 9, 680. Moreover, staff members reported that this estimated quote may be negotiable. Listed below is the tentative outline containing the project's six required components.

Six project components:

1. Define the attributes used for the Arkansas Use of Force Program. (10 hour)
  - a. Is Arkansas going to use the standard FBI UoF model?
  - b. Utilizing the FBI model as a guide.
  - c. Hold a detailed meeting to determine the official requirements
2. Develop a new file processing windows service to ingest UoF files from local agencies. (60 hours)
  - a. UoF submissions should be separate from NIBRS submission.
  - b. Implement the XML format submission as the preferred file format.

- c. The XML format is easier to validate. It is believed that the FBI prefers the XML submission model.
3. Utilize new functionality in the FBI export process to generate UoF files/submissions to send into the FBI for submission (60 hours)
4. Develop new UoF validations while including the mandatory data field requirements and basic logical validations for collected data for processing or ingesting. (20 hours)
5. Turn on the Use of Force entity in the NIBRS Repository. (10 hours)
  - a. The state NIBRS Repository uses a stripped-down implementation of the TAC10 RMS, which already has a Use of Force entity, and relationships to the officer and subject/suspect entities.
  - b. Make the existing Use of Force entity and its child entities appear in the RMS.
  - c. With the UoF program being new and the process has not being attempted with a state repository. It is suggested that all new process should be tested for functionality.
6. Create new standard reports to present the collected data. (60 hours)

### **FBI UoF program Use-of-Force Data Submission Methods**

The Task Force determined that currently 31 states are managing the collection of UoF data at the state level. Specifically, 8 of the 31 managing states utilizing the UoF program software for collecting and submitting bulk data to the FBI are utilizing the UoF system through LEEP. As a result of the new software, the FBI is allowing for demo trails of the UoF system upon request.

The FBI UoF Program provided the State of Arkansas with the three methods to submit Use-of-Force data. The provided methods are listed below:

1. A law enforcement agency can set up a LEEP account and gain access to LEEP. Then the LEA can set up an account for his or her agency in the Use of Force Portal/SIG within LEEP. The LEA representative can then enter each report/incident that contains UoF information. The State of Arkansas must agree to manage the UoF collection and will then have the ability to approve each report to release it to the FBI within that system. Arkansas will also have access to statistical reports via the UoF Portal/SIG located in the FBI LEEP. (NO COST) (If this proposal is chosen then ACIC will have to reach out to each law enforcement agency to try and get them to enter a "0" if they have no incidents)
2. The State of Arkansas can collect each individual LEA report/incident that contains UoF information. The state must inform the FBI that it wants to manage the UoF collection process. The state and LEA must follow CJIS Security Policy in the collection of the reports/incidents containing UoF reportable data. The state employee can then log into LEEP and then log into the UoF Portal/SIG and manually enter each individual report into the FBI system. Arkansas will have access to statistical reports via the UoF Portal/SIG located in the FBI LEEP. (NO COST) (If this proposal is chosen then ACIC will have to reach out to each law enforcement agency to get the missing data and ACIC will enter a "0" if they have no incidents)



3. The State of Arkansas can purchase software to receive local, county and state law enforcement UoF electronic submissions. The state can then upload and process each UoF submission that will write to a database. The state will also create a submission and submit it to the FBI's UoF Program in a bulk drop. The software will also automatically submit Zero Submissions if we implement the MOU. The state will be able to generate statistical reports for state officials using that software. The entire process and price quote is included in the attached document.