



NEWSLETTER

Commission Membership

Robert Evanchick – Chair

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Pennsylvania State Police
Dauphin County

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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

You Are Not Alone!

by Craig Hevalow, Newsletter Editor

I have recently been compelled to reach out. Reach out to anyone and everyone to just stop, listen, and reflect. On what? On each other! We in law enforcement are considered superheroes. We are in fact human superheroes with feelings and emotions. We tend to want to ignore our emotions. This does not work; it just makes things worse. We need to check on each other to just be there and listen. Always know that it is okay to NOT be okay.

I had the privilege to speak with an old friend, Chief Brandon M. Graeff of the Marple Police Department. Although the Chief and I are childhood friends, the conversation was of a serious nature regarding the loss of Officer Brian Niedelman, a three-and-a-half-year veteran of the department. The loss was from suicide.

Chief Graeff shared the story of the officer. Brian was sharp and always gave 100%. He was promoted to FTO while only being on the force a short time. Brian took the Sergeant's promotion exam and scored first amongst those tested. Although he always gave 100%, he never wanted to disappoint his team. Chief Graeff said he gave advice to Brian on the way to the possible promotion. Brian felt he wasn't ready for the promotion and expressed to Graeff that he felt inadequate. He wasn't sure he could make the decisions needed to be a Sergeant. Brian felt he could not give all the effort that the department needed, and this brought reluctance. Brian requested to take his name off the promotion list. With concern, Graeff met with Brian, put his arm around him and asked Brian if he was okay. Although Brian said yes, Brian's wife told Chief Graeff, after Brian's passing, that Brian was not doing as well as he was letting on.

Chief Graeff told Brian later that he will leave his name on the interview list, but it was up to Brian to decide if he wanted the promotion interview or not. There would be no hard feelings one way or the other. The chief left the interview time open but did not push Brian one way or another. He didn't want to take the opportunity totally away from Brian if he was to change his mind at any time.

Chief Graeff shared that Brian's Sergeant recognized Brian's mood and change in demeanor during roll calls and informal interactions over that two-week period and acted by pulling him aside privately and making attempts to talk with him. Sgt. Chris Chermak deserves a great deal of credit for doing what every worthwhile front-line supervisor should do; know your people, recognize when they're not themselves, and have the courage to act. In this case, Chris did everything he could possibly be expected to do based on the information he had available to him at the time.

On the day of the interview, Brian came to work and appeared that nothing had changed in his work ethic or demeanor. When Brian left the station that morning, Brian's Sergeant felt that feeling that we all know so well. Something was wrong with Brian. Brian didn't answer a call at 1300. He was found by his brothers soon after. Brian's interview would have been at 1230. Chief Graeff said, "I truly believe that everyone from his wife to his colleagues, and supervisors did everything possible based on the signs Brian was giving us. Based on Brian's personality and history, no one suspected (even in hindsight) that suicide would have been the final outcome."

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If you are currently having a tough time, you are not alone. We must offer suicide prevention and care to ourselves and to the families after a tragic event such as this. Compassion and understanding must not take a backseat to stigma and shame.

A study by Blue H.E.L.P. showed 228 officers died from suicide while 132 officers died in the line of duty in 2019. Again, it is okay not to be okay. We are all here for each other. In today's digital age, you don't even need to talk to get help. Just text the crisis text line. Text Blue to 741741. By using that keyword, it lets the counselors know that you are in law enforcement somewhere in the country and that you need to chat. You will interact with trained crisis counselors who will be able to assist you. The connection is free, 24/7, and confidential. Remember, there is no shame in reaching out.

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.

Caniglia v. Strom, 593 U.S. ___ (2021)

On May 17, 2021, the United States Supreme Court handed down an opinion in the matter of *Caniglia v. Strom*. The appeal in *Caniglia* focused on police entry into a house, based on the "community caretaking" function, to seize weapons that may be used by *Caniglia* to cause himself harm.

The facts of the case are undisputed. Edward *Caniglia* had an argument with his wife. During the course of the argument, *Caniglia* placed a handgun on a table and asked his wife to "shoot me and get it over with." The wife left the house for the night and could not contact *Caniglia* the next day. Fearing that *Caniglia* may have harmed or possibly killed himself, Mrs. *Caniglia* called police for a welfare check on her husband. Upon arrival at the house, the police encountered *Caniglia*, who was unharmed, on the porch of the house. The police convinced *Caniglia* to go to the hospital for an evaluation. *Caniglia's* agreement to go to the hospital was contingent upon the condition that the police would not confiscate *Caniglia's* firearms. Once *Caniglia* left for the hospital, the officers entered the house and seized his firearms. The warrantless police entry into the house and seizure of the firearms was based on the "community caretaking exception" to the warrant requirement of the Fourth Amendment. *Caniglia* sued the police. The District Court granted summary judgment to the officers and the First Circuit court affirmed. *Caniglia* appealed.

The United States Supreme Court reversed the First Circuit ruling that the warrantless search of *Caniglia* did not fall into the "community caretaking exception" to the warrant requirement. The precedent, set in *Cady v. Dombrowski*, 413 U.S. 433 (1973), explained that police patrolling public highways engage in "community caretaking functions" that may require entry into vehicles for non-criminal investigative reasons. The decision in *Cady* stressed that the constitutional difference between an impounded vehicle and a house is unmistakable. The opinion of the Court is very clear in the instant case. The Supreme Court stated, "What is reasonable for vehicles is different from what is reasonable for homes." The scope of the "community caretaking exception" to the warrant requirement does not extend to houses.

Justices Roberts, Alito, and Kavanaugh all penned concurring opinions that reiterate a key point with respect to the Court's opinion. Their concurrences explain that other exceptions to the warrant requirement are still intact; the *Caniglia* decision only applies to the "community caretaking exception." Specifically, when police have an objectively reasonable basis to believe there is an ongoing emergency, immediate warrantless entry may still be reasonable. Entry to prevent violence (*Brigham City v. Stuart*, 547 U.S. 398, 406 (2006)) and entry to render aid (*Michigan v. Fisher*, 588 U.S. 45, 49 (2009)) are two such situations that may require officers to act immediately. The decision in *Caniglia* goes no further than refusing to apply the "community caretaking exception" to home entry.

Highlights from the June 2021 Commission Meeting

On June 17, 2021, the Commission met virtually for their regularly scheduled meeting. During the meeting the following significant actions were taken and the Commission approved:

- Tuition increase for the police academy at the Community College of Beaver County.
- Policy to allow certified academies to use the Cooper Push Up test in place of the Cooper Bench Press test for enrollment in the police academy.
- Policy to issue identification cards to certified officers. The new cards would replace the certification cards currently issued to certified officers.
- Revocations of six certified officers for various reasons including permanent physical or psychological impairment, theft, tampering with evidence, obstruction, simple assault, sexual abuse of children, impersonating a police, and tampering with public records.

At the meeting the Commission was provided updates from staff on the progress made so far on Act 57. Information about the Act has been provided in previous newsletters; however, the Commission has added updated information to their website. Interested individuals are encouraged to visit the Commission’s website (<https://mpoetc.psp.pa.gov/Pages/mpoetc.aspx>) and follow the links for current information about the program.

Information Regarding the September 2021 Commission Meeting

The next scheduled meeting of the Municipal Police Officers’ Education and Training Commission is on September 8 and 9, 2021 at the Eden Resort and Suites, 222 Eden Road, Lancaster, Pennsylvania 17601. Phone: 717-569-6444. *Please note that a public notification will be made if this meeting is rescheduled.*

- Committee meetings begin on Wednesday, the 8th at 12:30 P.M.
- Executive Committee meeting will begin on Wednesday, the 8th at 3:30 P.M.
- School Directors meeting will begin on Thursday, the 9th at 8:00 A.M.
- Full Commission meeting will begin on Thursday, the 9th 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 4. 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.



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

Independence Day: July 5, 2021
Labor Day: September 6, 2021

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

New Agency Executives

Chief Michael P. Carroll

West Goshen Township PD
Chester County

Chief Paul T. Dickinson

Penridge Regional PD
Bucks 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

