



NEWSLETTER

Commission Membership

Robert Evanchick – Chair
Commissioner
Pennsylvania State Police
Dauphin County

William C. Barrett
City Official
Luzerne County

Richard M. Bosco
Chief, Lincoln Borough P.D.
Allegheny County

Jason D. Brinker
Noncommissioned Police Officer
York County

Bart E. Burne, Ed.D.
Law Enforcement Educator
Luzerne County

Madra L. Clay
Local Government Policy Manager
Dept. of Community & Economic Dev.
Dauphin County

Anthony C. Clements
Noncommissioned Police Officer
Dauphin County

Kristen L. Denne
Township Official of the First Class
Chester County

Vincent J. DiCenzo, Jr.
FOP Representative
Allegheny County

Beth Dombrowsky
Director Certified School
Dauphin County

Douglas E. Grimes
Chief, Peters Township P.D.
Washington County

Barry J. Jozwiak
PA House of Representatives
Berks County

John Kitzinger
Office of Attorney General
Dauphin County

Richard W. Long, Esq.
Representative, Public at Large
Cumberland County

Corey B. Meyer
Township Official of the Second Class
Lancaster County

Joseph M. Pizano
Borough Official
Luzerne County

Senator Mike Regan
Senate of Pennsylvania
Dauphin County

Guy A. Salerno
Chief, Blakely Borough P.D.
Lackawanna County

Christopher M. Werner
Chief Inspector, Philadelphia P.D.
Philadelphia County

Vacancy
Police Department Chief

2021 Holiday Message

As the year 2021 comes to an end, the holiday season is upon us. It's a time to celebrate family, friends, and all we are thankful for.

Many times, we in law enforcement, are so busy serving, we forget to remember all the accomplishments throughout the year. None of these accomplishments could have been completed without the hard work, dedication, pride, and support of the Commonwealth's police agencies, academies, individual officers, and the members of the Commission.

We at the Municipal Police Officers' Education and Training Commission (MPOETC) are proud of the many accomplishments this past year. We are excited and look forward to 2022.

The MPOETC staff wish you a bright, safe, and meaningful holiday season this year.

Major William M. Bowen
Executive Director



****See change to 2022 Legal Update requirements on page 3****

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.

Commonwealth v. Moore, ___ A.3d ___, 2021 Pa.Super 202 (Pa Super 10-12-2021)

FACTS: A City of Clairton Detective and his partner initiated a traffic stop due to a turn signal violation. Prior to the vehicle stopping, the detective noticed the Defendant, a passenger in the vehicle, placing a backpack behind the driver's seat. The detective testified to noticing a strong odor of marijuana emanating from the vehicle upon his approach and that he asked the occupants of the vehicle to step outside. The driver was cooperative and admitted that she had been smoking marijuana. She removed a baggie of marijuana from her bra and gave it to the officer. Defendant however was not as cooperative and refused to identify himself. The officers searched the vehicle and observed marijuana "roaches" or burnt marijuana cigarettes, in the vehicle. The Defendant started to walk away, was ordered to remain by the officers and began yelling at the officers that they could not search his backpack. Inside of the backpack the officers found a .45 caliber pistol, marijuana, ammunition and ripped baggies commonly used for drug sales.

ISSUE: Was sufficient probable cause present to justify the warrantless search of the backpack?¹

RULING: Yes. The court provides an analysis which includes discussion of their prior decision in Commonwealth v. Barr, 240 A.3d 1263 (Pa.Super. 2020), above, which held that in light of Pennsylvania's MMA the plain smell of burnt or raw marijuana can no longer be indicative of an illegal act. The court however distinguished this case from Barr and identified some of those "other circumstances" that they left open in Barr.

Contrary to Barr, the record in this case establishes that at the time the officers initiated the search of the vehicle, they had probable cause that the occupants had engaged in the unlawful consumption of marijuana. Unlike in Barr, neither occupant presented a medical marijuana identification card, nor did they indicate that they were certified patients under the MMA. In fact, the driver admitted to having smoked marijuana in the vehicle, produced a baggie containing 2.8 grams of fresh marijuana that had been tucked inside her bra, and indicated that there were roaches present in the console of the vehicle.

Significantly, even though the vaporization of marijuana is permitted under the MMA, the smoking of medical marijuana remains unlawful. As there was indicia that the marijuana was not consumed in accordance with the MMA, the officers here were in possession of the kind of "other circumstances" absent in Barr. Therefore, the court found the decision to search the vehicle in this case was proper.

SIGNIFICANCE OF THE CASE: This case presents a sample of some "other circumstances" left open in Barr. Specifically, 1) No occupant presented a medical marijuana identification card, 2) the driver admitted to having smoked marijuana in the vehicle, 3) the driver produced a baggie containing fresh marijuana from her bra, 4) roaches were present in the center console of the vehicle. All of these factors were found to be acceptable indicators of the unlawful consumption of marijuana justifying this warrantless search.

¹The court found that the Defendant failed to properly preserve his argument as to the presence or lack of an exigency under the Gary and Alexander decisions so they only addressed the probable cause question.

MPOETC Staff Updates

Jourdan Diem of the Certification Unit accepted a promotion to Administrative Officer 2 with PennDOT on November 27, 2021.

Niko Stubljar of the Certification Unit accepted a promotion to Administrative Officer 1 with the HR Public Safety Delivery Center on October 30, 2021.

We would like to wish both Jourdan and Niko the best of luck in their new positions. They were both an asset to the MPOETC program and their hard work and dedication is very much appreciated!

Stephanie Dunkerley has assumed the position as the new Certification Unit Supervisor. Stephanie has been with PSP since 2011 and has held positions as a Legal Assistant 2 with the PICS Operations Section and a Legal Assistant Supervisor and Administrative Officer 2 with the PICS Challenge Section.

Jessica Nelson has assumed the position of Administrative Assistant in the Certification Unit. Jessica has been with PSP since 2012 and has held positions as a Clerk Typist within the Bureau of Records and Identification Director's Office and an Accounting Assistant in the Criminal Records PATCH Unit.

Welcome aboard Stephanie and Jessica!

2022 Mandatory In-Service Training (MIST)

The MPOETC Training Unit has completed conducting the instructor training workshops for certified police trainers, who will be teaching the following Commission-approved 2022 MIST courses.

All Act 120 certified police officers are required to complete all four 2022 MPOETC MIST courses.

CLEE courses cannot be substituted for the 2022 annual training requirement.

22-201 Legal Update (available in the classroom or on PAVTN - **must be completed by 6/30/2022**)

A required three-hour course highlighting pertinent court decisions and significant pieces of legislation passed after July 1, 2020 that affect police operations and investigations. Lessons will address changes and updates to the Pennsylvania Crimes Code, Vehicle Code, and Rules of Criminal Procedure, as well as decisions from Pennsylvania’s Commonwealth, Superior and Supreme Courts, various Federal Courts, and the United States Supreme Court. A final segment of the course will focus on topics such as the issue of excessive charging by police officers and the different jurisdiction and authority of the various law enforcement agencies and officers throughout the Commonwealth.

22-301 Use of Force (available in the classroom or on PAVTN)

A required two and half-hour course that will review legal concepts and issues that impact the use of force and use of deadly force in law enforcement today. The course will cover modern decision-making concerns in the areas of de-escalation, harm reduction techniques, the duty to intervene, and liability issues. Use of Force 22-301 is a pre-requisite course. It must be completed and passed before taking Control Tactics 22-302 (a practical application).

22-302 Control Tactics (available in the classroom **ONLY**)

A required three and half-hour course that will provide practical use of force application. Officers will physically interact with instructors. After a short review of concepts learned in Use of Force, there will be a review of universal principles regarding body positioning and reactionary gap concepts. There will be a review and application of single and two-person handcuffing techniques, as well as a practical demonstration of simple control techniques for standing and grounded passive resistant subjects. Control Tactics 22-302 can only be taken after completing and passing Use of Force 22-301. Control Tactics is a participation course. Officers will participate to the level of their ability. **See page 4 for additional student requirements when completing MIST 22-302 Control Tactics.**



Philadelphia PD MPOETC Certified DT Instructors, (pictured center) Sgt. Ken Gill and Cpl. Brian McBride demonstrate one of the handcuffing techniques to the 2022 MIST Instructor Workshop Control Tactics class at the Montgomery County Community College Police Academy.

Photo taken by: Tony Aisleban, MPOETC

22-601 Understanding Bias (available in the classroom or on PAVTN)

A required three-hour course that will focus on helping police officers recognize and understand how bias, specifically implicit bias can affect interactions with diverse citizens and the communities they serve. Along with incorporating Procedural Justice (PJ) principles and the Critical Decision-Making Model (CDM), officers will continue to build self-awareness and develop strategies to overcome bias.

Student Requirements for MIST 22-302 Control Tactics

Students will be required to bring:

- Certificate of completion for *MIST 22-301 Use of Force*, if course was completed online (PAVTN)
- Handcuffs with keys
- Gun belt with handcuff case
- Baton
- Dress comfortably in athletic clothes/activewear – you may be getting up and down from the floor

Important rules you should know for class:

- No live firearms, chemical agents, knives, or any other weapon will be allowed in the training area
- All jewelry should be removed prior to any hands-on training, including rings, watches, necklaces, earrings, or other body piercings
- Students should come to class showered and wearing clean clothes
- Do not wear any perfume or cologne
- Fingernails must be trimmed
- Per typical MPOETC rules, the **entire** class must be completed. No portion of the class can be missed. If you must miss a portion (i.e., court) reschedule with another class

DISRUPTIVE BEHAVIOR WILL NOT BE TOLERATED

The Control Tactics Lead Instructor is required by MPOETC to dismiss students accordingly.

2022 Update: Continuing Law Enforcement Education (CLEE) Courses

Due to additional requirements established by Act 59 of 2020, all 12 hours of MPOETC-developed in-service training will be required for all certified officers in 2022. Act 120 certified municipal police officers will not be able to substitute CLEE courses for their required annual training hours.

Because no CLEE hours can be substituted for required training, MPOETC will not be renewing or approving new CLEE courses in 2022. Officers may attend other training, such as previously approved active CLEE courses, but officers will not be able to substitute CLEE credit for the annual 12-hour training requirement in 2022.

MPOETC will be evaluating both the MIST and CLEE training programs during 2022 to ensure we are providing the most appropriate training for our law enforcement officers throughout the Commonwealth. By mid-2022 the Commission will publish new guidance to explain how the CLEE program will be utilized moving forward.

Additional information and updates will be posted on the MPOETC website's CLEE webpage at <https://mpoetc.psp.pa.gov/training/Pages/Continuing-Law-Enforcement-Education.aspx>.

Working over the holidays?



Off and on...



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

Christmas Day: December 24, 2021

New Year's Day: December 31, 2021

Martin Luther King Jr. Day: January 17, 2022

Presidents' Day: February 21, 2022

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

Highlights from the December 2021 Commission Meeting

The Commission conducted its regular quarterly meeting on December 9, 2021. Most Commissioners attended virtually, while some met at the MPOETC office in Harrisburg. The Commission approved officer and instructor certifications, suspensions, and revocations and increased the basic police academy tuition for Harrisburg Area Community College and Temple University.

The Commission also approved revisions to the basic training curriculum that will go into effect on January 1, 2022 that include the addition of curriculum required by Act 59 of 2020 as well as a complete revision of lessons related to handling arrested persons and defensive tactics; the new volume combines these topics and is called Control Tactics. The new curriculum must be used by all police academy classes that start on or after January 1, 2022. The Commission also approved the development of training in Legal Updates, Tactical Communications, Investigations, and Officer Wellness that will be presented to officers in 2023.

The Commission approved a requirement that all certified officers complete their 2022 Legal Update training by June 30, 2022 unless the department requests an extension. This measure is intended to reduce the time it takes officers to learn about important changes to the law. Training can be attended at any of the municipal police academies or online through the PA Virtual Training Network. Mandatory in-service training is provided at no cost to certified officers and can be attended by other law enforcement officers if their agencies pay the tuition.

The Commission approved a revision to the Waiver Assessment Test that is used to evaluate former Federal, Military, and Out-of-State law enforcement officers for equivalency waivers. The new test will more closely align with the current basic training program and waivers will be granted by academy module instead of volume.

Finally, the Commission approved a request by the Greater Johnstown Career and Technology Center to transfer the certified police academy to the Pennsylvania Highlands Community College. The reasons for the request involved allowing cadets to better utilize financial aid resources and to gain college credits for police academy attendance. The Commission staff will oversee the transfer of the academy and the PHCC academy is expected to offer classes later in 2022.

Information Regarding the March 2022 Commission Meeting

The next scheduled meeting of the Municipal Police Officers' Education and Training Commission is on March 23 and 24, 2022 at the Municipal Police Officers' Education and Training Commission (MPOETC), 8002 Bretz Drive, Harrisburg, Pennsylvania. Phone: 717-346-4086. Further information about the meeting, including a topical agenda, will be available at <https://mpoetc.psp.pa.gov/Pages/about-us.aspx>. *Please note that a public notification will be made if this meeting is rescheduled.*

- Committee meetings begin on Wednesday, the 23rd at 12:30 P.M.
- Executive Committee meeting begins on Wednesday, the 23rd at 3:30 P.M.
- School Directors meeting begins on Thursday, the 24th at 8:00 A.M.
- Full Commission meeting begins on Thursday, the 24th 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.

New Agency Executives

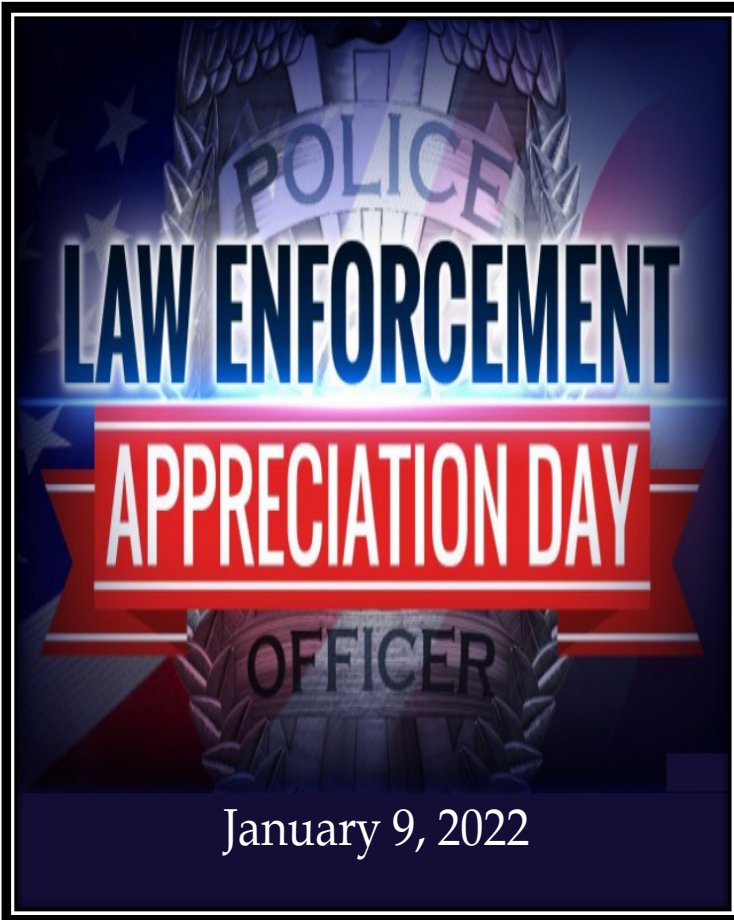
Chief James E. Bonner West Penn Township PD
Schuylkill County

Chief James E. Keiser Northern Berks Regional PD
Berks County

Chief Dennis J. Monk Fairview Township PD
Luzerne County

Chief Charles Roca Allentown City PD
Lehigh 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