



NEWSLETTER

Commission Membership

Robert Evanchick – Chair

Commissioner
Pennsylvania State Police
Dauphin County

Jarrad P. Berkhiser

Chief, Lancaster City P.D.
Lancaster County

Jacob A. Bierling, Jr.

First Class Township Official
Delaware County

Richard M. Bosco

Chief, Lincoln Borough P.D.
Westmoreland County

Bart E. Burne, Ed.D.

Law Enforcement Educator
Luzerne County

Robert J. Carroll

Noncommissioned Police Officer
Delaware County

Christopher J. Delozier

Noncommissioned Police Officer
Dauphin County

Vincent J. DiCenzo, Jr.

FOP Representative
Allegheny County

Beth Dombrowsky

Director Certified School
Dauphin County

David A. Ellis

Office of Attorney General
Dauphin County

Douglas E. Grimes

Chief, Peters Township P.D.
Washington County

Barry J. Jozwiak

PA House of Representatives
Berks County

Richard W. Long, Esq.

Representative, Public at Large
Cumberland County

Joseph M. Pizano

Borough Official
Luzerne County

Guy A. Salerno

Chief, Blakely Borough P.D.
Lancaster County

Christopher M. Werner

Chief Inspector, Philadelphia P.D.
Philadelphia County

Vacancy

City Official

Vacancy

Dept. of Community & Economic Dev.

Vacancy

Second Class Township Official

Vacancy

Senate of Pennsylvania

MPOETC Commission Meetings

Greetings, I hope summer is going well in your part of the Commonwealth. The statutes which established, and currently guide the Municipal Police Officers' Education and Training Commission can be found in Chapter 21 of Title 53. Within that chapter, §2165 states in part: "The Commission shall meet at least four times each year".

The Commission does meet four times each year at various locations throughout the Commonwealth. Commission staff specifically target a different region of the state for each of these meetings. Not because it's convenient for the Commission members, but rather to provide an opportunity for Chiefs, Certified Officers, Department Personnel, Act 120 Academy Directors and Staff, or interested members of the public to attend. Other than attendance by the Academy Directors and staff, these meetings are unfortunately very sparsely attended.

Our Commonwealth is home to almost 1,100 Police Departments, and well over 20,000 certified municipal police officers, yet attendance at Commission meetings by Chiefs or certified officers can normally be counted on one hand.

The next time the Commission meeting is held in your area, I would strongly encourage you to consider attending. It is a great opportunity to become informed, or take part in, a variety of topics related to municipal police training and certification. Over the past few meetings, the Commission has discussed and taken action on topics such as; Basic Training Curriculum, Medical Marijuana, new Act 120 Academy's, certification extensions and revocations, Mandatory In-Service Training, etc.

The final two Commission meetings in 2019 are scheduled for:

- September 18 & 19 at the Toftrees Resort, State College, Pennsylvania
- December 11 & 12 at the Radisson Hotel Valley Forge, King of Prussia, Pennsylvania

Additional information can always be found on the MPOETC website at <https://mpoetc.psp.pa.gov>, or by contacting the MPOETC office at 717-346-4086.

Hope to see you there,

Major Troy S. Lokhaiser

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 benefited 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. Hicks, PA Supreme Court Decision (05-31-19) Firearm Investigations and the Terry Frisk

On May 31, 2019 the Pennsylvania Supreme Court rendered its opinion in Commonwealth v. Hicks.

The facts and opinion are as follows:

Michael Hicks was at an Allentown gas station at about 2:30 a.m. He was seen, via remote surveillance camera, showing a firearm to another person and then placing the firearm into his waistband. He then went into the gas station. Police were called to the scene. They stopped Hicks and recovered the gun from his waistband. Investigation revealed that Hicks is properly licensed to carry a firearm. He was not arrested for the gun but was arrested for DUI and drug possession.

Hicks challenged the stop and frisk, which ultimately led to his arrest. His challenge focused on the concept that he was seized solely due to the observation of a firearm concealed on his person. His argument rests on the legal argument that carrying a firearm, without any other indicators of criminality, is legal and does not give police the sufficient suspicion to stop or frisk the person.

The PA Supreme Court agreed with Hicks contention and vacated the sentence. The Court also made it clear that this decision also overrules multiple past PA Superior Court decisions that supported the concept of conducting a investigation and frisk based solely on possession of a firearm.

The opinion reaffirms the concept that the Terry stop and frisk is twofold. First, there must be reasonable suspicion of criminal activity. Second, there must be sufficient facts that lead to a conclusion that the person is both armed and dangerous. In other words, simply being armed does not equate to being criminal or dangerous.

Commonwealth v. Travis Scott, 2019 Pa. Super. 154 (05-10-19)

THIS CASE IS VERY FRESH AND STILL WITHIN THE APPEAL AND EN BANC REVIEW PERIOD.

We feel it is nevertheless necessary to bring your attention to it as the Automobile Exception did not extend to trunk of the car in this case.

While on patrol in a high crime area within the City of Philadelphia, officers initiated a lawful traffic stop due to a malfunctioning center brake light. Defendant was the driver and sole occupant of the vehicle. Officers saw smoke and smelled a strong odor of burnt marijuana on approach to the vehicle, then saw the Defendant place a blunt in the center console. The officers removed Defendant from the vehicle, patted him down, searched the vehicle and removed the blunt from the center console. Officers also found a jar containing marijuana and a black ski mask within the passenger compartment. The officers still smelled the odor of burnt marijuana throughout the search. The officers searched the trunk and found a .38 caliber revolver wrapped in clothing, for which the Defendant was charged with various firearm offenses as well as possession and DUI charges.

The issue in this case revolved around whether the officers had probable cause to search the trunk. Relying on the Gary decision, the Commonwealth asserted a search of the entire vehicle, including the trunk, was permissible. The Superior Court however disagreed and suppressed the gun found inside the clothing in the trunk. The court found probable cause in the search of the passenger compartment, admitting the jar of marijuana and blunt. However, they upheld suppression of the gun in finding "under these circumstances, the odor of burnt marijuana and small amount of contraband recovered from the passenger compartment of the vehicle did not create a fair probability that the officer would recover additional contraband in the trunk."

This case is significant inasmuch as it draws the scope of Gary into question. Officers are cautioned that it may be prudent to include additional factors in their analysis and explanation of searches of the trunks of vehicles while this case is pending review.

Commonwealth v. Krenzle --- A.3d ----, 2019 Pa. Super. 159 (2019)

On November 14, 2016, Defendant was stopped for suspicion of Driving under the Influence (DUI). When officers approached, Defendant exhibited many of the typical indicators of an alcohol impaired driver (bloodshot and glassy eyes, slow speech, odor of an alcoholic beverage, etc.), and there were two beer bottles in the passenger side area of her vehicle. After Defendant showed signs of impairment on the field sobriety tests, officers asked if she would submit to a blood test. She consented and was transported for a blood draw. At no time during the stop or subsequent blood draw was Defendant informed of her right to refuse the blood draw or the consequences of refusing.

Defendant’s motion to suppress her blood draw was denied by the Trial Court, and she was subsequently convicted of her second DUI. In her appeal to the Superior Court, Defendant argued that her consent was invalid for three reasons: subjective knowledge from a prior DUI, she was in custody, and finally police never advised her of her right to refuse.

The Superior Court’s decision rested on the last of Defendant’s arguments, in that, the Pennsylvania Supreme Court “has held that, in requesting a chemical test, the police officer must inform the arrestee of the consequences of refusal . . . [a]n arrestee is entitled to this information so that [their] choice to take a chemical test can be knowing and conscious.” Commonwealth v. Myers, 164 A.3d 1162, 1171 (Pa. 2017) (emphasis added). Additionally, the Superior Court noted that Section 1547 makes it a police officers’ duty to inform a suspect of the right to refuse and the consequences of refusal when requesting a chemical test. As such, since the officers were statutorily obligated to inform Defendant of her right to refuse and the repercussions of a refusal and failed to do so, her consent was not knowing and conscious. As a result, her conviction was vacated, and the case remanded for a new trial without the blood test evidence.

Note: In the wake of this decision, if you are not already reading the DL-26 as part of every request for a chemical test, you need to start. A subject’s consent will not be deemed knowing and voluntary unless you have conveyed the information contained in the DL-26 during your request for a chemical test.

Commonwealth v. Krenzle was printed with permission of Ande Gonzalez, Regional DRE Coordinator, Pennsylvania DUI Association.

Highlights from the June Commission Meeting

On June 13, 2019 the Municipal Police Officers’ Education and Training Commission met at the Sheraton Station Square, Pittsburgh, PA for their regularly scheduled quarterly meeting. Colonel Robert Evanchick, Commissioner of the PA State Police, called the meeting to order and reviewed the minutes from the March 7, 2019 meeting.

Major Troy Lokhaiser, the Commission’s Executive Director reported on staff activities from the previous quarter and Commissioner Bart Burne reported on the committee meetings held the previous day, June 12, 2019, during which Commission members received detailed reports from staff and held in-depth discussions in preparation for the full Commission meeting. The commission members then heard full reports from the chairperson of each committee and voted on and approved the following significant decisions to:

- Approve a tuition decrease for MCCC Police Academy, effective immediately, from \$6,335 to \$5,995
- Approve a tuition increase for DCCC Police Academy, effective Jan 1, 2020, from \$5,300 to \$5,800
- Decertify eight police officers for disqualifying criminal convictions including DUI, Stalking, Corruption of Minors, Obstruction, Assault, Suppression of Civil Rights, and Theft
- Decertify two police officers for cheating on their 2018 Mandatory In-Service Training
- Approve certifications for 247 municipal police officers and 89 municipal police instructors

Information Regarding the September 2019 Commission Meeting

The next scheduled meeting of the Municipal Police Officers' Education and Training Commission is on September 18 and 19, 2019 at the Toftrees Resort & Conference Center, One Country Club Lane, State College, Pennsylvania 16803. Phone: 814-234-8000.

The Committee meetings begin on Wednesday, the 18th at 12:30 P.M.

The Executive Committee meeting will begin on Wednesday, the 18th at 3:30 P.M.

The School Directors meeting will begin on Thursday, the 19th at 8:00 A.M.

The Full Commission meeting will begin on Thursday, the 19th 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 Troy S. Lokhaiser 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 5. 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 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:

Labor Day: September 2, 2019

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

New Agency Executives

Chief David J. Arnold	Lower Windsor Township PD York County
Chief George A. Grippo	Mt. Pleasant Borough PD Westmoreland County
Chief Francis P. Plummer	Saint Clair Township PD Westmoreland County
Chief Jason J. Schaeffer	Leechburg Borough PD Armstrong County
Chief Jeffrey E. Smith	Amity Township PD Berks County
Chief Jesse R. VanDeusen	Greenfield Township PD Lackawanna County
Chief Mark J. Wiekrykas	Mahanoy City Borough PD Schuylkill County

Congratulations!

HAPPY LABOR DAY



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