

# STATEMENTS OF POLICY

## MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[ 37 PA. CODE CH. 203 ]

### Consideration for Reinstatement of Expelled Act 120 Cadets

#### *Purpose*

Act 165 of 2012 required 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 had their certification(s) suspended or revoked under 37 Pa. Code Chapter 203. Act 165 was signed into law on October 24, 2012, and took effect immediately. On September 5, 2015 the Commission published a policy to provide guidance and allow the consideration of applications for reinstatement of certification of police officers and instructors.

The Commission's cheating policy, codified in 37 Pa. Code § 203.54, also applies to uncertified cadets participating in basic police officer training at certified municipal police academies. Cheating in the academy is grounds for expulsion from the academy and any cadet who is expelled for cheating is, based on the cheating policy, "barred from further participation in any Commission-required training and ineligible for certification." While the Commission's policy regarding consideration of applications for reinstatement of certification provided guidance for police officers and instructors seeking reinstatement, no such guidance was provided for uncertified cadets who find themselves permanently barred from training for a violation of the cheating policy.

This policy provides general criteria that the Commission may consider for the reinstatement of eligibility for training and certification of uncertified cadets who were expelled by an academy for cheating. This policy is not binding on the Commission, and the Commission may consider any and all relevant factors and circumstances with regard to a cadet's application for consideration for reinstatement of eligibility. A vote by the Commission to approve an individual's application for consideration for reinstatement of eligibility is not a waiver of any of the training or 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.

*School Director*—The Commission-approved head of a certified municipal police school authorized by the Commission to conduct basic municipal police training.

#### *Expelled Cadets*

After one year from the date of expulsion for cheating in the basic police training school, the cadet may seek consideration for reinstatement of eligibility. The application for consideration for reinstatement of eligibility shall be submitted by a school director who intends to enroll the cadet in a basic police training class. The application will include the following:

1. A copy of the grade sheet documenting the previous expulsion.
2. A written conditional offer of enrollment from a training school (as defined by § 2162 of the Act).
3. A Pennsylvania criminal history check completed within the 60 days prior to submission of the application.
4. 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/aboutus/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, including records maintained by Commission staff, to the 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. The Committee may evaluate the applicant's suitability for reinstatement using the following criteria:

- The severity of the violation which caused the expulsion and any negative impact on the public trust, school, or political subdivision
- Notarized character statements submitted with the application by individuals not in the applicant's immediate family or household
- Previous disciplinary actions taken by the training 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 expulsion
- Community or volunteer service conducted during the period of expulsion
- Endorsements by the school director or instructors
- Official statements made during the inquiry into the violation which caused the expulsion
- Statements made in letters or other correspondence sent to the Commission during the time of expulsion

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 all relevant factors, the Commission will generally approve or deny the individual's application for consideration for reinstatement of eligibility. This approval shall require an affirmative majority vote of a seated quorum.

Any approval of an individual's application for consideration of reinstatement of eligibility shall not be considered a waiver of any of the requirements for training or 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 and all training then required by the Act with no credit granted for any training completed prior to the expulsion.

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 eligibility, the applicant shall not be permitted to apply for reinstatement for one year from the date of the Commission's vote to reject. Individuals may only apply for reinstatement three times.

COLONEL ROBERT EVANCHICK,  
*Chairperson*

**Fiscal Note:** 17-86. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 20-1657. Filed for public inspection November 25, 2020, 9:00 a.m.]

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