



NEWSLETTER

Commission Membership

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Pennsylvania State Police
Dauphin County

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Lancaster County

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First Class Township Official
Delaware County

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Chief, Lincoln Borough P.D.
Westmoreland County

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Law Enforcement Educator
Luzerne County

Robert J. Carroll

Noncommissioned Police Officer
Delaware County

Christopher J. Delozier

Noncommissioned Police Officer
Dauphin 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.
Lankawanna County

Ronald L. Stern

Dept. of Community & Economic Dev.
Dauphin County

Christopher M. Werner

Chief Inspector, Philadelphia P.D.
Philadelphia County

Vacancy

City Official

Vacancy

Second Class Township Official

Vacancy

Senate of Pennsylvania

Commission Adopts Medical Marijuana Policy

by Major Troy S. Lokhaiser, MPOETC Executive Director

The Municipal Police Officers' Education and Training Commission (MPOETC) held its quarterly meeting on March 6 & 7, 2019 at the Wyndham Hotel, Gettysburg Pennsylvania. One of the important topics for discussion and action by the Commission was the adoption of policy with regards to medical marijuana and Act 120 certification. After review and deliberation, the Commission voted unanimously to adopt the following:

1. WHEREAS, The Municipal Police Officer's Education and Training Commission (The Commission) was established by an Act of the Pennsylvania Legislature and the Commission's powers and duties are set forth in 53 Pa C.S.A. § 2164, and;
2. WHEREAS, the Commission has the power and duty to require all police officers to undergo a background investigation to determine the individual's suitability for employment pursuant to 53 Pa.C.S. § 2164 (7), and;
3. WHEREAS, Governor Wolf signed Act 16 of 2016, known as the Medical Marijuana Act, on April 17, 2016 which legalizes the possession and use of medical marijuana under certain circumstances.
4. WHEREAS, Federal law, 18 U.S.C. § 922(g)(3), prohibits any person who is an "unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))" from possessing firearms or ammunition.
5. WHEREAS, Marijuana is listed in the Controlled Substances Act as a Schedule I controlled substance, and there are no exceptions under Federal law for marijuana used for medicinal purposes, even if such use is sanctioned by State law.
6. WHEREAS, Federal Courts have held that the possession, use and distribution of marijuana—even medical marijuana prescribed by a medical provider under Pennsylvania Law—is illegal under federal law. See *United States v. Bey*, 341 F.Supp.3d 528, 529 (E.D. Pa. 2018).
7. WHEREAS, U.S.C. § 922(d)(3), makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is an unlawful user of, or addicted to, a controlled substance.
8. WHEREAS, pursuant to 27 C.F.R. § 478.11 and guidance issued by the U.S. Alcohol, Tobacco, and Firearms (ATF) that possession of a card authorizing the possession and use of marijuana under State law, is "reasonable cause to believe" that the person is an unlawful user of a controlled substance and unable to possess a firearm for a period of one year from the expiration of the card.
9. WHEREAS, there is no federal firearms prohibition to possession of a medical marijuana Caregiver identification card under Pennsylvania's Act 16 of 2016, known as the Medical Marijuana Act, and;

Now therefore, based upon the foregoing, it is resolved by the Commission that use of medical marijuana and/or possession of a medical marijuana certification under the Medical Marijuana Act are prohibited under federal law and therefore shall be basis for denial of a municipal police officer's certification under 37 Pa Code § 203.11(a)(10) and revocation pursuant to 37 PA Code § 203.14 (3).

To summarize, the Commission policy directs MPOETC staff to deny or revoke Act 120 certification of an individual who uses medical marijuana or possesses a medical marijuana certification card other than the Caregiver card.

While this policy gives MPOETC direction regarding an individual's Act 120 certification with regards to medical marijuana, it is strongly recommended that Departments create and institute their own internal policies regarding the use of both legal and illegal medications and drugs.

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.

Act 79 of 2018 (Firearms Possession, Relinquishment, and PFA Orders)

On October 12, 2018 Governor Wolf signed Act 79 of 2018 into law. The Act substantially impacts firearms relinquishment by individuals subjected to protection from abuse orders, how law enforcement agencies store relinquished firearms, and how firearms are to be returned to relinquishing individuals when the firearms prohibition expires. The numerous changes contained within Title 18 (Crimes and Offenses) and Title 23 (Domestic Relations) take effect April 10, 2019, but some of the highlights are contained below:

- **§ 6102** adds definitions for "Appropriate law enforcement agency" (which includes municipal police departments) and "Commercial armory".
- **§ 6105 (a.1) (2)** contains changes to the penalties for failing to relinquish when required.
- **§ 6105.2** is a new section establishing procedures for relinquishment of firearms and firearms licenses by convicted persons.
- **§ 6128** is a new section defining abandonment of firearms, weapon or ammunition and establishing procedures for disposal.
- **§ 6106 (a.3)** adds requirements for police to protect the plaintiff when directed by court.
- **§ 6108 (a.1)** is a new section to discuss the final order or agreement including return of relinquished firearms.

Act 43 of 2018 (Amendments to the Medical Marijuana Act)

The Medical Marijuana Act has been amended to permit medical marijuana users to utilize leaf marijuana in their medical treatment. Although leaf marijuana is now legal for medical use, it may only be used through vaporization and smoking marijuana is still illegal.

At this time, the list of individuals licensed under the Medical Marijuana Act is maintained by the Pennsylvania Department of Health and it is confidential. Police officers should consult with their local DA's office to determine how to proceed in situations where a person in possession of marijuana has a Medical Marijuana License as those licenses cannot currently be verified by law enforcement agencies.

Police officers should be aware that marijuana is still a controlled substance and illegal in the Commonwealth of Pennsylvania outside of medical use. Where probable cause exists that a person is in unlawful possession of a controlled substance, officers should not hesitate to effectuate lawful arrests.

Act 94 of 2018 (Recording Prohibition – Title 18 §5103.1)

A new law became effective on December 24th of 2018 to address the increasing use of audio and video recording devices in court and in the areas surrounding courthouses. Specifically, it is now a 2nd degree misdemeanor offense for **any** person in **any** manner and for **any** purpose to use or operate an audio or video recording device within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without court approval. Second and subsequent offenses become 1st degree misdemeanors. Consult with your local judiciary to determine the applicability of this rule to journalists, as they may already be afforded permission by the court.

In-Service Training

by MPOETC Training Unit

Ever since developing Continuing Law Enforcement Education (CLEE) courses, the staff here at MPOETC has struggled with explaining the difference between CLEE courses and Mandatory In-Service Training (MIST) courses. Part of the reason for that is the regulations, which use the term Mandatory In-service Training to describe the 12 hours of classroom training, firearms qualification, and CPR/First Aid training officers must do each year to stay certified. Historically the term “MIST courses” referred to the specific courses that MPOETC required officers to take each year.

Currently, although officers must still complete 12 hours of approved training, the term “MIST courses” simply refers to the 12 hours of training developed by MPOETC, even though some of the MIST courses (i.e., Legal Update) are mandatory and others are optional or elective. Each year MPOETC announces which MIST courses are mandatory, and then permits officers to either take the elective MIST courses or to replace the elective MIST courses with CLEE courses for the remainder of their required 12 hours of training. Below is a better breakdown of the options officers have when deciding how to satisfy the 12 hours of required training:

- Take all 12 hours of MIST courses in the classroom with a certified Police Academy – grades are entered by the Academy into the officer’s TACS record
- Take all 12 hours of MIST courses online with PAVTN – grades are automatically transferred from PAVTN into the officer’s TACS record
- Take at least the mandatory MIST courses either online or in the classroom and then complete the remaining hours by taking approved CLEE courses – CLEE courses must be entered by Police Chiefs or designee into their officers’ TACS records

Every year officers must take Legal Update since it is always a mandatory course. On occasion MPOETC may designate other courses as mandatory (i.e., 17-002 Procedural Justice and Police Legitimacy), which would require that all officers complete this course either online or in the classroom.

For additional information about CLEE, please refer to CLEE Frequently Asked Questions found on the MPOETC website’s CLEE webpage at <https://mpoetc.psp.pa.gov/training/Pages/Continuing-Law-Enforcement-Education.aspx>.

PA Traffic Incident Management Online Course



The Pennsylvania Traffic Incident Management course (CLE01022) is now available on www.pavtn.net.

This four credit CLEE course educates multidisciplinary groups of emergency responders in Traffic Incident Management (TIM) best practices with a focus on improving responder and motorist safety. The course represents the Commonwealth’s adaptation of the Federal Highway Administration’s SHRP2 TIM Training program.

Log on to PAVTN and look for this course in the CLEE curriculum section to start the training.

Highlights from the March Commission Meeting

On March 7, 2019, the Municipal Police Officers' Education and Training Commission met at the Wyndham Gettysburg Hotel, Gettysburg, PA for their regularly scheduled quarterly meeting. Lieutenant Colonel Robert Evanchick, acting Commissioner of the Pennsylvania State Police was unable to attend, and Chief Inspector Christopher M. Werner, Philadelphia Police Department called the meeting to order and reviewed the minutes from the December 6, 2018 meeting.

Major Troy Lokhaiser, the Commission's Executive Director reported on staff activities since the previous meeting which included visits to certified municipal police academies, a meeting of certified academy directors, development of in-service training courses for police officers, administration of the municipal police certification examination, temporary certification actions for police officers and instructors, and the administration of both the Lethal Weapons (Act 235) and Retired Law Enforcement Identification (Act 79) Programs.

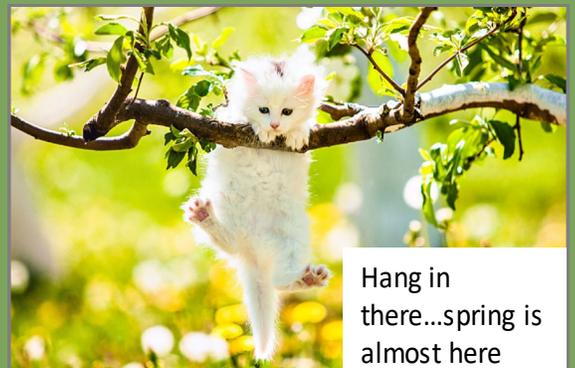
Commissioner Bart Burne reported on the committee meetings held the previous day, March 6, 2019, during which Commission members received detailed reports from staff and held in-depth discussions in preparation for the full Commission meeting. The Commission members then heard full reports from the chairperson of each committee and voted on and approved the following significant decisions to:

- Approve a policy directing MPOETC staff to deny or revoke Act 120 certification of an individual who uses medical marijuana or possesses a medical marijuana certification card other than the Caregiver card.
- Approve certifications for 301 new police officers, 34 new municipal police instructors, to amend certifications for seven municipal police instructors, and to approve certification of two new police academy directors.
- Revoke certifications for a total of six municipal police officers. Revocations were based on disqualification under the Mental Health Act and for disqualifying criminal convictions including Statutory Sexual Assault, Unlawful Contact with a Minor, Theft, Institutional Vandalism, Homicide by Vehicle, Involuntary Manslaughter, and Driving Under the Influence of Alcohol.

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

Memorial Day: May 27, 2019

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



Hang in there...spring is almost here

Information Regarding the June 2019 Commission Meeting

The next scheduled meeting of the Municipal Police Officers' Education and Training Commission is on June 12 and 13, 2019 at the Sheraton Pittsburgh Hotel at Station Square, 300 West Station Square Drive, Pittsburgh, Pennsylvania 15219. Phone: 412-261-2000.

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

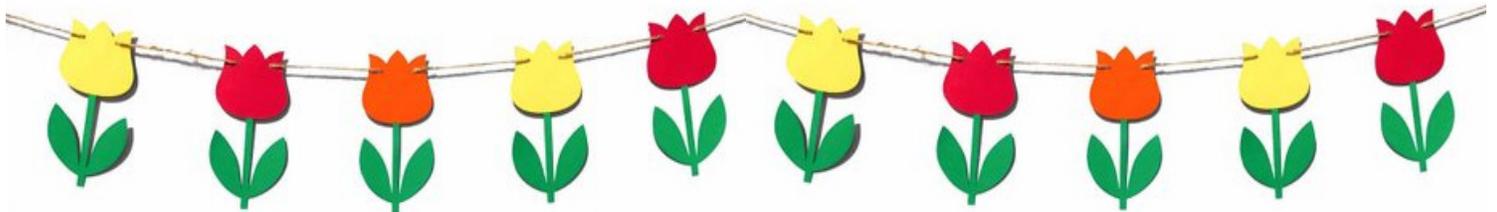
The Executive Committee meeting will begin on Wednesday, the 12th at 3:30 P.M.

The School Directors meeting will begin on Thursday, the 13th at 8:00 A.M.

The Full Commission meeting will begin on Thursday, the 13th 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.



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uestions, 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 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 Newsletters.

New Agency Executives

Chief Damon R. Hagan	Williamsport City PD Lycoming County
Chief William M. Heim	Muhlenberg Township PD Berks County
Chief Josh S. Krizmanich	Elderton Borough PD Armstrong County
Chief Justin C. McIntire	Brackenridge Borough PD Allegheny County
Chief Adam L. Miller	Mount Union Borough PD Huntingdon County
Chief David J. Nemeč	Aspinwall Borough PD Allegheny County
Chief George W. Polnar	Springdale Borough PD Allegheny County
Chief Justin W. Schawl	Indiana Borough PD Indiana County
Chief Timothy J. Sheehan	California Borough PD Washington County
Chief Raymond C. Stuffleet	Swarthmore Borough PD Delaware County
Chief Todd E. Trupp	Birdsboro Borough PD Berks County
Chief Jeffrey M. Vargo	Lower Swatara Township PD Dauphin County
Chief Andrew J. Winters	Palmyra Borough PD Lebanon 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