

1002. MINIMUM STANDARDS FOR EMPLOYMENT OR APPOINTMENT OR CONTINUED EMPLOYMENT

- (1) Subject to the provisions of A.C.A. 12-9-106(e), no individual shall serve, be employed or otherwise function as a law enforcement officer in this State unless the person has satisfactorily completed a program of law enforcement training at a Commission-approved school, except that an individual may serve, be employed or otherwise function as a law enforcement officer for a term of nine (9) months from his initial employment or appointment date as a law enforcement officer.
 - (a) Upon the finding of extraordinary circumstances, the Commission, by majority vote, may extend this initial nine (9) month period.
 - (b) All requests for extensions must be submitted and received by the Commission prior to the end of the nine (9) month period.
- (2) Verification of minimum employment standards must be maintained by the employing department.
- (3) Every officer employed by a law enforcement agency shall:
 - (a) Be a citizen of the United States.
 - (i) Verification of place and date of birth may be established by any of the following means:
 - (A) Birth Certificate
 - (B) Family Bible Records
 - (C) Religious Documents (Certificate of baptism, birth, etc.)
 - (D) Copy of Department of Defense Notice of Separation (DD-214), if such information is included on the form.
 - (E) Local voter registration records
 - (F) Naturalization or other citizenship records
 - (G) Any other official documents approved by the Commission

Copies of the documents used for verification will be retained by the employing agency and must be available for examination at any reasonable time by representatives of the Commission.

- (b) Be at least 21 years of age.
 - (i) Every officer employed by a law enforcement agency must be a citizen of the United State of America and must be at least twenty-one (21) years of age.
 - (ii) A person may be employed by a law enforcement agency at twenty (20) years of age for the purposes of attending a basic law enforcement training academy. However, no individual shall perform the functions of a law enforcement officer until they have reached twenty-one (21) years of age.
- (c) Be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record.
 - (i) A criminal records search will be conducted through the Arkansas Crime Information Center (ACIC) and National Crime Information Center (NCIC) on each candidate for employment.
 - (ii) Each candidate for employment is fingerprinted on the standard applicant fingerprint form (FBI Card FD-258), which is to be forwarded to the Arkansas State Police, Little Rock, Arkansas. State files will be checked and the card forwarded to the FBI in Washington, D.C.
 - (iii) Applicants with criminal records as defined by CLEST Rules will be rejected. Applicants with criminal records other than felony offenses will be evaluated and a final decision reached by the department concerned.
 - (iv) Any department head who certifies to the Commission that an applicant's fingerprints have been taken and submitted as required, when they have not, shall be in violation of Ark. Code Ann. 5-53-103. False swearing is a Class A misdemeanor.

- (d) Be free of a felony record. A felony record shall mean having entered a plea of guilty, been found guilty, or otherwise having been convicted of an offense, the punishment for which could have been imprisonment in a federal penitentiary or a state penitentiary. The fact that an individual has received a pardon, or their record has been expunged shall not release the individual from having a felony record for the purposes of this rule.
 - (i) Any applicant who has entered a plea of guilty or has been convicted by any state or by the Federal Government of a crime, the punishment for which could have been imprisonment in a federal penitentiary or a state prison will not be eligible for certification.
 - (ii) Retention on a permanent basis by the employing agency will depend upon the satisfactory results of the fingerprint record check on all law enforcement officers employed under the Act.
- (e) Be of good character as determined by a thorough background investigation
 - (i) The background investigation must be conducted on each applicant to determine character traits and habits indicative of moral character.
 - (ii) Only applicants of good character should be employed.
 - (iii) For all law enforcement officers employed under the Act, retention on a permanent basis by the employing agency will depend on the satisfactory results of the background investigation.
- (f) Be a high school graduate or have passed the General Education Development (GED) Test indicating high school graduation level. Home school diplomas will not substitute for the above unless approved by the Commission.
 - (i) Applicants for the position of law enforcement officer under the Act will be required to furnish documentary evidence of one of the following:
 - (A) Graduation from a high school accredited by the Arkansas or other state's department of education.
 - (B) Successful completion of the General Development Test.

- (ii) Applicants may be required to obtain an Arkansas certificate at the discretion of the Commission.
 - (iii) Documentary evidence shall consist of a copy of official transcripts, diplomas, or G.E.D. test report forms. In unusual circumstances the Commission may be requested to accept other documentation, and in such cases the decision of the Commission shall be final. Home schooling diplomas will not be accepted unless approved by the Commission.
 - (iv) A transcript from an accredited higher education institution that documents a minimum of twelve (12) hours of completed course work with at least a “C” average will substitute for a high school diploma or GED.
- (g) Be examined by a licensed physician and meet the physical requirements.
- (i) A law enforcement officer must be physically sound and free of any defect which might adversely affect the performance of duty. The officer’s personal safety and the safety and lives of others will be endangered if these important physical qualifications are not met.
 - (ii) Requirements:
 - (A) Medical examination administered by a licensed physician.
 - (B) A medical history statement, Form F-2a or an equivalent Form will be supplied to the examining physician upon request. The medical history should include information on past diseases, injuries and operations.
 - (C) **VISION** – Applicant must be free of any visual defect which in the opinion of the examining physician would adversely affect the performance of duty.
 - (1) There should be no apparent eye deviation.
 - (D) **HEARING** – Applicant must be free of any hearing defect which in the opinion of the examining physician would adversely affect the performance of duty.
 - (E) For all law enforcement officers employed under the Act, retention on a permanent basis by the employing agency will depend on the satisfactory results of the physical examination.

- (F) The physician's report after examination must conclude and clearly state that, in his opinion, the applicant has the ability to physically perform the duties of a law enforcement officer in the State of Arkansas.
- (h) Be interviewed personally prior to employment by the department head or his representative, or representatives to determine such things as the applicant's motivation, appearance, demeanor, attitude and ability to communicate. Commission Form F-11, Qualifications Appraisal Guide, or other appropriate form may be used to record the interview.
 - (i) An applicant will be personally interviewed by the department head or his representative prior to employment.
- (i) Be examined by an individual licensed to practice psychiatry or psychology and qualified to perform such evaluations in the State of Arkansas, who after examination finds the officer to be competent and recommends the agency hire the individual.
 - (i) All applicants will be examined to determine emotional stability.
 - (ii) No person will be eligible for certification if they have any condition listed in the Diagnostic and Statistical Manual, 5th edition (DSM-5) of the American Psychiatric Association which would limit the police officer's ability to cope with the stress of modern day police work such as:
 - (A) Any organic mental disorder or organic brain syndrome that currently results in impairment in memory, cognitive functions, judgment and personality.
 - (B) Any substance use, whether legal or illegal, which impairs social or occupational functioning due to an inability to control use or stop taking the substance and the development of serious withdrawal symptoms after cessation or reduction in substance use. Previous substance use should be in remission for three (3) years.
 - (C) Any psychotic reaction showing disturbance in content of thought involving delusions, fragmented thoughts, distortions of reality, breakdown of ego defenses or hallucinations. Any previous psychotic episodes should be in remission for three (3) years and be currently evaluated as showing no residual symptoms.

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

(H) Behavior disorders as evidenced by:

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

(iii) Procedures:

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

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

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

- (j) Possess a valid driver's license.
 - (k) Successfully complete a CLEST firearms qualification and review departmental policies, specifically policies covering the use of force, criminal law, and emergency vehicle operations. (No officer may carry a firearm in the course of employment or in the performance of official duties until this requirement is met and reported, in a manner adopted by the Commission, to the Office of Law Enforcement Standards.
 - (l) For continued employment, must successfully complete a minimum of twenty four (24) hour of CLEST certified training annually (to include firearms qualification and racial profiling.)
 - (m) Be free of a misdemeanor domestic violence conviction, in accordance with 18 USC section 922,
- (4) It is emphasized that these are minimum standards for employment or appointment. Higher standards are recommended whenever the availability of qualified applicants meets the demand. Copies of documents and/or records required by Rule 1002 shall be maintained and/or retained by the employing agency and shall be made available for examination at any reasonable time by representatives of the Commission.
- (5) The minimum standards for employment or appointment must be complied with as contained herein before employment. The decision to employ an applicant should depend upon the results and recommendations received by the investigators and examiners, except, for items (3)(g) and (3)(i). In accordance with the Americans with Disabilities Act, a determination to hire or not hire individuals should be made prior to the examinations required by (3)(g) and (3)(i). An offer of employment, if any, is to then be made contingent upon the successful completion of (3)(g) and (3)(i).
- (6) Law enforcement officers who have complied with the minimum standards for employment or appointment who separate from their employment and are reemployed by a law enforcement agency within six (6) months following their separation date, may transfer the required documentation evidencing compliance with the standards to the files of the new agency. The only pre-employment requirement that the new employer will be required to complete is a new background investigation and oral interview. The employing agency may require the officer to meet any or all pre-employment requirements, again, if they so desire.
- (7) Any individual who fails the required training course, as set out herein, or is expelled from the required training course, will not be eligible to serve as a law

enforcement officer for twenty-four (24) months following the date of failure or expulsion from the training course.

- (8) Any individual who fails to meet the physical or mental minimum standards of this Rule shall be individually reviewed to determine if said person can perform the essential functions of the duties of a law enforcement officer, with or without reasonable accommodations. The employing or appointing agency shall first determine if the individual can perform the essential functions of the duties of a law enforcement officer. If the agency believes that individual can perform the essential functions of the duties of a law enforcement officer, with or without reasonable accommodations, the employing or appointing agency shall request the Commission to determine if said person can perform the essential functions of the duties of a law enforcement officer. If the Commission determines, by a majority vote, that the individual can perform the essential functions of a law enforcement officer, with or without reasonable accommodations, and the employing or appointing agency and/or the individual agrees to the reasonable accommodations, then the Commission shall waive the minimum standard in question.
- (9) A law enforcement officer shall not have more than one CLEST law enforcement classification within a law enforcement agency.