

BOARD OF TRUSTEES

MAINE CRIMINAL JUSTICE ACADEMY

GUIDANCE FOR CHIEF ADMINISTRATIVE OFFICERS REGARDING WHEN A WAIVER IS REQUIRED FOR ENTRANCE TO ACADEMY PROGRAMS

During the hiring process when you have completed the background investigation and polygraph (if required), if you determine the candidate either:

1. Has engaged in conduct constituting a crime listed on page 2; and / or
2. Has a conviction or plead guilty to a deferred disposition for a crime listed on page 2, a Board of Trustees waiver is required pursuant to 25 M.R.S §§2806-A(1) & (5).

If applying for a waiver for conduct, the following is required:

1. Request for Waiver form completed including CAO and Applicant's signature.
2. Signed statement from the Applicant containing the applicant's version of the conduct, including the dates of the events.
3. Signed statement from the CAO detailing the employing agency or sponsor's request for a waiver, including the reasons for the waiver request.
4. Department's background investigation report.
5. Polygraph examiner report (including PE narrative, PE-1 form, and Integrity Questionnaire) -- for applicable LE candidates or for Corrections candidates for which a polygraph exam was administered.
6. A copy of the police report, if their conduct included police involvement / response.
7. Any other pertinent information.

If applying for a waiver for conviction / deferred disposition, the following is required:

1. Request for Waiver form completed, including CAO and Applicant's signature.
2. Court abstract, Judgement & Commitment for conviction , Criminal History Record.
3. A copy of the police report of the underlying event.
4. Signed statement from the Applicant containing the applicant's version of the conduct that led to being charged and convicted.
5. Signed statement from the CAO detailing the employing agency's or sponsor's request for a waiver, including the reasons for the waiver request.
6. Department's background investigation report.
7. Polygraph examiner report (including PE narrative PE-1 form, and Integrity Questionnaire) -- for applicable LE candidates or for Corrections candidates for which a polygraph exam was administered.
8. Any other pertinent information.

DISQUALIFYING CONVICTIONS / DEFERRED DISPOSITIONS / CONDUCT* FOR WHICH A WAIVER IS REQUIRED

1. Murder, any class A, B, C, or D crime or attempted crime;
2. Any class E crime or attempted crime in Title 17-A in the following Chapters:
 - A. Ch 15 THEFT
 - §353 Theft By Unauthorized Taking or Transfer
 - §354 Theft by Deception
 - §354-A Insurance Deception
 - §356-A Theft of Lost, Mislaid or Mistakenly Delivered Property
 - §357 Theft of Services
 - §358 Theft by Misapplication of Property
 - §359 Receiving Stolen Property
 - B. Ch 19 FALSIFICATION IN OFFICIAL MATTERS
 - §457 Impersonating a Public Servant
 - C. Ch 25 BRIBERY AND CORRUPT PRACTICES
 - §605 Improper Gifts to Public Servants
 - §606 Improper Compensation for Services
 - §608 Official Oppression
 - §609 Misuse of Information
 - D. Ch 29 FORGERY AND RELATED OFFENSES
 - §704 Possession of Forgery Devices
 - §705 Criminal Simulation
 - §706 Suppressing Recordable Instrument
 - §707 Falsifying Private Records
 - §708 Negotiating A Worthless Instrument
 - E. Ch 31 OFFENSES AGAINST PUBLIC ADMINISTRATION
 - §751-B Refusing to Submit to Arrest or Detention
 - §753 Hindering Apprehension or Prosecution
 - §757-A Trafficking of Tobacco or Vaping Device in Adult Correctional Facilities
 - §757-B Trafficking of Alcoholic Beverages in Adult Correctional Facilities
 - §760 Failure to Report Sexual Assault of Person In Custody
 - F. Ch 35 PROSTITUTION AND PUBLIC INDECENCY
 - §853-B Engaging Person For Prostitution
 - §854 Indecent Conduct
 - G. Ch 41 CRIMINAL USE OF EXPLOSIVES AND RELATED CRIMES
 - §1003 Criminal Use of Noxious Substance
 - H. Ch 45 DRUGS
 - §1107-A Unlawful Possession of Schedule Y or Z Drug
 - §1111-A Use of Drug Paraphernalia
 - §1116 Trafficking or Furnishing Imitation Scheduled Drugs
 - §1117 Cultivating Marijuana
3. Guilty plea pursuant to a deferred disposition of sections 1 & 2, above.
4. Juvenile adjudication of section 1, above.
5. Conviction or adjudication as a juvenile of a crime specified in section 1 in another state or jurisdiction, unless that crime is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred.
6. Any other conviction of a crime or attempted crime in another state or other jurisdiction that prohibits the same unlawful conduct described above in sections 1 and 2.
- 7*. Engaging in conduct, regardless of whether the applicant was charged or convicted, described in section 1 and 2.
- 8*. Engaging in conduct, regardless of whether the applicant was charged or convicted, described in section 1 and 2 in another state or jurisdiction, unless the conduct is not classified as a crime under the laws of that state or jurisdiction in which it occurred.