

# NEWSLETTER



## Commission Membership

**Frank Noonan – Chairman**  
Commissioner, Pennsylvania State Police  
Dauphin County

**Jacob A. Bierling, Jr.**  
First Class Township Official  
Delaware County

**Anthony F. Boyle**  
Chief Inspector, Philadelphia P.D.  
Philadelphia County

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

**Barbara A. Butcher**  
Certified School Director  
Tioga County

**Lawrence M. Cherba, Esq.**  
Office of Attorney General  
Dauphin County

**Christopher J. Delozier**  
Noncommissioned Police Officer  
Dauphin County

**Kristen L. Denne**  
City Official  
Cambria County

**Robert “Bo” Fean**  
Borough Official  
Pike County

**Stewart J. Greenleaf**  
Senate of Pennsylvania  
Montgomery County

**Joseph T. Hackett**  
PA House of Representatives  
Delaware County

**Mark E. Hall**  
Chief, Clarion Borough P.D.  
Clarion County

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

**Stephen L. Margeson**  
Chief, Carlisle Borough P.D.  
Cumberland County

**Todd E. Naylor**  
Noncommissioned Police Officer  
Allegheny County

**Keith R. Sadler**  
Chief, Lancaster City P.D.  
Lancaster County

**Ronald L. Stern**  
Dept. of Community & Economic Dev.  
Dauphin County

**Sonia M. Stopperich**  
Second Class Township Official  
Washington County

**Vacancy**  
Township Police Chief

**Vacancy**  
FBI, Special Agent-In-Charge

## Gary–Vehicle Searches

by

**Susan E. Moyer, Esq. of the Lancaster County District Attorney’s Office**

and

**Stuart B. Suss, Esq. (Ret.) Pennsylvania Office of the Attorney General**

On April 29, 2014, the Supreme Court of Pennsylvania adopted the federal automobile exception to the search warrant requirement. Accordingly, in Pennsylvania, a law enforcement officer may now conduct a warrantless search of a motor vehicle as long as probable cause exists that the motor vehicle contains contraband or evidence of a crime. No exigency is required to support this warrantless search beyond the inherent mobility of the motor vehicle.

The Supreme Court of Pennsylvania adopted this change in Commonwealth v. Shiem Gary. In Gary, Justice McCaffery, writing the lead opinion, stated that Article I, Section 8 of the Pennsylvania Constitution no longer affords greater protection than the Fourth Amendment to the United States Constitution as to warrantless searches of motor vehicles. Justice McCaffery extensively reviewed United States Supreme Court precedent including the fact that an immediate warrantless search of a motor vehicle is supported not only by the ready and inherent mobility of a motor vehicle but also by the lesser expectation of privacy attached to a motor vehicle as opposed to a home and the extent to which motor vehicles are regulated. Therefore, an officer may either immediately search a motor vehicle without a warrant or seize the motor vehicle and then search the motor vehicle without a warrant as long as probable cause exists that the motor vehicle contains contraband or evidence of criminal activity.

In the Gary case, the Supreme Court of Pennsylvania held that the facts provided the law enforcement officers with sufficient probable cause to conduct a warrantless search of the motor vehicle in question. On January 15, 2010, police officers observed the defendant driv-

ing an SUV with heavily tinted windows. The officers conducted a vehicle stop based on the tint violation. As the officers approached the SUV, they smelled the odor of marijuana coming from the vehicle. Additionally, the defendant admitted that he had some “weed” in the SUV. The officers removed the defendant from the SUV, placed him in a police cruiser and called for a canine unit. The canine unit responded and began to walk around the SUV. At this point the defendant got out of the police cruiser and fled the scene. The officers, assisted by their police canine, Leo, apprehended the defendant. He was returned to the scene. The officers then conducted a warrantless search of the SUV and discovered approximately two pounds of marijuana under the front hood of the SUV in a bag near the air filter.

The determination of whether probable cause exists justifying the warrantless search will be fact specific. Each case will be evaluated on its facts to determine if probable cause exists that the motor vehicle contains contraband or evidence of a crime. If probable cause is found, the warrantless motor vehicle search will be upheld.

The decision in Gary brings Pennsylvania into line with many other states which have adopted the federal standard for a warrantless search of a motor vehicle. Accordingly, because Article I, Section 8 of the Pennsylvania Constitution is now to be considered coextensive with the Fourth Amendment as to warrantless motor vehicle searches, such immediate warrantless searches of motor vehicles are proper if based on probable cause and no exigency is required beyond the inherent mobility of motor vehicle.

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# Highlights of the March Commission Meeting

In the absence of Colonel Frank Noonan, Chairman, Dr. Bart E. Burne called the quarterly meeting of the Municipal Police Officers' Education and Training Commission (Commission) to order on March 13, 2014, at the Homewood Suites Hotel, Harrisburg, Pennsylvania.

The Commission went into Executive Session for the purpose of legal and personnel matters.

The Commission approved the minutes from the previous meeting on December 5, 2013.

Major Douglas E. Grimes presented his Executive Director's report. The report consisted of the certification exams administered, multiple professional standards interviews were conducted, and the Harrisburg Area Community College and the Philadelphia Police Training Academies were inspected. The Central Instructor Training Workshop for the 2014 Mandatory In-Service Training Program was conducted. Major Grimes met with the Police Academy Directors from PSP, Pittsburgh, and Greater Johnstown Career and Technology Center, as well as the Dean for the IUP Academy. He also delivered the commencement address at the Allegheny County Police Training Academy's graduation class; spoke at the Delaware County Chiefs of Police meeting; and attended the PA Chiefs Training Committee meeting. Dr. E. Beverly Young, Rudy Grubesky, and Bill Kaiser gave sworn testimony in the litigation matter brought against the Municipal Police Officers' Education and Training Commission. Dr. Young delivered the commencement address at Temple University Police Academy's graduation class.

Commissioner Bart Burne, Ed.D. presented the Executive Committee Report. Each Committee Chair gave their report.

Commissioner Stephen Margeson presented the Training Committee Report. Two items required approval of the Commission. The first item was the request for an extension of time to complete 2013 in-service training by an officer from the Franconia Township Police Department. A deadline for completion, identified by the Police Department, is May 2014. The second item was the request for an extension of time to complete 2013 firearms qualification by an officer from the Pottsville Police Department. A deadline for completion, identified by the Police Department, is no later than June 1, 2014. The Commission approved both items.

Commissioner Christopher Delozier presented the Waiver Committee Report. The committee reviewed 37 full and partial waivers. The Commission approved the full and partial waivers.

Commissioner Barbara Butcher presented the Instructor Certification Committee report. The committee reviewed 20 new instructor applications and 11 amendments. The committee also reviewed an application for school director for Mary Ann Grippo, Esq., for the Lackawanna Police Academy. The Commission approved the new and amended instructor applications, as well as the school director application.

Commissioner Lawrence Cherba presented the Rules and Regulations Committee Report. Lieutenant Stephen Kiessling presented an overview of the rules and regulations revisions. Lt. Kiessling and Attorney John Herman worked on the regulatory analysis form. In conjunction with that, Lt. Kiessling is working on a fiscal impact analysis of how the regulations will impact the regulated community. They hope to have a semi-

final work product for the June Commission meeting. The work product will then go through all the necessary approvals/offices, with a final review and approval by the legislature.

Commissioner Richard Long presented the Professional Standards Committee report. Lt. Kiessling discussed the academy inspection program and procedures using HACC as an example. A discussion was held on when a police officer is facing prosecution, and is accepted into the ARD program, (upon the condition that they forfeit for life their ability to be a municipal police officer), how does MPOETC ensure that that condition of acceptance survives the expungement process, which occurs at the end of successful completion of ARD. MPOETC staff will circulate a letter through the Pennsylvania District Attorney's Association (PDAA), so that the district attorneys (DA) are aware of this issue. The Commission also directed MPOETC staff to revise the recertification policy and procedures to replace the DA support letter. The letter would be sent to the county DA, where the applicant for recertification has received a conditional offer of employment, with a notice for the recertification applicant, and then the DA would be given the opportunity to comment, at their discretion. MPOETC staff is to take all necessary and appropriate actions to implement the change, including seeking and securing the appropriate review. A motion was made and approved by the Commission.

Commissioner Ronald Stern presented the Strategic Planning Committee report. The purpose of their meeting was to request more information from Commission members so that they can put a short-term and long-term plan together to present at the June meeting.

Dr. Burne welcomed and introduced the newest member of the Commission, Chief Mark Hall. He is the Chief of the Clarion Borough Police Department, third vice president of the Pennsylvania Chiefs of Police Association, and president of the Western Pennsylvania Chiefs of Police Association.

The next Commission meeting will be June 18 and 19, 2014, at Seven Springs Mountain Resort, Seven Springs, Pennsylvania.

Meeting was adjourned.

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## Gary-Vehicle Searches

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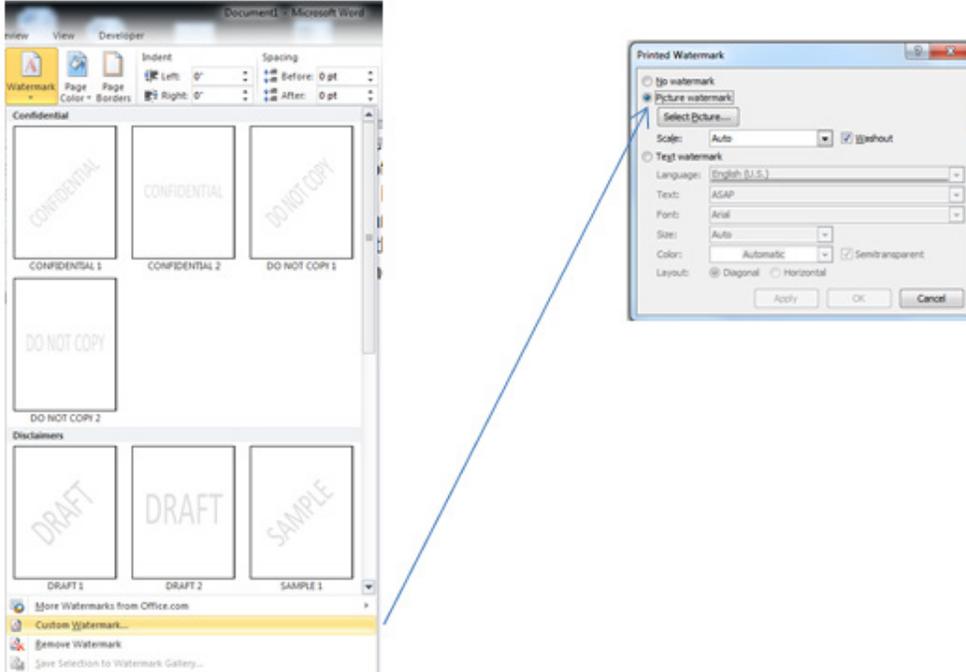
Here are the key lessons from the Gary decision:

1. Probable cause is still required before a vehicle may be searched. If you have probable cause to search a vehicle, you have the right to search the trunk of the vehicle, but you do not have the right to search the person of passengers in the vehicle.
2. If the vehicle is towed or impounded and not promptly searched, some district attorneys, in an abundance of caution, may recommend that a search warrant be obtained. Please consult with your local district attorney for the policy in your county.
3. If you do not have probable cause to believe that contraband or evidence of a crime may be found in a vehicle, and your only authority to search is incident to the arrest of the driver, your access to the interior of the vehicle is prohibited once the driver has been removed from the vehicle. *Arizona v. Gant* remains the governing law regarding searches of a vehicle incident to the arrest of the driver.

# Microsoft Word 2010--Creating a Watermark

By David Davis, MPOETC

Many organizations feel the need to create documents that are identifiable with their particular agency. This is often accomplished with a watermark. Microsoft Word has the capability of easily inserting a custom watermark on the page. The custom watermark may be the organization's logo or other distinguishing graphic. To create the watermark, first click on the Page Layout tab. Next select, Watermark from the Page Background section. Select Custom Watermark and select Picture Watermark. Next click on the Select Picture button, navigate to the file where the photo is stored and select it. From this point, click on Apply and then click on Close. This will place the image on the document page.



### COMPUTER LEARNING CENTER TRAINING SCHEDULE

July - September 2014

|           |                        |
|-----------|------------------------|
| 7/10/2014 | Introduction to Word   |
| 7/17/2014 | Intermediate Word      |
| 7/24/2014 | Introduction to Excel  |
| 7/31/2014 | Intermediate Excel     |
| 8/14/2014 | Introduction to Access |
| 8/21/2014 | Intermediate Access    |
| 8/28/2014 | Intro to PowerPoint    |
| 9/11/2014 | Interm. PowerPoint     |
| 9/18/2014 | Intro to Excel         |
| 9/25/2014 | Intro to Publisher     |

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

**Independence Day**  
Friday, July 4, 2014

**Labor Day**  
Monday, September 1, 2014

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

### Schedule for the Next Quarterly Commission Meeting

**WEDNESDAY, June 18, 2014**

|          |                                  |
|----------|----------------------------------|
| 12:30 PM | Waiver of Training Committee     |
| 2:30 PM  | Training Committee               |
| 3:30 PM  | Strategic Planning Committee     |
| 4:00 PM  | Professional Standards Committee |

**THURSDAY, June 19, 2014**

|          |                                    |
|----------|------------------------------------|
| 8:30 AM  | Waiver of Training Committee       |
| 9:00 AM  | Instructor Certification Committee |
| 10:00 AM | Executive Committee                |
| 11:00 AM | Full Commission Meeting            |

## Information Regarding the June Commission Meeting

The next scheduled meeting of the Municipal Police Officers' Education and Training Commission is on June 18 and 19, 2014, at Seven Springs Mountain Resort, 777 Waterwheel Drive, Seven Springs, Pennsylvania 15622, phone (800) 452-2223.

For the committee meeting schedule and full Commission meeting time; please refer to the insert on this page. 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 or Editor. You may also find information about the meetings, including a link to the hotel, by visiting our web site at [www.mpoetc.state.pa.us](http://www.mpoetc.state.pa.us), by first clicking on "About Us" and then on the "Quarterly Commission Meetings" link.

The Executive Committee will hear reports from all committees. In addition, the Executive Committee will also open the 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.



Pictured are Erica Aikens and her daughter, Amaya, Major Douglas Grimes, and Amy Sponsler with her daughter, Mya.

Photo by Sandy Myers, MPOETC

On the morning of April 24, MPOETC welcomed several children of employees to the Take Your Child to Work Day event. Children were invited to sit in the Pennsylvania State Police helicopter, meet the K-9's, pet the horses, sit on a PSP motorcycle, and see the other specialized equipment at Department headquarters.

Back at MPOETC, the children learned more about what their parents do each day, and got to meet their co-workers and MPOETC's Executive Director, Major Douglas Grimes. Amaya, Julia, and Mya also practiced recording voice-overs for online courses and learned how to use sound recording software.

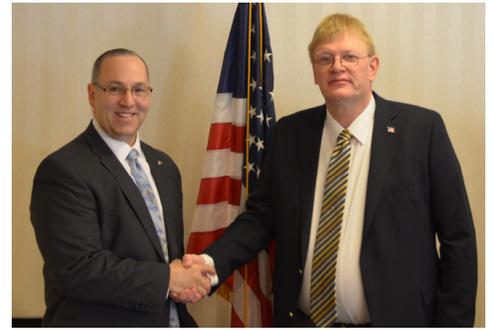


Pictured on the PSP motorcycle is Julia Hevalow, daughter of Craig Hevalow.

Photo by Craig Hevalow, MPOETC

Tom Yeckley is a new member of the MPOETC team. He began with the Lethal Weapons Certification Unit on May 12th. Before coming to MPOETC, he worked at Allied Barton Security Services where he worked as security staff for the Hershey Plants. He states "I'm very excited for this new step in life and I'm thankful for this opportunity to work with all of you".

Matthew Bender is also a new employee at MPOETC in the Lethal Weapons Certification Unit. Prior to working for the Commonwealth, he worked with David Maines and Associates, a commercial roofing company. He holds a Bachelor's degree from Bloomsburg University in Digital Forensics. He enjoys playing soccer, volleyball, and football as well as watching professional football and soccer. He has a strong faith and a great relationship with his family. Matt said that, "I am honored for the opportunity to work for the Pennsylvania State Police."



Major Douglas E. Grimes congratulates the newest member of the Commission, Chief Mark Hall of Clarion Borough Police Department.

Photo by Todd Naylor, ACPD

## Staff News

### MPOETC Web Portal Access

By David Davis, MPOETC

The secure area of the MPOETC web portal provides Police Chiefs and Academy Directors a mechanism for performing various tasks for their organizations. As this is a secure area, access credentials are managed and issued by the MPOETC staff. Passwords expire every sixty days and can only be changed by a staff member of the Commission. The request for access is processed via the Police Authorities Registration Form. This form is on our website and is to be completed by the requestor and must be completed and signed by the requestor's immediate supervisor as the approving authority. Once completed, the form can be scanned and sent to the Commission via electronic mail or faxed. In most cases, access can be achieved within three working days. Any questions concerning portal access may be directed to Dave Davis at 717-346-7752 or email: [davdavis@pa.gov](mailto:davdavis@pa.gov).



Photo by William Kaiser, MPOETC

Ms. Sandra Myers, eLearning Developer, received a letter of appreciation from Major Edward C. Hoke, Director of the Bureau of Patrol, for the online course that she developed for the Commercial Vehicle Safety Division. The course was delivered to all certified motor carrier enforcement personnel to update them on new criteria, and review areas where personnel had requested assistance over the past year. Major Hoke wrote that the online course saved the Bureau of Patrol a considerable amount of their \$50,000 funding for travel expenses, and furthered the cause of commercial motor vehicle safety in the Commonwealth.

Presenting the letter to Ms. Myers is Corporal Richard Koontz, Supervisor of the Commercial Vehicle Safety Division.



Major Grimes welcomes Maryann Grippo, Esq., the new certified school director at the Lackawanna College Police Academy, who was approved by the Commission at their March meeting.

Photo by Todd Naylor, ACPD

# New Agency Executives

|  |   |   |   |
|--|---|---|---|
| <b>Chief Jeffrey P. Balut</b>                  | Hughestown Borough PD<br>Luzerne County                 | <b>Chief Justyn P. Kelly</b>                | Glenolden Borough PD<br>Delaware County                           |
| <b>Chief Shannon S. Binda</b>                  | Jeannette City PD<br>Westmoreland County                | <b>Chief Michael J. Kotwasinski</b>         | Luzerne Borough PD<br>Luzerne County                              |
| <b>Chief Jason D. Brown</b>                    | Brookville Borough PD<br>Jefferson County               | <b>Chief Detective Wade L. Lauer</b>        | Adams County District Attorney's Office<br>Adams County           |
| <b>Chief Thomas C. Carter</b>                  | Harrisburg PD<br>Dauphin County                         | <b>Chief James K. Loftus</b>                | University of Pittsburgh PD<br>Allegheny County                   |
| <b>Public Safety Director Jeffery J. Crede</b> | Greenville-West Salem PD<br>Chester County              | <b>Chief County Detective Dolores Malec</b> | Schuylkill County District Attorney's Office<br>Schuylkill County |
| <b>Chief William J. Daly III</b>               | Horsham Township PD<br>Montgomery County                | <b>Chief George D. McClay</b>               | Morrisville Borough PD<br>Bucks County                            |
| <b>Chief Thomas L. Day, Jr.</b>                | Mount Holly Springs Borough PD<br>Cumberland County     | <b>Chief Thomas A. Nerlinger</b>            | Royersford Borough PD<br>Montgomery County                        |
| <b>Chief John W. Dougherty, Jr.</b>            | Bridgeport Borough PD<br>Montgomery County              | <b>Chief Michael W. Pitcavage</b>           | Kulpmont Borough PD<br>Northumberland County                      |
| <b>Chief Joel F. Fitzgerald Sr., Ph.D.</b>     | Allentown City PD<br>Lehigh County                      | <b>Chief Darwin T. Tobias III</b>           | Shamokin City PD<br>Northumberland County                         |
| <b>Chief Trevor D. Flexer</b>                  | Weissport Borough PD<br>Carbon County                   | <b>Chief Robert J. Toth</b>                 | Waynesburg Borough PD<br>Greene County                            |
| <b>Chief Anthony Floyd, Jr.</b>                | Lincoln University PD<br>Chester County                 | <b>Chief Peter G. Wayda</b>                 | Walnutport Borough PD<br>Wayne County                             |
| <b>Chief Samuel J. Gallen</b>                  | Montgomery County Detective Bureau<br>Montgomery County | <b>Chief Eric S. Young</b>                  | Meadville City PD<br>Crawford County                              |

## New Training Topics added to MPOETC Basic Training Curriculum

*By William Kaiser, Sandra Myers and Rudy Grubesky, MPOETC*

A major revision of the Commission's basic police academy training curriculum is currently being conducted by MPOETC staff along with a number of police chiefs, patrol supervisors, police academy instructors, law enforcement trainers, and other subject matter experts. Additional assistance is being provided by other POST agencies across the United States.

This project entails revising a total of 95 separate sections and writing new curriculum content for nearly 200 hours of new material to reflect 105 new instructional objectives. Approximately 335 hours of the now 946-hour curriculum will be scenario based, and hands-on practical application of the classroom topics. Once completed, the new curriculum is scheduled to be pilot tested at the police academy at the Piccola Law Enforcement Complex located at Harrisburg Area Community College beginning January 2015.

Changing threats against public safety have prompted the addition of several new police skills to the basic curriculum. These additions are a result of the Commission's most recent job task analysis conducted in 2013, and are intended to prepare academy cadets to meet the changing threats to our society in a post-9/11 world.

Several new curriculum sections are among these changes. First is the addition of a "Patrol Rifle Familiarization" section. This new 10-hour section will include classroom instruction that will familiarize recruits with modern patrol rifles and their function, capabilities, and use. After the classroom instruction is complete, cadets will fire a patrol rifle for familiarization. This section will introduce cadets to the use of a patrol rifle, but not provide the amount of time and practice needed for qualification purposes. Therefore, while newly hired cadets will have a basic knowledge and familiarization with the modern patrol rifle they will still need to be trained on the specific make and model of rifle their department uses. The curriculum will also have a 4-hour block devoted to "Practical Stress Shooting." This section will allow cadets to practice and assess their shooting skills while undergoing stressful physical activity.

## 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.

### CERTIFICATION AND ADMINISTRATION

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

e-mail: [mpocertification@pa.gov](mailto: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

e-mail: [mpotraining@pa.gov](mailto:mpotraining@pa.gov)  
 Telephone: (717) 346-4086  
 Fax: (717) 346-7781 or (717) 346-7782

### FISCAL AND STAFF SERVICES

#### Fiscal, Procurement, Facility Management, Computer Learning Center

e-mail: [RA-SPMPOFSS@pa.gov](mailto:RA-SPMPOFSS@pa.gov)  
 Telephone: (717) 346-4086  
 Fax: (717) 346-7781 or (717) 346-7782

### PROFESSIONAL STANDARDS AND INSPECTIONS

#### Regulatory Compliance, School Inspections

e-mail: [mpostandards@pa.gov](mailto:mpostandards@pa.gov)  
 Telephone: (717) 346-4086  
 Fax: (717) 346-7781 or (717) 346-7782

## New Training Topics added to MPOETC Basic Training Curriculum

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Also new to the curriculum is a 12-hour section addressing "Active Shooter" situations. This section will include classroom instruction on the various types of active shooting situations and methods of attack and their implications for police response. This section will also contain practical exercises designed to provide cadets with the opportunity to practice formations and tactics that address common response challenges.

Another new section is closely related to active shooting situations and will address the topic of "Tactical Medicine." This section will be in addition to the standard first aid and CPR/AED training. However, unlike standard first aid training designed to be applied to the general population, this section will include one hour of classroom instruction and five hours of practical exercises designed to apply first aid procedures to oneself or to a fellow officer injured in an active, ongoing tactical situation.

A new defensive tactics section addressing "Groundfighting" is also being developed. This 16-hour section will include instruction and coaching of practical groundfighting techniques.

New sections addressing "Less Lethal Weapons Familiarization," "Collapsible Baton," and "OC Spray" will be included in the defensive tactics section. Other new sections include Homeland Security (Terrorism), Drug Law Enforcement, and Computer Crimes (Social Media). Two online courses for ICS and NIMS will be required and will culminate in a practical application (tabletop exercise) in the classroom.

With the addition of these and other sections, the Commission believes that police academy cadets will be better prepared to manage the challenges they will encounter in the field.

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 Major Douglas E. Grimes, Executive Director, or the Editor, Mr. Rudy M. Grubesky, by calling toll-free at (800) 342-0858. The Commission e-mail address is [mpocommissioners@pa.gov](mailto:mpocommissioners@pa.gov). You may also write to:

**M.P.O.E.T.C. 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.