

STATEMENTS OF POLICY

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Consideration for Reinstatement of Certification

[45 Pa.B. 5502]

[Saturday, September 5, 2015]

(Editor's Note: This statement of policy updates and replaces the previous version published at 43 Pa.B. 2717 (May 18, 2013).)

Purpose

Act 165 of 2012 requires the Municipal Police Officers' Education and Training Commission to develop standards and guidelines to govern the reinstatement of municipal police officers and certified school instructors who have had their certification (s) suspended or revoked. Act 165 was signed into law on October 24, 2012, and took effect immediately. To comply with Act 165, the Commission established this policy to provide guidance and allow the consideration of applications for reinstatement. This policy provides general criteria that the Commission may consider for the reinstatement of certification. This policy is not binding on the Commission, and the Commission may consider any and all relevant factors and circumstances with regard to an officer's or instructor's application for consideration for reinstatement of certification. A vote by the Commission to approve an individual's application for consideration for reinstatement of certification is not a waiver of any of the conditions for certification nor a Commission vote to certify an individual under 37 Pa. Code Chapter 203.

Definitions

For the purpose of this policy, unless otherwise defined herein, all terms shall be defined as stated in 37 Pa. Code § 203.1 Definitions.

Chief—The agency executive, chief of police, or officer in charge of a police department enumerated under the Act, or the person or governing body exercising oversight over the police department.

Revocation—Decertification of a certified police officer for an indefinite period of time. This action nullifies any and all aspects of initial certification, except police education recognized or waived under the Act.

Suspension—Temporary decertification of a certified police officer for a period of time determined by the Commission, generally not to exceed two years.

Suspended Officers or Instructors

Suspended officers or instructors may reapply for certification following the completion of their suspension by submitting a Change of Status to the Commission. This form is available on the Commission's public website and shall be submitted by the officer's Chief or the instructor's School Director. Submission of a Change of Status shall be accompanied by a notarized affidavit certifying they have not been convicted of a disqualifying criminal offense during the term of their suspension. If an officer is seeking certification with a new department, the Chief is strongly encouraged to conduct a background investigation of the officer as outlined in § 203.11(a)(10).

Upon receipt of the application, the Director, Certification and Administration will review and verify the suspended officer has met all the conditions for recertification. If it is discovered that the suspended officer is no longer eligible for certification, the Change of Status shall be forwarded to the Executive Director for review and appropriate action. If the suspended officer still meets certification requirements, the Director, Certification and Administration shall provide the individual's Chief with a certification document.

Revoked Officers

After one year from the date of revocation, the individual may apply for consideration for reinstatement of certification. The application for consideration for reinstatement of certification is available on the Commission's public website. Applicants who were convicted of a disqualifying criminal offense, or who are otherwise prohibited from possessing a firearm by state or federal law, shall not be eligible for consideration for reinstatement of certification unless and until they receive all necessary and appropriate relief.

All applications for consideration for reinstatement of certification shall be notarized and accompanied by the following:

1. A written conditional offer of employment from a police department (as defined by § 2162 of the Act).
2. A Pennsylvania criminal history check completed within the 60 days prior to submission of the application.
3. A Federal Bureau of Investigation criminal history check completed within the 60 days prior to submission of the application. (Refer to the following hyperlink for additional information about this criminal history check: <http://www.fbi.gov/about-us/cjis/background-checks>).

Applicants may, and are encouraged to, submit the following as well:

1. Notarized affidavits testifying to the applicant's character and fitness for employment as a municipal police officer.

2. A personal statement from the applicant addressing the reason(s) for the applicant's revocation and reason(s) for which the applicant should be reinstated.

Application for consideration for reinstatement of certification shall be sent via certified mail to the Executive Director at 8002 Bretz Drive, Harrisburg, PA 17112-9748 who, within five (5) business days of receipt, shall present a copy of the application and all related materials to all members of the Professional Standards Committee (hereafter "the Committee"). The Committee shall convene at a quarterly Committee meeting or such other time and place as they may designate and, with a quorum being present, review the application, and make a recommendation to the full Commission. Upon a date being set by the Committee to review the application, the Executive Director shall as soon as practicable, via written correspondence, notify the district attorney of the county where the applicant has received a conditional offer of employment. This correspondence will advise the district attorney of the Committee meeting to review the applicant's application and the circumstances surrounding their decertification. Additionally, the district attorney will be notified that they may provide to the Committee, prior to the meeting, any information or recommendations as to whether reinstatement of certification should be granted. The Committee may evaluate the applicant's suitability for reinstatement using the following criteria:

- Total years of service as a certified police officer
- The severity of the violation which caused the revocation and any negative impact on the public trust, police department, or political subdivision
- Any information provided by a district attorney or his office
- Notarized character statements submitted with the application by individuals not in the applicant's immediate family or household
- Previous disciplinary actions taken by any employing police department
- Previous suspensions or revocations by the Commission
- The applicant's acceptance or denial of responsibility for the violation which caused the revocation
- Any criminal convictions, accelerated rehabilitative dispositions (ARD), or arrests on, prior to, or after the date of revocation
- Community or volunteer service conducted during the period of revocation
- Endorsements by supervisors and/or command level personnel within the police department
- Letter of endorsement from the head of the political subdivision affiliated with the applicant's former, present, or newly employing police department
- Official statements made during the course of the inquiry into the violation which caused the revocation

- Statements made in letters or other correspondence sent to the Commission during the time of revocation

A recommendation shall be made no later than the second full Commission meeting following the submission of the application. The Commission shall consider the recommendation of the Committee. The Commission may request any information, review any document, or require clarification from the Committee prior to any vote. These criteria shall not be deemed as exhaustive and the Commission may consider any other relevant factors and circumstances that may speak to the applicant's suitability to serve as a municipal police officer.

Upon hearing the recommendation of the Committee and considering any and all relevant factors, the Commission will generally approve or deny the individual's application for consideration for reinstatement of certification. This approval shall require an affirmative majority vote of a seated quorum.

Any approval of an individual's application for consideration of reinstatement of certification shall not be considered a waiver of any of the requirements for certification as stated in 37 Pa. Code Chapter 203, Subchapter B. The applicant must meet all physical, psychological, and criminal history requirements of that subchapter and shall be required to complete the application process as well as any and all training and testing required by the Commission in accordance with the Act and regulations.

It is the policy of the Commission not to entertain repetitive applications for reinstatement. Upon the Commission's rejection of an application for consideration for reinstatement of certification, the applicant shall not be permitted to apply for reinstatement for a period of not less than one year from the date of the Commission's vote to reject. Individuals may only apply for reinstatement three times.

Revoked Instructors

After one year from the date of revocation, the individual may apply for consideration for reinstatement of certification. The application for consideration for reinstatement of certification is available on the Commission's public website. Applicants who were convicted of a disqualifying criminal offense, or in the case of firearms instructors who are otherwise prohibited from possessing a firearm by state or federal law, shall not be eligible for consideration for reinstatement of certification unless and until they receive all necessary and appropriate relief.

All applications for consideration for reinstatement of certification shall be notarized and accompanied by the following:

1. A written conditional offer of employment from a certified school as required by 37 Pa. Code § 203.71(c)(2).
2. A Pennsylvania criminal history check completed within the 60 days prior to submission of the application.
3. A Federal Bureau of Investigation criminal history check completed within the 60 days prior to submission of the application. (Refer to the following hyperlink for

additional information about this criminal history check: <http://www.fbi.gov/about-us/cjis/background-checks>).

Applicants may, and are encouraged to, submit the following as well:

1. Notarized affidavits testifying to the applicant's character and fitness for employment as a basic or mandatory in-service police training instructor.
2. A personal statement from the applicant addressing the reason(s) for the applicant revocation and reason for which the applicant should be reinstated.

Application for consideration for reinstatement of certification shall be sent via certified mail to the Executive Director at 8002 Bretz Drive, Harrisburg, PA 17112-9748 who, within five (5) business days of receipt, shall present a copy of the application and all related materials to all members of the Committee. The Committee shall convene at a quarterly Committee meeting or such other time and place as they may designate and, with a quorum being present, review the application(s) and make a recommendation to the full Commission. The Committee may evaluate the applicant's suitability for reinstatement using the following criteria:

- Total years of service as a basic or mandatory police training instructor
- The severity of the violation which caused the revocation and any negative impact on the public trust, certified school, or municipal police department(s)
- Notarized character statements submitted with the application by individuals not in the applicant's immediate family or household
- Previous disciplinary actions taken by any employing certified school
- Previous suspensions or revocations by the Commission
- The applicant's acceptance or denial of responsibility for the violation which caused the revocation
- Any criminal convictions, accelerated rehabilitative dispositions (ARD), or arrests on, prior to, or after the date of revocation
- Continued employment and endorsement by the certified school's parent educational authority
- Endorsements by the president, deans, supervisory faculty, or the like affiliated with the applicant's employing certified school
- Official statements made during the course of the inquiry into the violation which caused the revocation
- Statements made in letters or other correspondence sent to the Commission during the time of revocation

A recommendation shall be made no later than the second full Commission meeting following the submission of the application. The Commission shall consider the recommendation of the Committee. The Commission may request any information, review any document, or require clarification from the Committee prior to any vote.

These criteria shall not be deemed as exhaustive and the Commission may consider any other relevant factors and circumstances that may speak to the applicant's suitability as a basic or mandatory in-service police training instructor.

Upon hearing the recommendation of the Committee and considering any and all relevant factors, the Commission will generally approve or deny the individual's application for consideration for reinstatement of certification. This approval shall require an affirmative majority vote of a seated quorum.

Any approval of an individual's application for consideration for reinstatement of certification shall not be considered a waiver of any of the requirements for certification as stated in 37 Pa. Code Chapter 203, Subchapter E. The individual must meet the criminal history provisions of that subchapter and shall be required to complete the application process as outlined in 37 Pa. Code § 203.71.

It is the policy of the Commission not to entertain repetitive applications for reinstatement. Upon the Commission's rejection of an application for reinstatement, the applicant shall not be permitted to apply for reinstatement for a period not less than one year from the date of the Commission's vote to reject. Individuals may only apply for reinstatement three times.

COLONEL TYREE C. BLOCKER,
Chairperson

Fiscal Note: 17-81. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 15-1615. Filed for public inspection September 4, 2015, 9:00 a.m.]

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