

12-9-120. Imposition of administrative penalties

- (a) When determining the amount of an administrative penalty assessed against a law enforcement agency or governmental entity under subsection (b) of this section for violation of a rule of the Arkansas Commission on Law Enforcement Standards and Training, the commission shall consider:
 - (1) The seriousness of the violation;
 - (2) The law enforcement agency's or governmental entity's history of violations;
 - (3) The amount the commission believes is necessary to deter future similar violations;
 - (4) Efforts made by the law enforcement agency or governmental entity to correct the violation, including the immediacy and degree of corrective action; and
 - (5) Any other consideration that the commission believes important.
- (b) (1) An administrative penalty may be assessed under this section in the following amounts:
 - (A) For appointing a person who does not meet minimum standards as a law enforcement officer, an administrative penalty of no more than one thousand dollars (\$1,000); and
 - (B) For failing to timely submit any required appointment or separation documents, an administrative penalty of no more than three hundred fifty dollars (\$350).
- (2) The administrative penalties authorized under this subsection may be assessed on a per-day basis, with each day considered a separate violation.
- (c) The presence of mitigating factors does not require the commission to dismiss a violation of commission rules.
- (d) (1) The Director of Law Enforcement Standards and Training may enter into an agreed-upon order concerning administrative penalties under this section with a law enforcement agency or governmental entity, subject to final approval of the commission.
 - (2) The agreed-upon order under subdivision (d)(1) of this section may be in an amount that differs from the amounts in subdivision (b)(1) of this section.
- (e) (1) The commission shall provide written notice to a law enforcement agency or governmental entity of an alleged violation of a rule, and the law enforcement agency

or governmental entity shall respond in writing within thirty (30) days of receipt of the written notice.

- (2) A law enforcement agency's or governmental entity's failure to respond within thirty (30) days of the written notice under subdivision (e)(1) of this section may result in the entry of a default order of assessment of an administrative penalty.
- (f) A law enforcement agency or governmental entity may request a hearing before the commission to contest the allegations set forth in the written notice under subsection (e) of this section within thirty (30) days of receipt of the written notice.