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.