

Law Enforcement Agency Requirements and Methods to Obtain Compliance

Item #	Requirements of State and Local Agency stated in statute / regulation	Potential Liability Local and State Law Enforcement Agencies open themselves to if they are not in compliance	Methods the Criminal Justice Academy (CJA) has to determine if agencies are in compliance	Statutes / Regulations which allow extensions?	Enforcement Methods available to CJA	Number of times CJA has utilized enforcement methods since 7/1/15
1	Submit Personnel Change in Status (PCS) of Hire 23-23-40 R. 37-007	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)	Field audit or when Officer registers for training	No provision for extension	LETC Compliance Order & Civil Penalties 23-23-100 <i>Explanation:</i> Law Enforcement Training Council (LETC) can issue an Order requiring an agency to comply with the training act. If compliance is not achieved, LETC can seek civil penalties up to \$1,500.00.	Several times, after an agency was notified a field audit was scheduled, the agency would submit outstanding forms to get everything current prior to the actual audit. The forms were still submitted past the statutory deadline, but since CJA received the forms, it did not pursue any fines against any of the agencies.
2	Perform Background Investigation 23-23-60 R. 37-003	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)	Analysis of Personnel Change in Status (PCS) of Hire	No provision for extension	LETC Compliance Order & Civil Penalties 23-23-100	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
3	Submit Application for Re-certification 23-23-60 R. 37-009	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)	Certification expires if not submitted (ACADIS)	23-23-40 23-23-60 R. 37-011	LETC Compliance Order & Civil Penalties 23-23-100	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
4	Provide Emergency Vehicle Training R. 37-014 R. 37-015, 16, 17	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)	Submitted on Mandatory Retraining Notification (MRN) Form (ACADIS)	23-23-60 R. 37-011	LETC Compliance Order & Civil Penalties 23-23-100 R. 37-020	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
5	Notify CJA of Training Compliance 23-23-60 R. 37-016	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)	Submitted on MRN Form (ACADIS)	23-23-60 R. 37-011	LETC Compliance Order & Civil Penalties 23-23-100 R. 37-020	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
6	Maintain proof of firearms qualification R. 37-021	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)		No provision for extension	LETC Compliance Order & Civil Penalties 23-23-100	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
7	Continuing Training Requirement 23-23-60 R. 37-017	Potential lawsuits for negligence or 1983 Action (citizen claim for depriving them of their rights)	Submitted on MRN Form (ACADIS)	23-23-60 R. 37-011	LETC Compliance Order & Civil Penalties 23-23-100 R. 37-020	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
8	Submit PCS of Routine Separation R. 37-022	Potential lawsuit for officer's negligence while working for another entity	Field audit	No provision for extension	LETC Compliance Order & Civil Penalties 23-23-100	Several times, after an agency was notified a field audit was scheduled, the agency would submit outstanding forms to get everything current prior to the actual audit. The forms were still submitted past the statutory deadline, but since CJA received the forms, it did not pursue any fines against any of the agencies.
9	Submit PCS alleging Misconduct R. 37-022 R. 37-023	Potential lawsuit for officer's negligence while working for another entity	Field audit	No provision for extension	LETC Compliance Order & Civil Penalties 23-23-100 R. 37-020	A few times each month agencies will submit an improper PCS (i.e. PCS alleging misconduct but with no supporting background facts). CJA notifies the agencies and the agencies resolve the issues prior to needing a Compliance Order.
10	Notify CJA of disposition of criminal charges (The employing agency, or former agency, of an officer who has been arrested, must notify CJA of the disposition of the criminal charges) R. 37-100		When officer applies for a new position (the new employing agency is required to run a criminal history on a new employee. When CJA receives a PCS of hire, the ACADIS file has already been "flagged" and a review on the disposition begins)	No provision for extension	LETC Compliance Order & Civil Penalties 23-23-100	Unaware of a Compliance Order being issued; any non-compliance issues, that CJA was aware of, were resolved prior to needing a Compliance Order.
11	Prosecute allegations of misconduct (The agency making the allegations is required to prosecute the allegations of misconduct) R. 37-103	Potential lawsuits for negligence	The agency attends to prosecute (The agency making the allegations is required to prosecute the allegations of misconduct)	Continuance granted	Default ruling against party who fails to appear R. 37-106 (LETC makes a finding of misconduct, if the officer does not appear or a finding of no misconduct, due to no evidence, if the agency fails to appear)	Agency failed to appear for an April 2017 hearing.
12	Reimburse for training costs 23-23-120		Agency seeking reimbursement notifies CJA	Agreement of the parties	LETC Compliance Order & Civil Penalties 23-23-100	Compliance Order need in one case.