

*Minimum Standards and Training  
Program for Arkansas Law Enforcement  
Officers —*

FINAL REPORT

Project Number 263

Office of Law Enforcement Assistance

United States Department of Justice

sponsored by

THE ARKANSAS LAW ENFORCEMENT OFFICERS ASSOCIATION

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FINAL REPORT

Project Number 263

Following an extension, without additional funds, from April 15, 1967 to June 1, 1968, Project Number 263 of the Office of Law Enforcement Assistance, U. S. Department of Justice, sponsored by the Arkansas Law Enforcement Officers Association, has been completed on schedule as amended.

The project was designed to develop legislation for a proposed state-wide [Minimum Standards and Training Program for Arkansas Law Enforcement Officers] TITLE:

The project got underway October 15, 1967, following verbal approval from the Office of Law Enforcement Assistance, Official approval was granted November 2, 1967.

C. E. Johnson, Chief of Police at Prescott and president of the Arkansas Law Enforcement Officer Association, appointed Milburn Gill of Malvern, Chief Investigator of the Arkansas Attorney General's Office and former Hot Spring County Sheriff, as project coordinator. He is also first Vice President of the ALEOA.

Carl L. Miller, Director, Arkansas State Police, was named fiscal officer.

Clovis Copeland, project director for OLEA's Supervisory Training Program under the Arkansas Law Enforcement Officers Training Academy, and his assistant, Mrs. Wanda Lopez, began organizing the project.

Temporary headquarters were established at the American Legion Building, 115 North Spring Street, Little Rock, until quarters were made available at 404 Arkansas Game and Fish Commission Building, on the State Capitol grounds at Little Rock.

Members of the Advisory Committee are: Chief Johnson, Mr. Gill, Colonel Miller, James McQuerry of the Arkansas Game and Fish Commission, Sheriff Robert S. Moore of Desha County and Major Melvin DeLong, Arkansas State Police.

We worked closely with officials of the Arkansas Sheriffs Association, Arkansas Association of Chiefs of Police, the Arkansas Municipal Police Association, the Arkansas Municipal League and the Arkansas County Judges in developing proposed legislation for the Arkansas Minimum Standards and Training Council for Law Enforcement Officials, using the model prepared by the President's Commission on Crime and the Administration of Justice, and the International Association of Chiefs of Police as guides.

To build public support, the law enforcement officers were told that the Minimum Standards legislation offered them a real opportunity to reach a recognized professional status, which must be attained before there could be any appreciable increase in pay and other benefits.

The proposal was explained at sectional meetings of the Law Enforcement Officers Association, and at a state-wide conference of ministers and law enforcement officers.

The proposal met with enthusiastic response from law enforcement officers, but this enthusiasm did not extend to the appointing and appropriating authorities. They saw in it the prospects for requests for additional tax funds at a time when county and municipal agencies are financially strapped.

We believe that with the adoption of Minimum Standards and Training Legislation, we can develop courses in Arkansas colleges and universities leading to degrees in Police Science and Technology, and Police Administration and Management.

It seems unwise to include these provisions in the law at this time when compliance would be extremely difficult, and it can be added as the degree courses become available and inducements for compliance are developed.

Our personal contact with city and county administrators indicated that each jurisdiction was extremely jealous of the autonomy provided counties and municipalities by the Arkansas Constitution.

The Constitution also places severe restrictions on the abilities of local governments to provide revenues for their operations. Although these limits are admittedly unrealistic and archaic, there is strong resistance to change.

The competition for tax funds is extremely fierce at all levels of Government in Arkansas. Schools and colleges, highways, public institutions all have well-financed lobbies and auxiliaries ready to apply politically powerful pressure on law makers for available money.

For that reason, new sources of revenues must be developed, since there is little chance that present funds can be diverted. Preliminary studies have indicated that we will have to look to fines and court costs, and probably a tax on insurance premiums for financing for state salary subsidies for law enforcement officers.

These seem to be the areas in which opposition would be least.

#### NEED SEEN TO SELL PROGRAM TO PUBLIC

The need to sell the program to the public, especially the city fathers, was recognized and the church became the starting point.

A meeting was called of five ministers of different demoninations and the possibilities of a conference between law enforcement officers and the clergy was discussed.

The response from the ministers was enthusiastic.

A state-wide conference was set for Little Rock, November 30, and selected law enforcement administrators were urged to bring their ministers to Little Rock for the conference.

With no advanced publicity, more than 200 showed up for the meeting.

#### ARKANSAS LAW ENFORCEMENT OFFICERS ASSOCIATION CONFERENCE ON THE ROLE OF THE CHURCH IN LAW ENFORCEMENT

Thursday, November 30, 1967

Hotel Marion

Little Rock, Arkansas

10:00 A.M. Registration

12:00 Noon Lunch

1:30 P.M. Call to ORDER - C. G. Johnson, Prescott, ,  
President, Arkansas Law Enforcement Officers  
Association

"The Role of the Church in Law Enforcement",  
Lt. Colonel Carl L. Miller, Assistant Director,  
Arkansas State Police

2:00 P.M. Forum - Sheriff Robert S. Moore, Desha County,  
Moderator  
Rev. Ben Hines, Pastor, Mabelvale  
Methodist Church  
Rev. M. D. Padfield, Jr., Pastor, First  
Penecostal Church  
Rev. C. M. Atchley, Pastor, Highland  
Methodist Church  
The Right Rev. Monsignor James E.  
O'Connell, Rector of Home Missions and  
Siminaries

6:30 P.M. Dinner - Marion Hotel Ballroom

Call to Order - President C. G. Johnson

Invocation - Dr. Austin Denny, Educational  
Director, First Christian Church, Little Rock

Toastmaster - Mr. Robert "Bob" Wimberly,  
Director of Sales and Public Relations,  
Arkansas Power and Light Company

Summary of Forum - Sheriff Frank Mackey, Little  
Rock

Unscheduled Events

Speaker - Dr. Luther B. Hall, Field Secretary,  
Louisiana Baptist Convention, Monroe, Louisiana

Benediction - Dr. Elijah E. Palnick, Rabbi, Con-  
gregation B'Nai Israel

#### SURVEY BEGAN ON LAW ENFORCEMENT

Few statistics were available on Arkansas law enforce-  
ment to show the size and activities of the various agencies,  
outside of the state and national organizations.

In cooperation with the Arkansas Minicipal League and law officer organizations, we began a survey. The results of the survey follows:

#### A SURVEY ON LOCAL POLICE AND LAW ENFORCEMENT IN ARKANSAS

Within a few short years, Arkansas has changed from a principally agrarian society in which criminal offenses were the simple, age-old crimes common to all mankind, to a more sophisticated state in which the old crimes still persist, with new twists; and new offenses abound that have taken on a new dimension and character.

Our improved transportation system enables a criminal to leap the country by air in less time than his predecessor could leave the county by horse and buggy.

The city limits, the township and county lines and other political subdivision boundaries grow less distinct each year.

We have built a communications network so complete that the modern criminal can direct and commit criminal offenses through a system of telephones from coast to coast and border to border, and then monitor police radios to assist in his escape.

Our society has been transformed from one in which some constitutional rights might have been occasionally ignored, into one in which they are all universally insisted upon.

The need is obvious to replace the frontier-type law enforcement officer whose qualifications were measured largely by how hard he could hit or how fast he could draw, with one who has been intensively trained, after he has been

carefully selected and properly equipped for the job.

A frustrating result has been that the individual now has more power against the police, and the law enforcement officer has less power against the individual. Two distinct trends in the criminal law in recent years has been to strengthen the rights of the individual and restrict the powers of law enforcement officers.

Disrespect for the law--defiance for authority on every level--and a nationwide trend in attitude designed to undermine law enforcement, have threatened the effectiveness of the Arkansas law enforcement officer and the entire structure of law and order.

Problems of law enforcement in Arkansas cannot be foisted off on law enforcement officers nor administrators. Law enforcement is only one facet of the community organization and, generally speaking, reflects the climate and attitudes of the community as a whole.

In most cases, it has become fashionable to blame the police. Normally, law enforcement officials are defensive by nature and do not have articulate spokesmen to defend them and their activities. As a result, little rebuttal has been offered. This silence has been assumed to indicate guilt. It will be difficult to repudiate.

The greatest challenge facing law enforcement in Arkansas is to improve its image, not only the individual police officer, but the profession as a whole. This can best be done, and quicker, through better and more complete training.

Arkansas has about 4,000 law enforcement officers. This includes 436 county sheriffs and their deputies, 301 constables and their deputies, 271 marshals and their deputies and 994 municipal police officers and administrators.

There are 1,088 officers enforcing state laws for such agencies as the Arkansas State Police, Game and Fish Commission, Forestry Commission, Livestock and Poultry Commission, Commerce Commission, State Plant Board, State Colleges and Universities and the like.

This does not include more than a thousand agents of other agencies who look after violations of state board regulations such as the State Health Department and a dozen others confined to specialized fields where legal action is usually taken before the boards and commissions before they find their way into regular judicial channels.

There are 50 law enforcement agencies on the federal level responsible for the enforcement of more than 2,800 rules. This enforcement body is headed by the Federal Bureau of Investigation, U.S. Treasury Department agencies with several different divisions such as the Alcohol and Tobacco Tax Unit, agents of the Internal Revenue Service and many others; Federal Fish and Wildlife Officers and Postal Inspectors, to name a few of the major categories.

There are about 1,000 federal officers who are either stationed in the state or frequent it in connection with their enforcement activities during the course of a year.

As a general rule, the Federal officers are well paid and receive many fringe benefits such as job security, hospitalization, retirement benefits and adequate expenses.

But it is an entirely different story in other categories.

On the basis of actual hours in service, state, county and local law enforcement officers are on the low end of the pay scale.

State Police are paid higher than most municipal police, but their pay scale, if computed on an hourly basis, will be about half of that of the school teacher.

Sheriffs are hung on a constitutional limit of \$5,000 a year, and in some counties, their deputies receive more, but in most, they are paid far less.

Municipal police in the larger cities receive much better salaries, as a rule than those in smaller towns. In the 55 larger departments, the average salary is \$4,585 a year. This includes the administrators and supervisors.

Thirty-nine of these departments have a uniform allowance, 13 are under municipal civil service; in 18 departments the officers can qualify for pensions and 27 departments have paid sick leave.

Policies on paid holidays and vacations vary.

City marshals average \$86.34 a month. Some have to pay their own travel expenses and furnish their own automobile. Most have regular hours, but all are on call at all times. Holidays, sick leave and vacation pay is left up largely to the mayor of the town.

Constables and their deputies are paid on a fee basis and their remuneration is smaller than that of the marshal, in most instances.

Except for the 55 larger departments, none provided pension benefits, civil service or other job security and none participated in the State, County and Municipal Employees Retirement System.

Other fringe benefits were left entirely up to the city administrations, with wide variations from year to year and administration to administration.

Each Arkansas township has the constitutional right to elect a constable. However, many fail to do so largely because no one offers for the position. The same is true of marshal in some municipalities. Marshals can be appointed or elected, depending on local ordinances.

In many Arkansas towns and communities, societies are closely integrated. Each person knows the affairs and characteristics of his neighbor. The laws and rules of society are generally known and are identical to the ethical precepts taught by parents, teachers and the church of the community.

The peace is kept, almost informally. When something "big" occurs, like a burglary, theft or murder, the Sheriff and State Police are called.

The concept of local autonomy in enforcing laws has prevailed throughout Arkansas history. Because many police agencies have held firmly to their traditional jurisdictional authority, responsibility for maintaining law and order in

Arkansas is highly decentralized, hap-hazard and un-uniform.

This decentralization is further accentuated because an officer's responsibility for enforcing the law is usually confined to a single jurisdiction, except in "hot pursuit" cases when he is chasing a "hot" suspect or known felon.

Because of the great number of police agencies involved, decentralization causes many problems.

This was clearly demonstrated recently by a murder on the Little Rock Air Force Base. This involved the Air Police, Jacksonville Municipal Police because the Base housing project where it occurred was in the city limits but on government property; the Pulaski County Sheriff's Office, the State Police and the Federal Bureau of Investigation because the crime happened on government property and involved government personnel.

Because cooperation was excellent between all the law enforcement agencies involved, the investigation was completed with a minimum of confusion and the charges were filed in Pulaski County Criminal Courts.

However, the incident indicated a need for closer communication between all the agencies involved.

The survey indicated that state, county and municipal law enforcement agencies are operating at about half the manpower strength of the average in the United States, and as a rule, about 20 percent below their authorized strength because of their inability to recruit officers for what they can pay.

Under Arkansas law, the county sheriff is the primary law enforcement officer, and the division of responsibility has not been clearly defined between various law enforcement agencies. Priority of authority has been set largely by tradition and custom, which usually gives city police the primary jurisdiction in cities, sheriffs in counties and state police on state highways.

There is little uniformity in Arkansas law enforcement.

There is little uniformity in the variety of tasks police departments are required to perform.

In some jurisdictions, the police department maintains the traffic signs, lights and parking meters.

In others, the police department is not consulted about the placement of signs and the first the officers know about them is when they see them in place or being erected.

Some jurisdictions require the police department to maintain the parking meters, including the installation, collection and repairs. In others, this is the function of the Street Department.

In smaller jurisdictions, the law enforcement officer doubles as the city collector, or the superintendent of the water and sewer department, or the foreman of the street department. In some instances, he may be responsible for all, or any combination of these functions, including fire protection.

In far too many jurisdictions, the police administrators are not consulted before laws or ordinances are adopted. As

a result, some laws are on the books that cannot be enforced, or use a disproportionate amount of the department's time and resources, or take valuable time and manpower away from officers who should be engaged in more important activities.

The absence of carefully developed and uniform policies to guide Arkansas law enforcement officers in handling a wide variety of situations is in sharp contrast to the zeal with which some communities adopt new ordinances and promote additional functions for their police agencies.

Some departments have set up elaborate record-keeping and reporting systems, with manpower that has had little training and educational background to maintain them.

As a rule, regulations of the department reflect the hobbies and emphasis of the city administrators and policy makers. One department has elaborate regulations dealing with such varied phases of its operations as citizens complaints, record keeping, transportation of non-police personnel in police vehicles.

Established policies with respect to certain public service functions are well articulated. But the officers of that department have little guidance in determining whether to transport a person requiring emergency medical assistance, in deciding whether to take a stray dog into custody, and relating to the inspection of the premises of a vacationing resident.

At least two Arkansas municipalities have established sophisticated methods for developing procedures in these areas; methods which call for analyzing the basic problems,

weighing the desirability of various alternative solutions and then developing and adopting criteria to serve as a basis for the decisions of operating personnel.

Development of "tolerance policies" is a continuing problem, and one that is highly sensitive in most Arkansas jurisdictions.

Some administrators tell their officers privately about a point above the speed limit at which they are to warn a motorist or issue a summons. They also provide criteria for making similar decisions with regard to other types of motor vehicle violations.

If such policies could be adopted uniformly, it would be of great assistance to the isolated officer who cannot frequently consult with his superiors or other officers from other jurisdictions.

It would also be a tremendous public relations asset so the general public could know that they would expect approximately the same treatment regardless of the section of the state they were in when they were stopped.

In departments where it has been adopted, it reflects an organizational response to the demands for fairness and uniformity so often voiced by the cross-section of citizens who violate traffic regulations. This group is capable of insisting upon consistency in law enforcement and can cause law enforcement considerable embarrassment over this one practice.

There is little uniformity in Arkansas in the handling of juvenile offenders and few departments have a stated

policy. The decision to release a juvenile offender to his parents or turn him over to the courts or refer him to some social agency is often determined by the arresting officer.

Arkansas Police administrators admit that procedures for handling routine matters of internal management can be done with relative certainty, with some assurance that the decision will not be a subject of major debate in the community.

Few people are concerned with these issues.

To the extent that there is public interest, police seem confident of the propriety of their making policy decisions and of their ability to defend decisions that are made.

In contrast, procedures for frisking suspects in high crime areas, for dispersing crowds which gather, and for deciding who is to be arrested inevitably involve difficult and sensitive questions of public policy.

Some Arkansas law enforcement officials are caught in a conflict between their desire for effective, aggressive police action and the requirements of law and propriety.

Direct confrontation of policy issues would inevitably require the police administrator to face the fact that some police practices, although considered effective, do not conform to constitutional, legislative or judicial standards.

By adoption of a "let sleeping dogs lie" approach, the administrator avoids a direct confrontation and thus is able to support "effective" practices without having to decide

whether they meet the requirements of law.

Because of the great maze of criminal laws and ordinances on the law books of Arkansas and its municipalities, and because the resources made available to law enforcement officers, the criminal and traffic laws cannot be enforced fully.

Even if resources were adequate, full enforcement of all criminal and traffic laws in the state would create an intollerable situation, because it would require the arrest of persons whose conduct is not sufficiently serious to warrant subjecting them to the criminal processes.

This is caused by an over-generalization in criminal statutes; using the criminal law to solve problems of proof as is done in the gambling statutes are drafted very broadly to insure that there are no loopholes for the professional gambler; making the criminal law reflect the aspirations rather than the actual achievable goals of the community which is a characteristic of some of our crimes of sexual immorality; and a failure to revise the criminal law to reflect current opinion as to what ought to be made criminal.

Lawmakers have found that even the most careful revision will not produce a criminal code which is capable of mechanical application to the wide variety of situations with which an officer may be confronted.

Apparently, the Arkansas Legislature and most city councils expect that law enforcement agencies will exercise good judgement in developing an enforcement progra.

In most Arkansas jurisdictions, responsibilities for deciding what laws are to be enforced and under what circumstances must be left to the police.

The judge gets the case only there has been an arrest and prosecution. He can exercise some influence by indicating what he deems to be instances of overzealous enforcement, but he is in no position to review instances in which no enforcement takes place.

The same is true of the prosecutor. Although his contact with the enforcement problem is greater and he can, to some extent, share this responsibility with the police.

The necessity of police exercising discretion is obvious, but this is often denied by the police. As a consequence, it is not recognized by most segments of the community.

As an example, a chief of police in a small town indicated that he was not going to enforce the curfew ordinance literally, because there were instances where children including his own might be out on the streets en route home from school activities and athletic events, without there being any indication of wrong doing.

The local newspaper promptly published an editorial asking whether we give in a country which has a government of law or a government of men. The editorial suggested to the chief of police that it was his responsibility to enforce the law, not to question its desirability or the appropriateness of its applicability in a particular situation.

The editorial said if the chief thought the law was improper, he should ask the City Council to change it.

Implication of the editorial was that the chief should confine himself to ministerial functions, and he probably will from now on. But his community will be unaware of the complexity of his task and law enforcement will suffer.

#### FUNCTIONS SHOULD BE DEFINED

The average Arkansas peace officer spends only a small part of his time intervening in criminal situations that call for arrest with its possible consequences of prosecution, trial and punishment.

Many of them are clear public services. Most of them are to clear up public nuisances such as stopping a radio blaring or a dog barking in the early morning hours, a convivial group obstructing the sidewalk or making loud noises after the lodge meeting, youths throwing rocks or snowballs at passing motorists, or helping to get a pet out of a tree or out of a hole.

Then, there are the situations involving people who need help, whether they want it or not, such as the drunk out in the freezing weather, the child who has run away from home, tourist in search of night life in a tough part of town.

Much of the time of the officer is taken up with persons whose conduct, while it might be unlawful, cannot be prevented or deterred to any degree by means now at the disposal of the criminal justice system, such as the use of dope, alcohol, gambling or prostitution.

Much of a peace officers duties is crime prevention and involves conduct which is not unlawful, but could be if it were allowed to continue, such as an orator exercising the right of free speech in front of a hostile crowd; a midnight street corner gathering of youths whose intentions are questionable, and an offer by a drunk to "lick any man in the house".

All these situations could involve the violation of some ordinance or statute. All of them could lead to a serious breach of public order, or in some extreme instances, a serious crime. Much of their work is seeing that this does not happen, but the public gives them very little credit for this.

Very few people outside of law enforcement apparently realize that much police work means becoming involved in the most intimate, personal way with the lives and problems of citizens of all kinds.

Peace officers deal with people when they are most threatening and vulnerable; when they are angry, frightened, desperate, drunk, violent or ashamed.

Few people realize the amount of information about the private lives of the co-munity's citizens the average police officer accumulates. Each police action can affect in some way, someone's dignity, or self-respect, or sense of privacy, his constitutional rights, or even his life or his property.

He becomes privy to secrets that most citizens guard jealously from even their closest friends. This includes the relationship between husbands and wives and other peoples husbands and wives, misbehavior of children, personal eccentricities, peccadilloes and lapses of all kinds.

#### FEW RECORDS KEPT ON PEACEKEEPING SERVICE

Less than 20 percent of the time spent by the average Arkansas law enforcement officer is in criminal investigations. Little record is made of the common kind of situation they are called upon to handle because of the extreme delicacy, and frustration, involved.

These are the matrimonial disputes which consumes as much of the officer's time as any other single activity, yet he is qualified, for the most part, to the extent of his personal experiences and few times by training or background.

These family altercations occur late at night when law enforcement officers are the only persons available. Because they are late at night, the disturbance to the entire neighborhood can be great, and can lead to crime. The Crime Report says this probably is the greatest single cause of homicides, and this certainly is true of Arkansas.

The capacity of the average officer to deal effectively with such a highly personal matter as conjugal disharmony is limited. If it does result in an arrest, chances are that the other mate will not show up to prosecute, and in many instances follow the officer and the offender to the

station house to get him out.

Sometimes police action creates temporary peace, but rarely solves the problem. Orders to see family counselors are likely to be ignored, although it was agreed at the conference between police and clergy that this was one area in which closer cooperation between these two professions could be highly productive.

Reports of these incidents usually are recorded in police records only when an arrest is made or it results in some kind of encounter. It has been estimated that these types of situations cause more assaults on police officers than any other.

It is often clearly demonstrated, especially in smaller towns and rural communities, that Arkansas people welcome police protection when they need it but resent official interference.

Whether the community regards police as their protectors or oppressors depends largely upon how the police have been trained in the performance of their duties.

But far too many Arkansas Police officers have been trained to perform such procedures as searching a person for weapons, transporting them to the police station, taking fingerprints, but they have had little training on instruction on writing reports of arrests or in handling intricate, intimate situations in which they have become involved.

Undermanned Arkansas police departments have been forced to focus their attention to the apprehension and

prosecution of criminals and handling traffic situations. Peacekeeping and service activities, which consume the majority of police time, receive too little consideration from the public.

#### NEED DEFINITION OF RESPONSIBILITIES

Most police administrators seem to be in agreement that they need some sort of guidance and definition of the primary responsibilities of their agencies. Sheriffs departments, especially, are called upon to do most of the functions that is not done by other agencies of government, and Sheriffs are hesitant to do a constituent any possible favor, because he knows that he will be up for election within two years.

Such duties as directing traffic at special events, watching polls on election day, transporting victims to hospitals, escorting visitors in and out of town, licensing taxicabs and bicycles, operating animal shelters and pounds, helping people find lost keys to their automobiles or homes and a variety of other things are in the "Boy Scout" category.

Few city administrators have given clearcut guidelines on many of these functions. Since much of the officers time is spent moving around his territory on preventive patrol, it is natural for the public to take the attitude that he doesn't have too much to do, and has ample time to perform these various chores.

Most taxpayers interpret the police role of "protection" as meaning protection, not only from crime, but against other hazards, accidents or even discomforts of life.

For those who believe policemen should be relieved of all duties not directly relevant to enforcing the law have a number of arguments, as listed in the Crime Commission report:

"That full-time service duties, such as traffic direction and the like, are a waste of time and the skills of people who have been specifically trained for fighting crime; that every minute a patrolman spends off patrol is a minute during which a crime that he might have deterred may be committed; that a patrolman busy on a service call is out of communication with superiors who may want him for an emergency call; that the only way policemen can become the crime specialists they should be, is by concentrating exclusively during every working hour on crime; that the routine performance of trivial duties discourages able men from entering police work and drives other able men out of it".

The opposing arguments are that traffic officers often do deter crimes or solve them by virtue of their presence and availability; that answering service calls stimulates public esteem for and cooperation with the police, helps familiarize police with the community and furnished investigative leads to alert intelligent officers; that opportunities to be friendly and useful are psychologically valuable to men who spend much of their time dealing with the seamy side of life.

The Little Rock Police Department has started keeping records which will reveal what proportion of working time

police spend on what activities, such as preventive patrol, answering service calls, investigating crimes, appearing in court, writing reports, directing traffic and the like.

Other communities need to take a hard look at such police assignments as running the dog pound, maintenance on traffic lights, signs and parking meters, tax collection, licensing, chauffer duty for city officials and other functions which are not related neither to law enforcement nor performing essential community services on the streets.

Some are in the process of determining whether it is desirable, or possible for the police to devote more time than they do now to protect the community from such things as loan-sharking, so-called white collar thefts from merchants and similar criminal activities not usually handled in routine fashion by police departments.

There is a growing urgency for police to participate formally in community planning of many types.

#### CHIEFS ASSOCIATION APPROVES STANDARDS

Early in the project, we sent out copies of "Model Police Standards Act" as suggested by the President's Commission on Crime and the Administration of Justice, to selected police and city administrators, and some members of the Arkansas General Assembly.

The Arkansas Association of Chiefs of Police came out strongly in favor of the proposal but indicated the standards were too high and they would have to be modified

before they could obtain approval of their city administrators and policy makers.

After a study of the Model, plus a suggested law of the International Association of Chiefs of Police, a modification was drafted of the two proposals.

The Chiefs Association, composed of 57 police administrators and supervisors, and including all of the major municipal departments, adopted the standards.

The following standards have been approved by the Arkansas Association of Chiefs of Police and they are being used as a standard by all the departments, plus the Arkansas State Police.

The standards adopted by the Chiefs Association:

**Purpose:**

In light of the present day requirements for more effective Law Enforcement, and the public demands for a more professional approach to the Police problems, as well as the tremendous responsibility imposed upon Police Officers, it is herein recommended that each Municipal Police Department in the State of Arkansas strive to meet the requirements as outlined herein through voluntary compliance.

**Qualifications for Recruitment**

**Age:**

To be eligible for Police employment, the applicant must have passed his 21st birthday and must not be more than 6'6" tall.

**Weight:**

Minimum weight of applicants should be 160 lbs; with weight to be in proportion to height.

**Physical Attributes:**

Applicant must have physical agility and strength at time of employment equal at least to the amount possessed by the average person of 25 years of age. Applicant should be examined by a competent medical doctor and be found to have no physical defects which would in any way hamper his performance of the Police Task. Applicant must have no physical defects in appearance which would attract undue attention.

**Educational Requirements:**

Applicant must have graduated and possess a diploma from an accredited high school or hold a G.E.D. in lieu of such. Applicant must have an IQ of 100 as determined by an accredited test for such. Applicant must be of even temperment, and be able to get along well with people.

**Character and Reputation:**

Applicant must be of good moral character and have no criminal record. Applicant must have no record of traffic violations which would manifest hostility toward the Law or the Police Profession. Applicant must not have belonged to any organization in which the aim of that organization is or has been the forceable overthrow of the United States Government. Credit rating of the applicant must be acceptable.

Each applicant is to receive a minimum of 150 hours of formal classroom training during his probationary period, such training to be on subject material and for the number of hours as outlined herein:

SUBJECT	HOURS
Public Relations-----	6
Introduction and Miscellaneous Subjects-----	3
Notebooks--Note Taking (School and field)-----	2
Race Relations-----	2
Firearms-----	12
Self Defense-----	12
Court Appearance and Conduct-----	2
Care and Use of Departmental Equipment-----	1
Crowd Control: Civil Disturbances and Riot Control-----	4
First Aid-----	6
Patrol Procedures and Observations-----	8
Fundamentals of Penal Code and Related Laws---	10
Report Writing, Modus Operandi Report-----	8
Juvenile Procedure-----	4
Transportation of Prisoners and Insane persons-----	1
Mechanics of Arrest-----	6
Searches and Seizures-----	3
Law of Arrest-----	4
Rules of Evidence-----	6
Value of Scientific Aid-----	4
Police Procedures-----	12

Principles of Investigation-----	12
Traffic-----	12
Interview and Interrogation-----	8
Fundamentals of Civil Process-----	2
TOTAL-----	150

CHIEFS ACTION GOT THE STANDARDS PROGRAM STARTED

Admittedly, the standards adopted by the Arkansas Association of Chiefs of Police is considerably below those recommended by the International Association of Chiefs of Police and the President's Commission on Crime and the Administration of Justice.

However, the police administrators realized that they must take a realistic approach which would:

1. Conform to existing civil service regulations or established hiring practices within their jurisdictions.
2. Set goals which are in sight for most departments.
3. Include many of the traditional concepts which have been accepted in their communities as standards for peace officers, such as size, age and some other customs.

For many of the departments, standards for character and reputation were written in for the first time, along with minimum educational requirements, when the new standards were adopted, even on a voluntary basis.

Several municipalities have began a reexamination of Civil Service regulations with a view of bringing them closer to the recommendations of the Presidents Crime

Commission.

This is particularly true of the residence requirements. Most cities have abandoned the depression-inspired requirement that local residents would receive preference for the available jobs.

For the most part, they are holding on to the traditional standards on age, height, weight and visual acuity, but are stressing more education, background, character and personality of prospective recruits.

Our Second Quarter efforts have been largely personal contact with law enforcement officers and members of the Arkansas Legislature.

In discussions with police administrators of the smaller communities, it became apparent that:

1. They all favored the Minimum Standards and Training program provided all existing law enforcement are blanketed into the program.

2. Penalties for non-compliance would be impractical because some of the smaller jurisdictions will find it impossible to employ officers meeting even the minimum standards until they find new sources of revenue.

3. Compliance will be gained more readily if a state salary subsidy can be developed, to be paid only to law enforcement officers who maintain the standards and complete the training as prescribed by the Council on Police Standards and Training.

4. The police administrators indicated that a major aid to them in recruiting in personnel would be

assistance from the standards and training commission toward obtaining additional "fringe" benefits for their officers. This could include uniform allowances, ordinance-based regulations for paid holidays, days off, work week, overtime, hospitalization, sick leave, vacation and terminal leave, among others.

5. Only the larger departments have pension plans and job security such as Civil Service or local Merit Systems. A State-wide system of retirement and job security is highly desirable, especially if it would permit an officer to move his retirement credits from one jurisdiction to another. This could be one of the greatest inducements for persons to enter the police service, according to the police administrators in Arkansas.

A state-wide meeting of law enforcement officials and administrators was held at Little Rock, March 21, 1968, at which a revised proposal was distributed and plans for a companion measure was discussed to provide inducements for compliance.

As a preparation for setting standards, we made the survey of police departments, discussed earlier in this report, to determine:

1. Salary schedules
2. Total number of employees, including non-sworn personnel, with rank and title designations.
3. Whether they are under Civil Service.
4. If they have a retirement system.

5. What "fringe benefits" are provided such as uniform or clothing allowances, hospitalization, ordinance-authorized vacations, days off, overtime pay, work week and similar items.

This survey is expected to be completed and compiled by April 15 and will be included in our final narrative report.

In company with Milburn Gill, Chief Investigator for the Arkansas Attorney General, and William R. Hass, Assistant Attorney General, we went to Washington, D. C., for conference with Jim Martin and his assistant at the National Governor's Conference and Bill Frainey, and others at the International Association of Chiefs of Police concerning experiences of other states with Minimum Standards and Training Commissions.

The project director visited Minimum Standards and Civil Service set-ups in Minnesota and Illinois to see how their plans were working.

In cooperation with John F. Gibson of Dermott, a former prosecuting attorney who has been closely associated with law enforcement through the years, and Talbot Feild, Jr., of Hope, both lawyers and members of the Legislature, we prepared a proposed Minimum Standards and Training Act, a copy of which is enclosed.

This proposal follows closely the model of the International Association of Chiefs of Police, with modifications. One of the principal requirements we felt necessary to eliminate was the provision for college degrees for administrators.

After consultation with our legislative advisers, it was suggested that we seek a law which would establish a Minimum Standards and Training System on a statewide basis.

The original law should be voluntary, with compliance dependent upon incentives, instead of penalties, were advised, and legislation should be developed which would provide these incentives.

Our proposal follows:

#### PROPOSED

#### MINIMUM STANDARDS AND TRAINING ACT

A bill for an Act to be entitled, "An Act establishing a Minimum Standards and Training Council for Law Enforcement Officers and providing certain educational and training requirements for members of law enforcement jurisdictions, and for other purposes".

#### SECTION L. FINDINGS AND POLICY

The legislature finds that the administration of criminal justice is of statewide concern, and that police work is important to the health, safety, and welfare of the people of this State and is of such a nature as to require education and training of a professional character. It is in the public interest that such education and training be made available to persons who seek to become police officers, persons who are serving as such officers in a temporary or probationary capacity, and persons

already in regular service.

## SECTION 2. LAW ENFORCEMENT OFFICER DEFINED

As used in this Act:

"Law Enforcement Officer" means any full-time employee of a law enforcement jurisdiction which is a part, or administered by the State of Arkansas or any political subdivision thereof, and who is responsible for the prevention and detection of crime and enforcement of the penal, traffic or highway laws of this state or any political subdivision there-in.

## SECTION 3. LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL.

(a) There is hereby established a Law Enforcement Standards and Training Council, hereinafter called "The Council". The Council shall be composed of five members which shall be the members of the Arkansas Law Enforcement Training Academy Commission, the director of the Arkansas State Police and the Assistant State Commissioner of Education in charge of vocational education.

(b) The Council shall select a chairman and vice chairman, who shall be members of the Council and a secretary which may or may not be a member of the Council.

(c) Members of the Council shall serve without compensation, but shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service.

(d) The Council shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places

of meetings, either on his own motion or upon written request of any three members of the Council.

(e) The Council shall report annually to the Governor and General Assembly and make such other reports as deemed advisable.

#### SECTION 4. POWERS

In addition to powers conferred upon the Council elsewhere in this act, the Council shall have power to:

1. Promulgate rules and regulations for the administration of this act including the authority to require the submission of reports and information by police departments within this State.
2. Establish minimum educational and training standards for admission to employment as a police officer:  
(a) in permanent positions, and (b) in temporary or probationary status.
3. Certify persons as being qualified under the provisions of this act to be police officers.
4. Establish minimum curriculum requirements for preparatory, inservice and advanced courses and programs for schools operated by or for the State or any political subdivisions thereof for the specific purpose of training police recruits or police officers.
5. Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of police training schools and programs or courses of instruction.

6. Approve institutions and facilities for school operation by or for the State or any political subdivision thereof for the specific purpose of training police officers and police recruits.

7. Make or encourage studies of any aspect of police administration.

8. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement.

9. Make recommendations concerning any matter within its purview pursuant to this act.

10. Employ a Director and such other personnel as may be necessary in the performance of its functions.

11. Make such evaluations as may be necessary to determine if governmental units are complying with the provisions of this act.

12. Adopt and amend bylaws, consistent with law, for its internal management and control.

13. Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this act.

#### SECTION 5. EDUCATION AND TRAINING REQUIRED

(a) Police officers already serving under permanent appointment on the effective date of this act shall not be required to meet any requirement of subsections (b) and (c) of this section as a condition of tenure or continued employment; nor shall failure of any such police officer to fulfill such requirements make him ineligible for any

promotional examination for which he is otherwise eligible. The legislature finds, and it is hereby declared to be the policy of this act, that such police officers have satisfied such requirements by their experience.

(b) At the earliest practicable time, the Council shall provide, by regulation, that no person shall be appointed as a police officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of police training at a school approved by the Council, and is the holder of an appropriate degree from an accredited institution. No police officer who lacks the education and training requirements required by the Council may have his temporary or probationary employment extended beyond 1 year by renewal of appointment or otherwise.

(c) In addition to the requirements of subsections (b), (e), and (f) of this section, the Council, by rules and regulations, shall fix other qualifications for the employment and promotion of police officers, including minimum age, education, physical and mental standards citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of police officers, and the Council shall prescribe the means for presenting evidence of fulfillment of these requirements.

(d) The Council shall issue a certificate evidencing satisfaction of the requirements of subsections (b) and

(c) of this Section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of equivalent in content and quality to that required by the Council for approved police education and training programs in this State.

(e) After the effective date of this act, each candidate for employment as a police officer who receives passing scores on his employment entrance examinations shall have credits, as established by the Council, added to his total examination scores for studies which he has satisfactorily completed at an accredited institution of higher learning in a program leading to a degree.

(f) Each police officer who is a candidate for promotion also shall receive educational credits as determined in section 5 on promotional examinations.

SECTION 6. POLICE TRAINING SCHOOLS AND PROGRAMS: GRANTS UNDER THE SUPERVISION OF COUNCIL AND THE STATE

(a) The Council shall establish and maintain police training programs through such agencies and institutions as the Council may deem appropriate.

(b) The Council shall authorize the reimbursement to each political subdivision and to the State, a percent of the salary and of the allowable tuition, living, and travel expenses incurred by the officers in attendance at approved training programs, as funds are available, providing said political subdivisions or State agencies do in fact adhere to the selection and training standards established by the council.

## SECTION 7. APPROPRIATIONS

(a) Except as otherwise specifically provided in this Section, the Council shall be supported only by appropriations made by the legislature.

(b) The Council may accept for any of its purposes and functions under this act any and all donations, both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize, and dispose of the same. Any arrangements pursuant to this subsection shall be detailed in the annual report of the Council. Such report shall include the identity of the donor the nature of the transaction, and the conditions, if any. Any monies received by the Council pursuant to this subsection shall be deposited in the (State Treasury) to the account of the Council.

(c) The Council, by rules and regulations, shall provide for the administration of the grant program authorized by this Section. In promulgating such rules, the Council shall promote the most efficient and economical program for police training including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication.

(d) The Council may provide grants as a reimbursement for actual expenses incurred by the State or political subdivisions thereof for the provisions of training programs to officers from other jurisdictions within the State.

SECTION 8. SEVERABILITY

The provisions of this act shall be severable and if any phrase, clause, sentence, or provision of this act is declared to be contrary to the Constitution or laws of this State or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this act and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

SECTION 9. REPEALING CLAUSE

All acts or parts of acts not consistent with this act are hereby repealed.

## CONCLUSION

The Arkansas General Assembly was called into Extraordinary Session on May 27, 1968 by Governor Rockefeller.

A proposed Minimum Standards and Training Council Act was introduced by Senator Oscar Alagood of Pulaski County. The proposal followed closely the model law in the President's Commission on Crime and the Administration of Justice.

We also included provisions for a Council in a proposal to levy a tax on real estate transfers, with fulltime, qualified law enforcement officers receiving 25 percent of the revenues.

These revenues would be divided equally, by the Council, among officers who met the council's qualifications.

Because it was a new tax, it required an affirmative vote of three fourths of the Senate and House. When it became apparent that it would not receive that number of votes, the author of the bill decided against bringing it to a vote.

When the Proposed Minimum Standards and Training Act was introduced by Senator Alagood, the Arkansas Municipal League voiced opposition to a section of it which made compliance mandatory.

We had sent officials of the Municipal League a copy of the proposal earlier and had suggested that if they had objections, they should let us know. They voiced no objections until the introduction of the bill.

In order to eliminate the opposition, we re-wrote the bill, removing the mandatory compliance provisions. We decided that compliance could be obtained by incentives, and would rather have the proposal on a voluntary basis than not at all.

Representative Talbot Feild, Jr., of Hope, who had served as an instructor in the OLEA's Police Supervisory Courses, introduced an identical Minimum Standards proposal in the House of Representatives to make certain that both proposals would not get lost in a legislative log jam.

There was no opposition voiced during consideration of either measure.

Senators Max Howell of Pulaski County and John F. Gibson of Dermott, and Representatives Feild and Allan Dishongh were active in explaining our legislation.

Representative Dishongh is a former Arkansas State Police Trooper and knew first hand the importance of a Minimum Standards Law and was able to speak with authority on the proposal.

The purpose of the project was to develop legislation for a Minimum Standards and Training Program for Arkansas Law Enforcement Officers.

This has been accomplished.

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We wish to take this opportunity to thank Paul Estover and C. M. Cooper of the staff of the Office of Law Enforcement Assistance for their helpful cooperation and counsel.

It has, indeed, been a pleasure for all of us to work with them.