

West's Arkansas Code Annotated

Title 12. Law Enforcement, Emergency Management, and Military Affairs

Subtitle 2. Law Enforcement Agencies and Programs (Chapters 6 to 24)

Chapter 9. Law Enforcement Officer Training and Standards (Refs & Annos)

Subchapter 6. Law Enforcement Officer Employment, Appointment, or Separation

A.C.A. § 12-9-602

§ 12-9-602. Notice of employment, appointment, or separation--
Response by the law enforcement officer--Duty of division

Effective: July 28, 2021

Currentness

(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;

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

(E) The law enforcement officer was separated for excessive use of force; or

(F) The law enforcement officer was separated for dishonesty or untruthfulness.

(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.

Credits

Acts of 1997, Act 949, § 1; Acts of 1999, Act 949, § 1, eff. July 30, 1999; Acts of 2019, Act 910, §§ 5828 to 5832, eff. July 1, 2019; Acts of 2019, Act 151, § 8, eff. July 24, 2019; Acts of 2021, Act 218, § 3, eff. July 28, 2021.

A.C.A. § 12-9-602, AR ST § 12-9-602

The constitution and statutes are current through the 2023 Regular Session and the 2023 First Extraordinary Session of the 94th Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through March 21, 2024.