

IOWA LAW ENFORCEMENT ACADEMY COUNCIL
CAMP DODGE
P.O. BOX 130
JOHNSTON, IOWA 50131-0130

<p>REQUEST FOR WAIVER IN THE MATTER OF:</p> <p>JENNIFER SMITH, Petitioner.</p>	<p>ORDER RE: WAIVER REQUEST</p>
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The Iowa Law Enforcement Academy Council ("Council") received a waiver request pursuant to 501 Iowa Administrative Code 16.5 from Petitioner. The Petitioner requested waiver of 501 Iowa Administrative Code rule 2.1(5), which states in part:

In no case shall any person hereafter be selected or appointed as a law enforcement officer unless the person:

...

Is of good moral character as determined by a thorough background investigation...and has not been convicted of a felony or a crime involving moral turpitude. Moral turpitude is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals.

a. The following nonexclusive list of acts has been found by the Iowa law enforcement academy council to involve moral turpitude:

...

(9) Theft...

The Petitioner was pro se. The Council has authority under 501 Iowa Administrative Code Chapter 16 to initiate waiver proceedings upon application. The matter was heard on February 5, 2026. Notice that the matter was set for consideration was provided to Petitioner.

FACTS

Petitioner pled guilty to Theft 5th in 2000. Since the incident, Petitioner became a certified law enforcement officer and has not had any further interactions with law enforcement.

The Petitioner seeks a waiver of 501 Iowa Administrative Code rule 2.1(5) so she may continue her career as a certified law enforcement officer in Iowa.

CONCLUSIONS OF LAW

Pursuant to 501 Iowa Administrative Code 16.3, the Council must find by clear and convincing evidence:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

The Council must find all four factors exist in order to grant the petition for waiver. *Id.* In addition, the Council is required to consider the following factors as a part of factor 4:

1. The nature and seriousness of the crime;
2. The time elapsed since the crime was committed;
3. The degree of rehabilitation which has taken place since the crime was committed;
4. The likelihood that the person will commit the same crime again;
5. The number of criminal convictions; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

501 Iowa Admin. Code 2.1(5)(b). The Council must also determine the length of the waiver unless a specified time period is unrealistic. 501 Iowa Admin. Code 16.9(6).

501 Iowa Administrative Code 1.1 defines "convicted" or "conviction" as "a finding of guilt, a plea of guilty, a deferred judgment, a deferred or suspended sentence, and an adjudication of delinquency as a juvenile." Within 501 Iowa Administrative Code 2.1(5), moral turpitude is defined as "an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals." The definition of moral turpitude specifically includes theft. 501 Iowa Admin. Code 2.15(1)(a)(9).

APPLICATION OF LAW

The Council has considered all relevant information and applied all applicable law. The Council finds that the Petitioner met her burden as outlined above.

First, Petitioner has matured and learned from her error. The Council finds that prohibiting her from advancing her career in law enforcement given the time and distance from the offense would constitute an undue hardship.

Second, the Council does not find that granting a waiver would prejudice the substantial legal rights of any person.

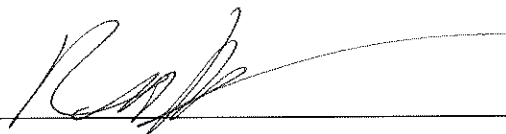
Third, the moral character requirement is not mandated by statute or another non-waivable provision of law.

Finally, Petitioner would have to meet all other minimum requirements and maintain her certification by completing all in-service requirements, thus demonstrating that the public health, safety, and welfare will be adequately protected by a means other than that prescribed by the moral character rule. As a temporary waiver is not practical, the waiver is deemed indefinite.

ORDER

THEREFORE, the Petitioner's request for waiver of 501 Iowa Administrative Code 2.1(5) is granted indefinitely.

Dated this 5th day of February 2026.



Ricardo Martinez II, Chair
Iowa Law Enforcement Academy Council

Copy to:

Jennifer Smith
PETITIONER

Appeal Rights

Please see Iowa Admin. Code 501-16.15 and Iowa Code section 17A.19 for your appeal rights. Any appeal must be filed within 30 days from the date of the Order.