

Survey to Chief APOs

Issue: Act 57

Question (from Berks County)

Has your court decided whether or not to participate in the Act 57 (law enforcement background investigations and employment information) program through MPOETC?

Adams County

Adams County shares the same concerns regarding Act 57 as York.

AOPC identifies that the Hiring Report is available to any member of the public under the Right-to-Know Law. Although this is the only information available to the public, the public would have access to that information if a probation department hires an applicant who has a history of final and binding disciplinary actions, certain criminal convictions, or both.

What could be the unforeseen ramifications for a Probation Dept. that hires someone with unknown prior history because of opting out?

There was discussion about what the public perceptions of something like that could look like for Probation, given the volatile environment law enforcement is currently working under.

Could there be further unknown ramifications that come which affect eligibility for statewide trainings, funding, ability to carry firearms, ability to arrest, legal treatment and rights as law enforcement officers?

These were just a few of the topics that were being discussed by the bench, given the documents provided to them by AOPC legal.

Over the last year I have been receiving resumes from out of state Chiefs of Police for a few positions that came open here. (Some applying more than once) I have a feeling we might continue to see a trend in law enforcement trying to make their way into Probation work.

I do agree that there is the comfort of knowing you can withdraw at any point.

We have not yet finalized our decision to opt in or out, but I will certainly keep everyone posted.

Allegheny County

Unsure at this point. I am interested in the answers as well. I have a meeting with the pretrial, juvenile directors and court administrator to decide. For what it is worth, I rarely hire ex law enforcement. The majority of the ones I have hired in the past did not last long. The younger ones are often waiting for local Pittsburgh PD or the PSP to hire them.

Update: Allegheny will not be participating in Act 57. We have decided to take a "wait and see" approach. We may opt in at a later date.

Beaver County

We are going to participate in the Act 57 background program

Berks County

Excellent thoughts Gale. My issue is that we hire more officers from other departments than we do from other LE jobs. If not enough departments participate, what's the point. It is comforting to know that if you decide to participate, you can withdraw at any point.

Blair County

No decision

Bradford County

No at this time

Bucks County

We are not opting into Act 57 at this time

Butler County

We are volunteering to participate in Act 57

Cameron County

Is not participating in Act 57

Carbon County

Still in discussions on how we will proceed with Act 57

Centre County

After meeting with the PJ, it was determined Centre County will not be participating in Act 57

Chester County

Leaning no on Act 57 but PJ has not made a final decision.

Update: After speaking to the PJ today, Chester County will not be participating in Act 57 at this time.

Columbia County

Our PJ has decided not to participate in ACT 57

Elk County

Not participating in Act 57

Erie County

We are considering enrolling in Act 57 but haven't made a final decision

Fayette County

We are participating in Act 57

Franklin County

No discussion yet with the PJ. However, I will be making the recommendation that we participate.

Huntingdon County

I will be meeting with my PJ about Act 57, but I suspect my department will be participating

Juniata County

No decision at this point

Lackawanna County

No decision made on Act 57

Lancaster County

PJ is still deciding whether or not to participate in Act 57.

I agree with all these points. However, for me, it boils down to this...if your Court does not opt in, you hire someone who has information (excessive force, sexual harassment, etc.) living in this system, and then does something to a co-worker, client, etc., that is the point of liability. You could/should have known about his/her past employment problems.

I'm hoping that our County HR will take on most of the legwork of this for all agencies in the county & court.

Lawrence County

I don't anticipate we will be participating in Act 57 at this time

Lehigh County

We're not participating in Act 57

Lycoming County

No decision on Act 57

Mifflin County

We are not participating in Act 57

Northampton County

Still deciding on Act 57

Northumberland County

We are currently leaning toward opting out. I was likewise am curious about that language with the question regarding do you consider your agency a law enforcement agency. That being said the statute that makes us peace officers has not be changed, therefore what impacts in the future could there really be for those that opt out?

Pike County

PJ is still considering on whether we will be participating in Act 57

Update: Our PJ has decided not to participate in Act 57

Schuylkill County

Is participating in Act 57

Somerset County

No decision on Act 57; leaning towards no

Susquehanna County

We are not participating in Act 57

Venango County

No decision has been made regarding Act 57 at this time

Wayne County

We are not participating in Act 57

Westmoreland County

The PJ hasn't finalized her decision on Act 57 but it appears likely that it will be a no

York County

We are opting into Act 57. For the record, when I discussed this with my bench, the letter sent to the PJs asked them to designate whether they consider their probation department to be a law enforcement agency. I thought this was an interesting way to get around the requirements to the law and am not sure if there will be any long term impacts to counties where a judge decides to not opt in and does not designate their probation department as a "law enforcement: agency. What are your thoughts on this?

Hiring from other departments is an issue at times as well. York fired an individual for inappropriate sexual relationships with women he supervised. We fired him. He later applied to Dauphin County who thankfully reached out to us. We were able to suggest they google his name to get the information.

Results: 35 county responses

5 counties will participate

12 counties will NOT participate

18 counties are undecided