



NEWSLETTER

Commission Membership

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York County

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Dept. of Community & Economic Dev.
Dauphin County

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Lackawanna County

Christopher M. Werner

Chief Inspector, Philadelphia P.D.
Philadelphia County

Vacancy

Police Department Chief

New MPOETC Executive Director

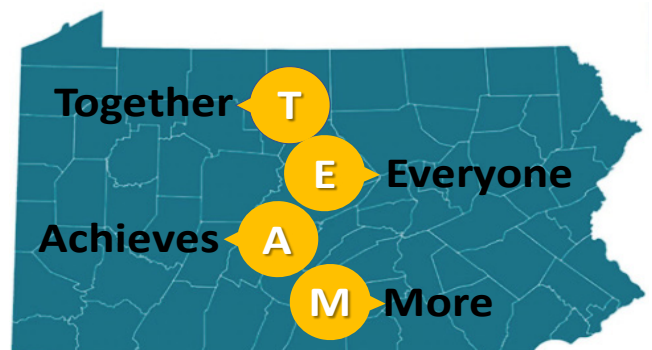
It is a great honor for me to be assigned as the new Executive Director of the Municipal Police Officers' Education and Training Commission (MPOETC). I would like to express my thanks to Colonel Evanchick, the Pennsylvania State Police Command Staff, and the MPOETC Commissioners.

Since my assignment commenced on January 23, 2021, I have had the pleasure of working with the men and women of MPOETC. It is clear they are a dedicated, knowledgeable, and highly motivated team and will continue the important work of the Commission.

Thanks to the hard work of the dedicated police academy directors, instructors, police chiefs, and officers of this Commonwealth, there is a highly professional culture of policing in Pennsylvania. MPOETC also owes a debt of gratitude to those who came before us for setting the foundation for our future success. As we look to the future, MPOETC will continue to evolve and move forward and is committed to the continued success of policing in Pennsylvania.

Sincerely,

Major William M. Bowen
Executive Director



Quarterly Legal Updates

The Commission recognizes that both statutes and case law can change frequently and throughout the year. While officers take mandatory Legal Update training, many times the officers would have benefitted from knowing about the changes when they happened rather than waiting months to attend the class. To help reduce the time it takes for officers to hear about recent changes to the law, the Commission’s quarterly newsletter now includes a synopsis of the most significant recent changes.

Questions and answers following the Supreme Court of Pennsylvania’s ruling in Commonwealth v. Alexander, ___ Pa. ___, 243 A.3d 177 (2020).

Q: What was the ruling?

A: The Supreme Court of Pennsylvania overruled Commonwealth v. Gary, 625 Pa. 183, 91 A.3d 102 (2014), and rejected the federal vehicle search standard. Now, in Pennsylvania, as it was prior to April 29, 2014, vehicle searches require both probable cause and exigent circumstances; one without the other is insufficient.

Q. What should police officers do if they have probable cause to believe that evidence of a crime is located in a vehicle?

A. Follow the most legally cautious advice. When in doubt, apply for a search warrant.

Q. What should be done with the car, while waiting for the search warrant application process to be completed?

A. The cautious procedure is to immobilize and “baby sit” the vehicle. Do not move the vehicle at all except for taking it out of the lane of traffic, if necessary, and moving it to the nearest parking spot. Police officers should guard the car while waiting for the search warrant to arrive.

Q. What if there are insufficient law enforcement personnel to stand guard over the car, or if there is a blizzard, or if the officers guarding the car are threatened by hostile members of the neighborhood?

A. Follow the next most cautious procedure. Impound the car. Move it to a secure location. Wait for the search warrant.

Q. If the car is impounded, may an inventory search be performed?

A. No. A lawful inventory search requires the absence of any investigatory motive. If the police have impounded the car in order to seek a search warrant, then the police have an investigatory motive. An inventory search cannot be conducted.

Q. What if the police department has a formal, written policy requiring an inventory search whenever a vehicle is impounded?

A. The answer does not change. No inventory search is permitted if a vehicle has been impounded in order for the police to apply for a search warrant.

Q. Are there limits on the police power to impound a vehicle?

A. Yes. The police must have probable cause to believe that evidence of a crime is located inside the vehicle. The vehicle must be located in a public place. If the vehicle is inside a residential garage, or if the vehicle is within the curtilage of the residence (such as a residential driveway), the vehicle may not be impounded or searched without a search warrant. In that situation, the vehicle must be guarded while waiting for the arrival of the search warrant. In order to secure any evidence, the police may forbid access to the vehicle by others.

Q. What should police officers do with the driver and any passengers while waiting for the arrival of the search warrant?

A. If the police do not have probable cause to arrest a driver or passenger, then that driver or passenger is free to leave. Police officers may request identification from the driver or passenger so that the person may be located in the future. While the driver or passenger is free to leave, do not abandon any person in an isolated or unsafe environment if that person appears to be in need of shelter or assistance.

Q. May I ask for consent to search the vehicle?

A. Yes. It is always permissible to obtain consent for a search provided that the consent is given voluntarily and without coercion. It is the best practice to use a written consent form and to record the consent process with a video camera.

Continued from page 1, *Commonwealth v. Alexander*

Q. May the police officer inform the driver of a choice between granting consent to search or waiting while the officer immobilizes the vehicle and applies for a search warrant?

A. Yes, provided that everything that is said is factually and legally truthful, and that no coercion is used. An officer should not threaten to seek a search warrant if the officer does not possess probable cause to search. It is better NOT to inform a motorist that you will “get” a search warrant – that sounds like obtaining a search warrant is automatic. The best language to use is to inform the motorist that you will be applying to a judge for a search warrant.

Q. Who may consent to a search of the vehicle?

A. The person who has apparent authority over the vehicle is the person who may grant consent. If the driver is the registered owner, or appears to be driving with the permission of the registered owner, then the driver is the one who may consent. If a passenger is the registered owner, or appears to be occupying the vehicle with the permission of the registered owner, then the passenger is the one who may consent.

Q. If the police officer has received the consent to search the vehicle from an authorized person, may the entire vehicle be searched?

A. Not necessarily. The consent should specifically state whether it includes opening of a console or the glove compartment or the trunk. The consent should specifically state whether it includes the opening of mobile containers such as paper bags, backpacks, briefcases, purses or boxes. Do not break into any locked item without the specific permission of the person giving consent. If a passenger asserts ownership of a purse or briefcase, the consent of the passenger is required before that purse or briefcase may be opened, even if the driver has given a general consent to search.

Q. What if the police officer has received a consent to search the vehicle from an authorized person, then, during the course of a search, the person revokes the consent?

A. Any person may lawfully revoke a consent to search at any time. The search must immediately stop.

Q. If a person revokes a consent to search, doesn't that mean that the person has something to hide?

A. It almost certainly means that the person has something to hide. But, the person has a legal right to revoke consent at any time. The search must immediately stop.

Q. May a police officer search a vehicle incident to the arrest of the driver?

A. No. Once the driver is in custody and out of the vehicle, the interior of the vehicle is no longer within the grasp and control of the driver. The interior of the vehicle may not be searched incident to the arrest of the driver.

Q. If an officer does not follow the most legally cautious advice, will the evidence found in the car be suppressed?

A. Not necessarily. A court may decide that the police officer possessed exigent circumstances which justified a search of the vehicle without a search warrant. Until an officer becomes an expert in vehicle search law, it is our recommendation that the officer proceed with caution. Apply for a search warrant. Do not search the vehicle without a search warrant absent the approval of a commanding officer or a representative of your local district attorney.

Q. If an officer is searching a vehicle, may the officer open containers (bags and boxes) to look for evidence?

A. The most legally cautious advice is to seize all containers and obtain a search warrant before opening those containers. This is especially true for phones and computers. Remember, you can only look in those containers that might contain the evidence for which you have probable cause to search the car. If you are searching for controlled substances, you may seize a small paper bag. If you are searching for a sawed-off shotgun, you may not open the ash tray or open or seize a small paper bag.

Q. When does officer safety become a factor?

A. Officer safety is always the most important factor. All of us would prefer for a police officer to lose a suppression hearing than for that officer to lose his or her life. However, the officer must still be able to testify as to factors that gave the officer a legally sufficient level of suspicion that there was a gun or other dangerous weapon inside the vehicle. If that testimony is legally sufficient, then a search for that weapon will be approved.

PSP Office of Community Engagement (OCE)

Every day, law enforcement agencies in Pennsylvania and across the country engage their communities through a variety of interactions and responses. Because resources – including personnel, equipment, and time – are stretched further than ever before, it is an unfortunate reality that a significant portion of the population will only interact with police during or after an emergency or critical incident.

Responding to and resolving crises in a swift and authoritative manner is a primary function of police work. However, we must never forget that effective law enforcement and crime prevention are accomplished through empathy, understanding, and mutual respect. Proactive engagement with the community through forums, events, meetings, and participation in civic functions is critical to building positive and lasting relationships.

Engagement and outreach efforts must include every segment of the population, including people of diverse faiths, races, ethnicities, socio-economic backgrounds, cultural traditions, gender, and sexual orientation. To achieve that goal of inclusion, the Pennsylvania State Police recently announced the establishment of the Office of Community Engagement (OCE), which is composed of the Community Affairs Section and Heritage Affairs Section. At its core, the primary mission of the OCE is to build trust between the police and the communities we serve.

The Community Affairs Section, OCE, will dedicate one Community Affairs Officer (CAO) to each Troop, providing a consistent community affairs effort and commitment to building relationships in areas of the Commonwealth where they do not currently exist. The CAO assigned to each Troop will be best qualified to identify and engage the underserved communities within their Troop, further strengthening relationships and trust within communities and existing partnerships; creating new partnerships and initiatives with communities and other agencies; and assisting in promoting inclusion and diversity within the Department.

The Heritage Affairs Section serves as the Department's liaison with the Interagency Task Force on Community Activities and Relations in addition to maintaining contact with federal, state, and local law enforcement agencies; other government agencies; and numerous community groups. The Heritage Affairs Section is also responsible for developing and conducting training presentations, and providing guidance, direction, and assistance for law enforcement agencies and other organizations throughout the Commonwealth regarding hate/bias crimes or incidents. Heritage Affairs Liaison Officers (HALOs) monitor various law enforcement activities and their impact on ethnic communities to identify potential issues and interact with ethnic groups to resolve community conflicts. There are four full-time HALOs assigned to the OCE. The Heritage Affairs Section advises the Department regarding the awareness of cultural heritage as a key element in public policy, planning, and program development.

Agencies requiring assistance or requesting additional information may contact Captain Christopher M. King, Director, OCE, at 717-798-0219; Lieutenant Adam M. Reed, Commander, Community Affairs Section, OCE, at 717-480-1985; or Lieutenant William C. Slaton, Commander, Heritage Affairs Section, OCE, at 717-562-1037.

Need for Police Training on Addiction by Steve Forzato

Editor's Note: Steve Forzato is the Director of the Center for Addiction and Recovery Education at Saint Joseph's University, and is a 33-year career law enforcement officer.

Drug addiction in the Commonwealth of Pennsylvania, and throughout the United States, is more deadly today than ever before in history. On average, more than twelve people suffer fatal drug overdoses each day in Pennsylvania. Many more overdose but are saved by police, other first responders, and family members who carry Naloxone.

Recently, rising numbers of overdoses have been reported, likely due to the isolating effects of COVID-19 and the relentless trafficking of substances by dealers whose drugs kill. Despite the courageous work of law enforcement, it is abundantly clear that we cannot arrest our way out of this crisis.

Research reveals that half of the readers of this article know someone, either in their immediate family, a colleague, or someone in their close circle, who suffers from addiction to prescription medications, alcohol, or illicit substances. In other words, addiction is personal to half of those in our communities including each one of us, regardless of our profession, or where we live, or any other social, economic, racial, or other factor.

Current street markets offer drugs more deadly than ever before. This fact begs the question, "Why do people we know personally, or people we encounter during our shifts, continue to use substances they know are harmful and potentially lethal?"

Phoenix Training: Addiction and Connection to Treatment (ACT), a program based out of Saint Joseph's University and its Center for Addiction & Recovery Education, answers that and other questions.

Since addiction remains a public health emergency, and police officers are on the front lines of that crisis, it is now more critical than ever that police officers understand how drugs affect the way the brain functions, the contributing factors that lead to continued use despite harmful consequences, and most importantly, how to connect people to treatment services in their regions. Police officers are becoming more skilled in motivational engagement techniques and trauma informed practices in their work, including when addressing people feeling trapped in addiction.

ACT trainers are current and former law enforcement professionals who know and respect the responsibilities, courage, duties, and bravery of police officers as well as the fast pace of policing. Each has a deep understanding of addiction, the contributing influences of trauma and adverse childhood experiences, the role stigma plays in reducing opportunities for treatment, and what occurs in treatment and recovery. Armed with this information, police are trained on how to have effective communication with persons suffering from addiction.

Training is not meant to redefine the role of police as social workers or drug and alcohol counselors; rather, those trained will become skilled in connecting people to drug and alcohol treatment resources in their local areas.

Highlights from the March 2021 Commission Meeting

On March 25, 2021, the Commission met virtually for their regularly scheduled meeting. During the meeting the following significant actions were taken:

- Approved tuition for the 2022 MIST courses that will provide funds to training academies conducting the required training. The tuition for Legal Updates was approved at \$50 per officer and the tuition for Control Tactics was approved at \$50 per officer.
- Tasked staff with researching and proposing training options for law enforcement officers who have previous training and experience, including officers from other states, federal and military law enforcement, and other PA law enforcement officers.
- Tasked staff with developing a policy relating to the issuance of identification cards to certified officers. The new cards would replace the certification cards currently issued to certified officers.
- Approved revocations of eight certified officers and one certified instructor for various reasons including transportation and distribution of child pornography, terroristic threats, recklessly endangering another person, deprivation of rights under color of law, official oppression, corruption of minors, and conduct which reflects unfavorably on the Commission.
- Approved certification of new officers and instructors.
- Accepted a settlement agreement in lieu of revocation of an officer.
- Denied an application for consideration for reinstatement of a formerly decertified officer.

At the meeting the Commission was provided updates from staff on the progress made so far on Act 57 and Act 59. Information about both Acts has been provided in previous newsletters; however, the Commission has added updated information to their website. Interested individuals are encouraged to visit the Commission's website (<https://mpoetc.psp.pa.gov/Pages/mpoetc.aspx>) and follow the links for current information about both programs.

Information Regarding the June 2021 Commission Meeting

The next scheduled meeting of the Municipal Police Officers' Education and Training Commission is on June 16 and 17, 2021 at the Omni Bedford Springs, 2138 Business 220, Bedford, Pennsylvania 15522. Phone: 814-623-8100. *Please note that a public notification will be made if this meeting is rescheduled.*

- Committee meetings begin on Wednesday, the 16th at 12:30 P.M.
- Executive Committee meeting will begin on Wednesday, the 16th at 3:30 P.M.
- School Directors meeting will begin on Thursday, the 17th at 8:00 A.M.
- Full Commission meeting will begin on Thursday, the 17th at 10:00 A.M.

The Commission encourages attendance by police chiefs, law enforcement officers, police academy directors, instructors and other interested parties. If you have further questions concerning the meetings, please feel free to contact the Executive Director.

The Executive Committee will hear reports from all committees. In addition, the Executive Committee will also open their meeting to comments from the audience. If you would like to make a presentation to any committee, please contact the Executive Director in order to be placed on the agenda for the appropriate committee. This is your opportunity to have your concern or suggestion heard by the Commission.



Questions, comments and information for inclusion in the *Newsletter* are always welcome. This is your opportunity to submit your concerns or suggestions to the Commission. To do so, please contact the Executive Director, Major William M. Bowen or the Editor, Mr. Craig L. Hevalow, by calling toll-free at 1-800-342-0858. The Commission can be contacted using the email addresses on page 6. You may also write to:

MPOETC Newsletter

Municipal Police Officers' Education & Training Commission

8002 Bretz Drive
Harrisburg, PA 17112-9748

The Municipal Police Officers' Education & Training Commission was established in 1974 to set hiring and training standards for police departments in the Commonwealth of Pennsylvania through strict certification procedures and standardized basic and continuing professional in-service training for police officers. The Commission needs the support of the entire law enforcement community, state and local government officials, and the general public to be successful. Please circulate this Newsletter throughout your agency and to the government officials in your municipality. The quarterly newsletter is also available on the MPOETC website at www.psp.pa.gov/MPOETC, under About Us > Quarterly Newsletters.



The office of the Municipal Police Officers' Education & Training Commission will be closed on the following dates for the purpose of transacting public business:

Memorial Day: May 31, 2021

Regular office hours are from 8:15 A.M. to 4:15 P.M.
Monday through Friday

New Agency Executives

Chief Shaun D. Gregory Portage Borough PD
Cambria County

Chief Frederick J. Lahovski, Jr. Girardville Borough PD
Schuylkill County

Chief Nicole M. Madden Tinicum Township PD
Bucks County

Chief Leonard A. Namiotka Scranton City PD
Lackawanna County

Chief Brian A. Newhall Souderton Borough PD
Montgomery County

Chief Timothy A. Troxel Towamencin Township PD
Montgomery County

Congratulations!



Areas of Responsibility and Contact Information for Commission Staff

The following resource accounts are provided to allow your questions and concerns to reach the Executive Director, Staff Member, or Members of the Commission.

ADMINISTRATION AND CERTIFICATION

Act 120 Applications and Certification, Act 120 Instructor Application and Certification

Email: mpocertification@pa.gov
Telephone: (717) 346-4086
Fax: (717) 346-7781 or (717) 346-7782

TRAINING

Basic Training Curriculum, Mandatory In-Service Training, Instructor Training, Retired Law Enforcement Identification Act

Email: mpotraining@pa.gov
Telephone: (717) 346-4086
Fax: (717) 346-7781 or (717) 346-7782

GRANT REIMBURSEMENT

Continuing Law Enforcement Education Reimbursement (Mandatory In-Service Training), Basic Training Tuition and Salary

Email: RA-SPMPOFSS@pa.gov
Telephone: (717) 346-4086
Fax: (717) 346-7781 or (717) 346-7782

PROFESSIONAL STANDARDS AND INSPECTIONS

Regulatory Compliance, School Inspections

Email: mpostandards@pa.gov
Telephone: (717) 346-4086
Fax: (717) 346-7781 or (717) 346-7782