



# NEWSLETTER

## Commission Membership

### Robert Evanchick – Chair

Commissioner  
Pennsylvania State Police  
Dauphin County

### William C. Barrett

City Official  
Luzerne County

### Jarrad P. Berkihiser

Chief, Lancaster City P.D.  
Lancaster 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

### Anthony C. Clements

Noncommissioned Police Officer  
Dauphin County

### Madra L. Clay

Local Government Policy Manager  
Dept. of Community & Economic Dev.  
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

### 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

### 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

## Act 59 of 2020

### by Isaac Suydam, MPOETC Director of Training

Act 59 of 2020, signed into law on July 14, 2020, directly impacts municipal police officers in two ways. First, this legislation provides for mental health evaluations of Municipal Officers in three circumstances: where an officer requests an evaluation, where a Chief of Police refers an officer, or when an officer uses lethal force. Officers who are evaluated and determined to have symptoms of post-traumatic stress disorder (PTSD) must be provided care by a licensed physician and will be placed on administrative duty until a physician determines they are able to resume full duties. Officers who refuse to undergo the required evaluation when referred by their Chief or in situations where the officer has used lethal force will be placed on administrative duty until they are evaluated. The primary requirements of this section go into effect on July 14, 2021, but the Commission is responsible for promulgating regulations by March 14, 2021. These regulations will guarantee the confidentiality of both requests and referrals for evaluation as well as the records produced by those evaluations. More information will be provided by the Commission as it becomes available.

The Act further establishes new training requirements for municipal police officers that will result in development of new annual, biennial, and basic training curriculum. All municipal police officers will now receive mandatory annual training in the use of force, de-escalation techniques, and harm reduction techniques. The implementation of this training is currently in development but is expected to merge with existing firearms qualifications in the future. Officers will also receive training every other year in community and cultural awareness, implicit bias, procedural justice, and reconciliation techniques. While no decisions about these courses have been finalized, it is likely this training will be incorporated into the mandatory in-service training courses developed by the Commission starting in 2022. Because both the annual and biennial training is mandatory, and officers must complete the training provided by the Commission, municipal departments should be aware that officers who attend elective (CLEE or other) courses on these topics will still be required to complete the mandatory Commission courses.

The last area of training addressed by the Act is basic training. The basic training curriculum will be revised to include training on topics such as interacting with individuals of diverse racial, ethnic, and economic backgrounds, recognizing and reporting child abuse, and recognizing and interacting with individuals with post-traumatic stress disorder. These revisions are expected to be completed in 2021 and will be included in all basic training conducted after January 1, 2022. More information about Act 59 training requirements will be published as it becomes available. See Act of Jul. 14, 2020, P.L. 624, No. 59. (2020).

## 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 57 of 2020 (HB 1841):

Act 57 of 2020, requires all law enforcement officer employing Departments throughout the Commonwealth to maintain certain employment records and requiring MPOETC to promulgate regulations and develop a database for record maintenance of currently employed officers and separation records thereof. Municipal Police Officers throughout Pennsylvania should be aware that certain disciplinary and employment records will be shared by current and previously employing Departments with any and all inquiring prospective law enforcement employers. Disclosure is contingent on the production of a waiver of the candidate officer, but all law enforcement agencies will likely require such waiver as a condition of employment consideration. All municipal officers will have the ability to request review of their disciplinary and employment records on file in the database pursuant to this legislation and have the opportunity to address any perceived discrepancies with their previous employer. MPOETC is currently working to comply with the Act’s six-month time requirement for generating the regulations and one-year time requirement for creating the database. As of now, the database is anticipated to function in the same manner as TACS.

### Act 59 of 2020 (HB 1910):

Act 59 of 2020, addresses compulsory mental health evaluations for law enforcement officers throughout Pennsylvania. An officer will be required to participate in a mental health evaluation under the following circumstances:

- Upon request of the impacted law enforcement officer
- Upon request of the chief or other supervising officer
- Within 30 days of an incident of the use of lethal force in the course of their law enforcement duties.

If an officer is deemed to be suffering from PTSD they must be placed on administrative duty until they are determined to be able to resume full duties, through another mental health evaluation.

MPOETC will promulgate temporary regulations in compliance with this legislation by March 14, 2021.

### Commonwealth v. McClelland, \_\_\_Pa.\_\_\_, \_\_\_A.3d\_\_\_ (7/21/20)

There was a preliminary hearing in a case charging the sexual assault of a child. The affiant testified about the facts of the offense which he learned from watching an interview between the victim and a counselor from a child advocacy center. The eight-year-old child did not testify in person. No other evidence was presented at the preliminary hearing.

Was it proper for the magisterial district judge to find a prima facie case?

No. Hearsay evidence ALONE may not establish a prima facie case. Here, the Commonwealth relied EXCLUSIVELY AND ONLY on hearsay evidence.

1. The Supreme Court did not hold that all hearsay is forbidden at preliminary hearings.
2. The Supreme Court did not hold that victims must always testify in person at preliminary hearings.
3. The Supreme Court did not invalidate Rule of Criminal Procedure 542(E) which permits hearsay evidence at preliminary hearings.
4. The only ruling made by the Supreme Court was that a prima facie case is not presented when the Commonwealth presents EXCLUSIVELY AND ONLY hearsay testimony

## Highlights from the September 2020 Commission Meeting

On September 17, 2020, the Municipal Police Officers' Education and Training Commission conducted its quarterly meeting. The meeting, initially scheduled for September 9-10, 2020, was rescheduled and conducted remotely to comply with statewide Covid-19 requirements. Colonel Robert Evanchick, Commissioner of the Pennsylvania State Police called the meeting to order and reviewed the minutes from the previous meeting. Major Steve Ignatz, the Commission's Executive Director, reported on staff activities since the previous meeting.

Commissioner Bart Burne reported on the committee meetings held earlier in the day, 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 certifications for new police officers, instructors, and academy directors.
- Revoke certifications for two officers for criteria including physical or psychological impairment and convictions of Unlawful Duplication and Unsworn Falsification.
- To approve the final MIST course list for 2021, specifically that the Commission will present four courses and that two of them, 21-001 Legal Update and 21-004 Recognizing and Responding to Individuals with Special Needs, will be mandatory and must be attended by all officers. More information about the courses, costs, and requirements for completion will be posted in the PA Bulletin before January 1, 2021.
- To authorize MPOETC staff to move forward with the development of the database required by Act 57 of 2020. This Act requires the Commission to develop a database that will contain separation records of all "law enforcement officers" in the Commonwealth (as defined in Title 18 Pa.C.S.A. § 501 as all "peace officers") and will require all employing law enforcement agencies to maintain certain employment records and conduct standardized background checks for prospective law enforcement officers. The background checks must include verification of current and former law enforcement employment, as well as standardized separation records maintained by the Commission. The Act requires prospective law enforcement employers to document their knowledge of final and binding disciplinary action or convictions in a law enforcement officer's employment record. The Commission staff is currently developing forms and regulations that will govern this program. The database will be operational by July 2021. More information about Act 57 and the related database will be provided by the Commission as it becomes available. See Title 44 Pa.C.S.A. Chapter 73 (2020) and Act of July 14, 2020, P.L. 613, No. 57 (2020).

### MPOETC Staff Updates



On September 15, 2020, (pictured left to right), Sergeant Timothy Fetzer of the PSP Academy Use of Force Unit, Major Steve Ignatz, Executive Director of MPOETC, and Isaac Suydam, Director of the MPOETC Training & Curriculum Development Unit appeared before the House Judiciary Committee to discuss police training and the use of force curriculum.

Lieutenant Rahn Richards (pictured on the left), MPOETC Assistant Director, received a Letter of Commendation from Major Jeremy Richard (pictured on the right), Director, Bureau of Criminal Investigation for his work done at the outset of the COVID-19 outbreak.

Congrats, Lieutenant!



## Information Regarding the December 2020 Commission Meeting

The next scheduled meeting of the Municipal Police Officers' Education and Training Commission is on December 9 and 10, 2020 at the Radisson Hotel Valley Forge, 1160 First Avenue, King of Prussia, Pennsylvania 19406. Phone: 610-337-2000. Please note that a public notification will be made if this meeting is rescheduled.

The Committee meetings begin on Wednesday, the 9th at 12:30 P.M.

The Executive Committee meeting will begin on Wednesday, the 9th at 3:30 P.M.

The School Directors meeting will begin on Thursday, the 10th at 8:00 A.M.

The Full Commission meeting will begin on Thursday, the 10th 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

**Q**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 Steve J. Ignatz 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](http://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 date for the purpose of transacting public business:

**Columbus Day: October 12, 2020**

**Veterans' Day: November 11, 2020**

**Thanksgiving Holiday: November 26 and 27, 2020**

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

## New Agency Executives

- Chief Andrew J. Block** Upper Moreland Township PD  
Montgomery County
- Chief Robert J. Mahady II** West Easton Borough PD  
Northampton County
- Chief Matthew J. Phelan** Bedminster Township PD  
Bucks County
- Chief Robert D. Stafford** Greensburg City PD  
Westmoreland County
- Chief Jonathan M. Swank** Danville Borough PD  
Montour 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](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

Email: [mpotraining@pa.gov](mailto: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](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

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