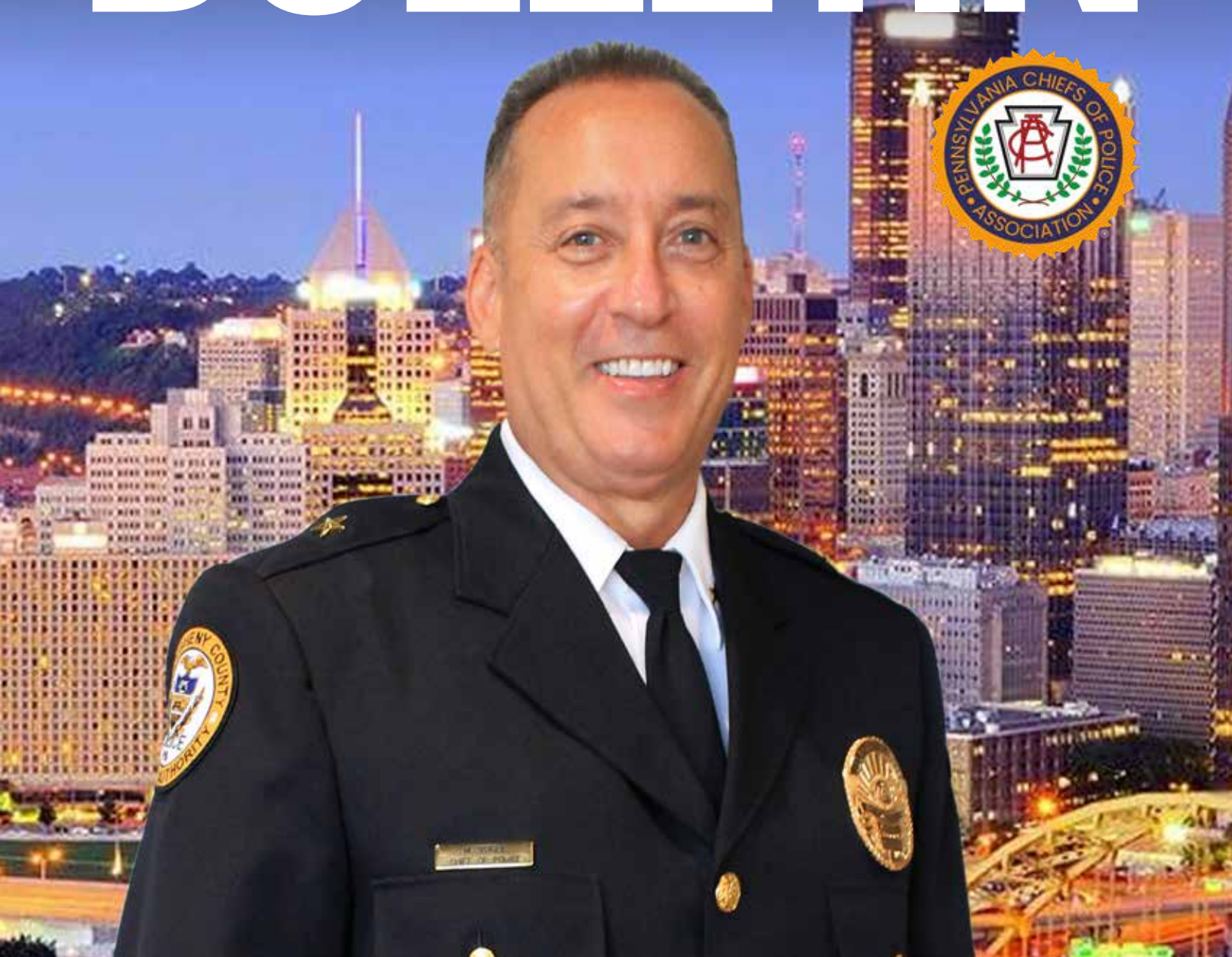


**PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION**

**FALL 2024**

# **BULLETIN**



## **Inside this Issue:**

**PCPA Executive Board and Committees**  
**Welcome New Members**  
**New and Recently Accredited Agencies**  
**111th PCPA Annual Conference Wrap-Up**

**Legal Update for Law Enforcement**  
**Reduce Officer Workload through AI**  
**Enhancing School Safety**  
**Police-Community Interaction Surveys**

# Think you know CODY RMS?

Think again. Check out the cloud RMS that brings CODY to a whole new generation...



LEARN MORE



# pathfinderRMS



**PA NIBRS approved**



**PA Interfaces**

TrACS (NOW with Non-Traffic Citations)

PA Search Warrant

PA Criminal Complaint e-filing

CPIN, AXON, Watchguard, etc.



iOS, Android, Windows devices



user-friendly data entry / workflow



robust reporting / analysis



user-focused dashboards



COBRAnet cross-agency search



location-aware



pro-active alerting



Next-gen RMS  
Same CODY roots.



[www.codysystems.com](http://www.codysystems.com)

# CONTENTS

USPS 425940 • ISSN 0031-4404

FALL 2024 • Vol. 126; Issue 3

- 12** 111<sup>th</sup> PCPA Annual Education and Training Conference Wrap-Up
- 30** AXON | The question of burnout: How Draft One can reduce officer workload through AI
- 32** Critical Response Group | Enhancing School Safety with CRG: Success Story from Beaver County's South Side School District
- 34** DataWorksPlus | cNET 2.0 & NIBRS Reporting in PA
- 36** PowerDMS | How Police-Community Interaction Surveys Build Trust and Improve Service



---

## COLUMNS AND DEPARTMENTS

- 5 PCPA Executive Board
- 5 PCPA Staff
- 6 President's Message
- 7 Executive Director's Message
- 8 Our Sponsors
- 9 Welcome New Members
- 11 Accredited Agencies
- 14 Chris Boyle's Legal Update
- 24 Legislative Report
- 39 Technology Update
- 42 PCPA Membership Application

---

## ON THE COVER

PCPA President: Mike Vogel  
Allegheny County Housing Authority

---



Pennsylvania Chiefs of Police Association BULLETIN (ISSN 0031-4404) is published quarterly (spring, summer, fall and winter) by the Pennsylvania Chiefs of Police Association. Subscription to PCPA BULLETIN is included in PCPA annual dues. Periodicals Postage paid at Harrisburg, PA. POSTMASTER: Send address changes to PA Chiefs of Police Association BULLETIN, 3905 North Front Street, Harrisburg, PA 17110-1536.

The content of the PCPA BULLETIN is to be a practical reference featuring PCPA information of specific interest and relevance to law enforcement professionals. Topics of interest include professional development, current legislative goals, news items, PCPA upcoming events and legal issues. PCPA Articles or ideas for content should be submitted to PCPA Headquarters c/o Scott Bohn, 3905 North Front Street, Harrisburg, PA 17110-1536, or email to [sbohn@pachiefs.org](mailto:sbohn@pachiefs.org).

Draft One 

A **force multiplier**  
for your agency

With **Draft One**, generate report narratives from body-worn video in seconds

Draft One leverages generative AI and body-worn camera audio to produce high-quality draft report narratives. Thoughtful safeguards require officers to review and sign-off on each report, ensuring accuracy while saving valuable hours each shift.

**“I’m absolutely stunned by the quality of the reports. It’s the most exciting piece of technology I’ve seen in years.”**

– Sgt. Bob Younger, Fort Collins PD

LEARN MORE AT [AXON.COM/DRAFTONE](https://axon.com/draftone)

 **AXON**

# EXECUTIVE BOARD & STAFF

## OFFICERS

**Chairman**  
**Royce Engler**  
**Chief of Police**  
 Wright Township

**1st Vice President**  
**Guy Hettinger**  
**Chief of Police**  
 Penn Township

**3rd Vice President**  
**Tim Trently**  
**Chief of Police**  
 Archbald Borough

**William Richendrfer - 2024**  
**Secretary**  
**Chief of Police**  
 South Centre Township

**President**  
**Michael Vogel**  
**Chief of Police**  
 Allegheny County  
 Housing Authority

**2nd Vice President**  
**Patrick Molloy**  
**Chief of Police**  
 Abington Township

**4th Vice President**  
**Anthony Cortazzo**  
**Chief of Police**  
 Baldwin Borough

**Ken Truver - 2024**  
**Treasurer**  
**Chief of Police**  
 Castle Shannon Borough

## PCPA STAFF

**Scott Bohn, Executive Director,**  
[sbohn@pachiefs.org](mailto:sbohn@pachiefs.org)

**Jim Adams, Accreditation Program Manager,**  
[jadams@pachiefs.org](mailto:jadams@pachiefs.org)

**Cheryl Campbell, Administrative Manager,**  
[ccampbell@pachiefs.org](mailto:ccampbell@pachiefs.org)

**Sara Feaser, Accreditation**  
**Administrative Assistant,**  
[sfeaser@pachiefs.org](mailto:sfeaser@pachiefs.org)

**Jerry Miller, Offender Identification**  
**Technology Program Manager,**  
[jmiller@pachiefs.org](mailto:jmiller@pachiefs.org)

**Marcia Nixon, Administrative Assistant**  
**to the Executive Director,**  
[mnixon@pachiefs.org](mailto:mnixon@pachiefs.org)

**Ken Zipovsky, Grants Management and**  
**Technology Coordinator,**  
[kzipovsky@pachiefs.org](mailto:kzipovsky@pachiefs.org)

## BOARD MEMBERS

**Al Coghill - 2027**  
**Chief of Police**  
 Canonsburg Borough

**Kenneth Strish - 2025**  
**Chief of Police**  
 Berwick Borough

**Lee Benson - 2027**  
**Chief of Police**  
 West Whiteland  
 Township

**Garth Warner - 2024**  
**Chief of Police**  
 Derry Township

**George Swartz - 2025**  
**Chief of Police**  
**(Retired)**  
 Spring Garden  
 Township

**James Sabath- 2025**  
**Chief of Police**  
 Newtown Borough

**William McVey - 2025**  
**Director of Public**  
**Safety**  
 Bensalem Township

**Martin Maransky - 2025**  
**Chief of Police**  
 Kingston

**Aaron Lauth - 2025**  
**Chief of Police**  
 Carnegie Mellon  
 University

**David Lash - 2025**  
**Chief of Police**  
 Northern York County  
 Regional





# Dear Members of the Pennsylvania Chiefs of Police Association,

I am deeply honored and privileged to address you as the newly elected 111th President of our esteemed association. It is with great humility and enthusiasm that I accept this responsibility, knowing full well the trust you have placed in me.

I would first like to thank past President Royce Engler for his leadership during his presidency. Royce is a true gentleman and has been a pleasure to work with. I would also like to thank the Executive Board and Committee Members for all their hard work and support. And to Executive Director Scott Bohn and the entire staff at the PCPA, your dedication and commitment has not gone unnoticed. I thank you all for your outstanding service.

During my inauguration speech at the PCPA conference in Erie, I pledged to meet with the PA Governor, PCCD, Regional Chief's Associations, MPOETC and the FOP to open up the lines of communication and to build partnerships through collaboration. My goal is to also increase training opportunities and to continue building our membership. I will also be working diligently on legislative matters governing police and our purview.

In the days and months ahead, I am committed to working collaboratively with each of you to address the challenges and opportunities that lie before us. Together, we will navigate complex issues, embrace innovative solutions, and champion the well-being of both our officers and the communities we serve.

I want to express my sincere gratitude to each and every one of you for your dedication, commitment, and tireless efforts in advancing the mission of law enforcement in our communities. Your unwavering dedication to upholding the highest standards of professionalism and integrity is a testament to the values we hold dear.

I invite each of you to join me in this journey of leadership, service, and excellence. Your voice, your expertise, and your passion are invaluable assets as we work together to shape the future of law enforcement in Pennsylvania.

Thank you once again for the privilege of serving as your President. I am so humbled by the opportunity to lead this distinguished association, and I look forward to serving alongside each and every one of you.

Sincerely,

Mike Vogel  
PCPA President  
Allegheny County Housing Authority

... I AM COMMITTED  
TO WORKING  
COLLABORATIVELY WITH  
EACH OF YOU TO ADDRESS  
THE CHALLENGES AND  
OPPORTUNITIES THAT LIE  
BEFORE US.

TOGETHER, WE WILL  
NAVIGATE COMPLEX ISSUES,  
EMBRACE INNOVATIVE  
SOLUTIONS, AND CHAMPION  
THE WELL-BEING OF BOTH  
OUR OFFICERS AND THE  
COMMUNITIES WE SERVE.

## Dear Members,

The 111<sup>th</sup> Training and Education Conference in Erie was a great event! We enjoyed tremendous participation, the sharing of ideas, and the networking. It was wonderful to get together again.

- We opened our conference on Sunday with an entertaining comedy session with comedian John Mulrooney.
- Monday's business meeting featured the Honorable Judge Trucilla. Judge John J. Trucilla is a former county and federal prosecutor.
- On Monday, FBI Special Agent George Piro opened our training sessions with a presentation on 'Leadership in Crisis – Interrogation of Saddam Hussein'.
- On Tuesday Harry Dolan led an informative and important session on "Civil Unrest in 2024: Preparing for the year ahead"
- On Tuesday afternoon Chris Boyle, Esq. presented and discussed - "What We Don't Know Might Be Hurting Us".
- We closed our training on Wednesday with Gordon Graham. Gordon did an excellent job discussing "5 Concurrent Themes for Success".
- The 111<sup>th</sup> conference exhibitor hall was again sold out. Our vendors and partners were outstanding. A lot of great products and services were on display.

We honored outgoing president Royce Engler of the Wright Township Police Department (Northeast). We welcomed Chief Michael Vogel of the Allegheny County Housing Authority Police Department (West) as the Association's 111<sup>th</sup> president. The Honorable Judge Ronald Arnoni of Allegheny County did a wonderful job as our Master of Ceremonies, and the Honorable Stephen A. Zappala, the District Attorney for Allegheny County delivered a fantastic message to over 200 attendees. We recognized 6 new departments in Pennsylvania for achieving accredited status.

The Association's Executive Board, our membership, and the Association's staff would like to thank Chief Engler for his tremendous leadership. In addition to managing a highly professional policing agency, Chief Engler committed countless hours and effort to advance policing in our Commonwealth. His commitment to the Association activities and committees and his representation in government and the media were tremendous. Thank you, Chief Engler.

It was a terrific opportunity to make new contacts, renew old acquaintances, and make contact with decision-makers and partners. The PCPA Staff did a phenomenal job preparing for the conference and ensuring that all our attendees enjoyed a memorable experience. Again...If you missed it, you missed a lot.

We encourage you to engage the Association. We are the respected voice for Police Leaders in the Commonwealth. The Association is making great strides to ensure that our members are well informed and that their collective voices are heard in Harrisburg and D.C. Our membership and the value provided to our members are growing. We remain committed to our mission and look forward to meeting your needs. Mark your calendar for next year's event. The conference will be held June 22 – 25, 2025, at the Lancaster City Downtown Marriot Penn Square.

Sincerely,

*Scott L. Bohn*

Scott L. Bohn, Executive Director  
Pennsylvania Chiefs of Police Association



THE ASSOCIATION IS MAKING GREAT STRIDES TO ENSURE THAT OUR MEMBERS ARE WELL INFORMED AND THAT THEIR COLLECTIVE VOICES ARE HEARD IN HARRISBURG AND D.C. OUR MEMBERSHIP AND THE VALUE PROVIDED TO OUR MEMBERS ARE GROWING. WE REMAIN COMMITTED TO OUR MISSION AND LOOK FORWARD TO MEETING YOUR NEEDS.

[www.facebook.com/pachiefsopolice](https://www.facebook.com/pachiefsopolice)  
[www.twitter.com/pachiefs](https://www.twitter.com/pachiefs)  
[www.instagram.com/pachiefsopolice](https://www.instagram.com/pachiefsopolice)

# Thank you Premier Sponsor: CODY Systems!



pathfinderRMS

## Thank you Shield Sponsors!

### 5 Shield Sponsors



**CRITICAL RESPONSE GROUP**  
America's Common Operating Picture®



### 4 Shield Sponsors



**ASPIRANT CONSULTING GROUP**  
EMPOWERING SUCCESSFUL PUBLIC SAFETY STRATEGIES™

**WE ARE UNITED  
TO SAFEGUARD  
PENNSYLVANIA  
FROM ILLEGAL TRADE.**

[LEARN MORE](#)

### 3 Shield Sponsors



### 2 Shield Sponsor



### 1 Shield Sponsors



## Thank you Business Partners!





# WELCOME NEW MEMBERS

**Todd Pysher**

Portland Borough Police Department  
Chief of Police  
Active

**Derek Manley**

City of Jeannette Police Department  
Chief of Police  
Active

**Brian Sprowal**

Philadelphia Police Department  
Intelligence Center  
Lieutenant  
Active

**Wayne McKeith**

Community College of Allegheny County  
Director of Safety & Security/Campus Police  
Active

**Madison Winchester**

Cumru Township Police Department  
Chief of Police  
Active

**Joseph Heyman**

East Pikeland Township Police Department  
Lieutenant  
Active

**Thomas McGovern**

Moosic Borough Police Department  
Captain  
Active

**Martin Bubb, Jr.**

Granville Police Department  
Chief of Police  
Active

**James Fisher**

Delaware Water Gap Borough Police  
Department  
Chief of Police  
Active

**Kevin Edwards**

New Hope Borough Police Department  
Chief of Police  
Active

**Lester Fetterman**

Gannon University Police and Safety Chief/  
Director  
Active

**Matthew J. Gordon**

Kennett Township Police Department  
Chief of Police  
Active

**Chad Boyce**

Wellsboro Police Department  
Chief of Police  
Active

**Anthony Hall**

Susquehanna Regional Police Department  
Chief of Police  
Active

**Jeff Sosnoski**

Susquehanna Regional Police Department  
Lieutenant  
Active



## Is Your Information Up to Date?



**Please take a moment to visit the PCPA website at [pachiefs.org](http://pachiefs.org) and log in at the top right corner using your email and password.**

Logging in will allow you to gain access to members-only pages and information as well as the full membership directory. Here you can make changes to your contact information and department information.

Increasingly, the PA Chiefs of Police Association uses electronic methods, such as our website, to keep our membership up to date and informed. Please make sure your email address is current and correct so that you don't miss out on pertinent information between magazines.

**Your accurate information will allow us to better serve you!**



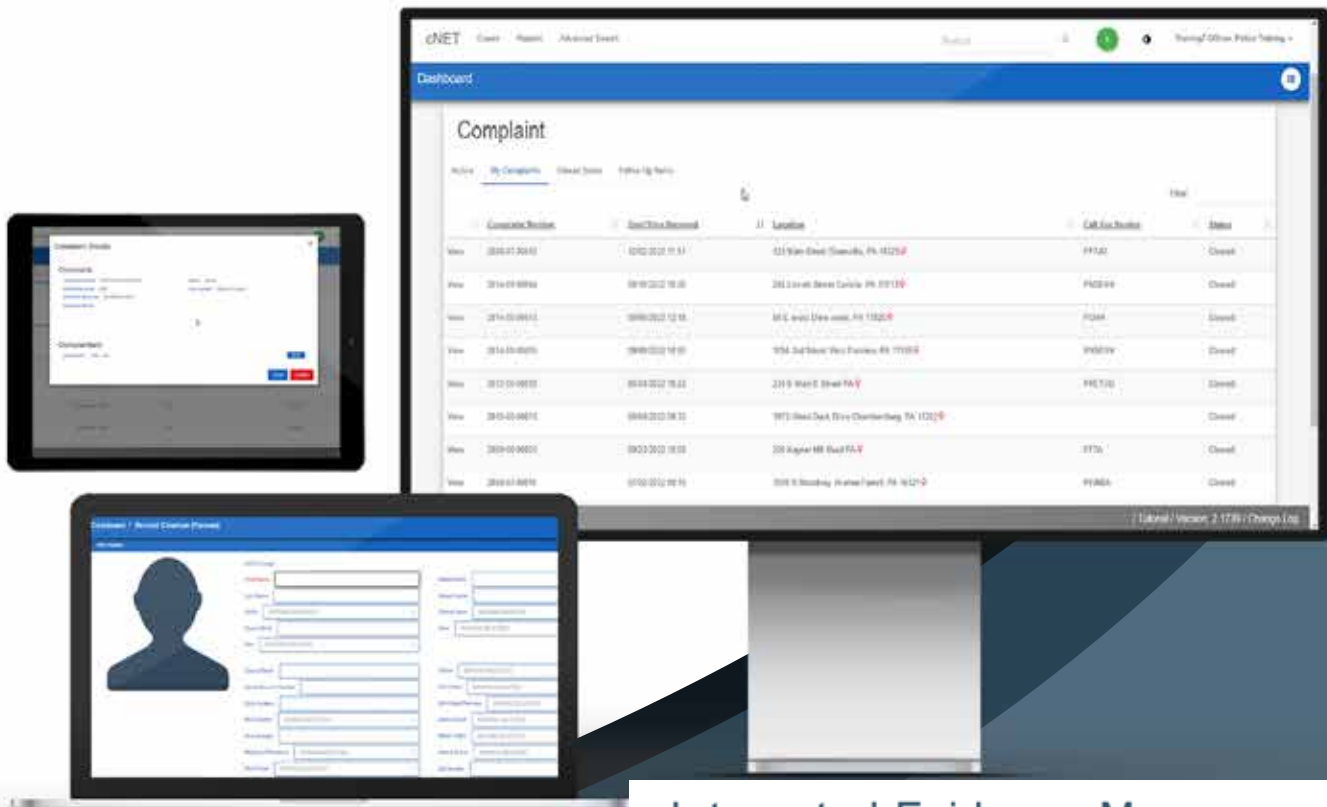
# ***cNET 2.0 RMS***

## **CRIME NETWORK**

*Rebuilt • Refined • Reliable*



Cloud-Based Computing • Access via any Web Browser • Shared Records  
Automatic Updates • Automatic Backups • Easy to Implement & Manage



**In Development & Coming Soon!**

- Integrated Evidence Management
- Warrants
- Crash Reporting
- Use of Force Data Collection
- Electronic Submission of Non-Traffic Citations

**Contact Dan Allen**

(864) 672-6748

DJAllen@dataworksplus.com

www.dataworksplus.com



# Accreditation Coordinator Report

PCPA Executive Board Meeting - September 5, 2024

Currently, there are 172 agencies PLEAC Accredited. At the July quarterly meeting, 3 new agencies were granted accredited status, and one agency lost their accredited status due to not being in full compliance during their re-assessment.

Included in the 172 accredited agencies are 33 Premier Status agencies who have been accredited for a minimum of 15 years, some of them since 2002.

There are currently 65 additional agencies enrolled in the program and actively working on gaining accredited status. Of these, 10 of them enrolled in the program in 2024.

The PLEAC Administrative Manual has been updated and was formally adopted at the July meeting.

## Welcome to Our Newest Accredited Agencies



**Lansdowne Borough Police Department**  
Chief Kenneth Rutherford  
Delaware County



**New Britain Township Police Department**  
Chief Richard Clowser  
Bucks County



**Perkasie Borough Police Department**  
Chief Robert Schurr  
Bucks County

## PLEAC Accredited PREMIER Agencies

The following agencies have completed at least five clean re-assessments and have been accredited for over 15 years.

**Emmaus Borough Police Department**

**Spring Garden Township Police Department**

**Springettsbury Township Police Department**

PENNSYLVANIA LAW ENFORCEMENT ACCREDITATION

THE SYMBOL OF  
**ONGOING RISK MANAGEMENT**

Featuring a credible, affordable, and practical law enforcement accreditation program unique to Pennsylvania.

Training and start-up materials are provided

**Call PCPA headquarters at (717) 236-1059**



Pennsylvania Chiefs of Police Association | A program partially funded by PCCD



# Bayfront Lan



Best Multiple Booth Winners  
Elite Vehicle Solutions



2024-2025 PCPA Board of Directors

## Thank You 2024 Conference Sponsors!



Best Single Booth Winner Mark 43

Monday Hospitality

ASPIRANT CONSULTING GROUP  
EMPOWERING SUCCESSFUL PUBLIC SAFETY STRATEGIES  
Monday Training Session

Coalition Against Bigger Trucks  
Networking Breaks

Data Driven.

Tuesday Hospitality

LEARN MORE

Registration Materials & Monday  
Incoming President's Event

Conference Gifts

VIP Sunday Entertainer

CRITICAL RESPONSE GROUP  
America's Common Operating Picture®  
Tuesday Banquet

Built with AT&T  
Monday Incoming President's Event  
(Paid for Conference Sponsor)

"ALWAYS WORKING FOR YOU"  
Sunday Hospitality

Lunches

Gordon Graham Wednesday  
Training Session

### Congratulations PCPA President Mike Vogel



Honoring the Fallen Heros

PA CHIEFS OF POLICE ASSOCIATION

# ding, Erie, PA



Bill Eckert and PCPA President Mike Vogel



Hi! I'm your new PCPA President Mike Vogel!



Monday Incoming President's Event  
Traveling Around the World



Outgoing PCPA President Royce Engler new PCPA President Mike Vogel



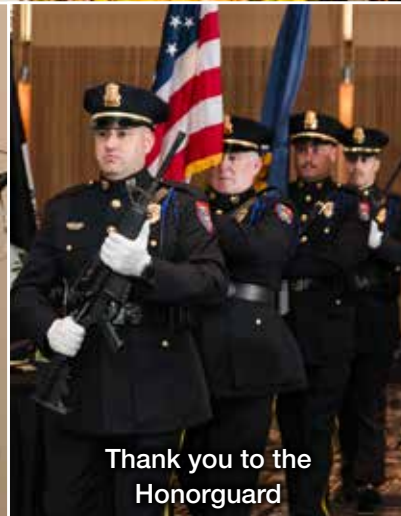
Premier Sponsor CODY System's Maggie Riker and PCPA Executive Director Scott Bohn



Swearing In of PCPA New President Mike Vogel



Thank you to the Tuesday Banquet bagpiper



Thank you to the Honorguard



PCPA President Mike Vogel and the Board of Directors Ribbon Cutting



Wednesday Training Session with Gordon Graham



# Chris Boyle's Legal Update

By: Chris Boyle, Esq., Chris Boyle Law Enforcement Consulting, LLC

**COMMENT:** *“We now find that police officers may, as a reasonable precaution for their safety, remove a firearm they see in plain view that is accessible by the driver, during an ongoing valid traffic stop as a matter of course.” Well, it’s about damn time! A lot of confusion out there has been remedied by the Superior Court in this decision. The question remains whether it is always wise to remove a firearm (especially when the weapon is holstered on a permitted citizen), but at least the confusion as to what we are allowed to do has been cleared up! Be well and stay safe everyone- CB*

## Commonwealth

v.

## Hawkins-Davenport

Superior Court of Pennsylvania

July 2, 2024, Decided; July 2, 2024, Filed

No. 798 EDA 202

2024 Pa. Super. LEXIS 271 \*; 2024 PA Super 135COMMONWEALTH OF PENNSYLVANIA, Appellant v. DEVAGHN HAWKINS-DAVENPORT

**Prior History:** [\*1] Appeal from the Order Entered February 21, 2023. In the Court of Common Pleas of Philadelphia County. Criminal Division at No(s): CP-51-CR-0005188-2021.

**Counsel:** For Commonwealth of Pennsylvania, Appellant: Lawrence Jonathan Goode, Philadelphia Da's Office, Philadelphia, PA; Michael Lee Erlich, Philadelphia District Attorney's Office, Philadelphia, PA.

For Devaghn Hawkins-Davenport, Appellee: Aaron Joshua Marcus, Victor Edward Rauch, Keisha Nicole Hudson, Michael John Andrews Wood, Defender Association of Philadelphia, Philadelphia, PA.

**Judges:** BEFORE: LAZARUS, P.J., PANELLA, P.J.E., and BECK, J. OPINION BY PANELLA, P.J.E.

**Opinion by:** PANELLA



Christopher P. Boyle, Esq.

## **LT. CHRISTOPHER BOYLE #125 (RET.)**

is a fifth-generation Police Officer and attorney. He spent the first sixteen years of his professional life with the Philadelphia Police Department, retiring as a Lieutenant. The next sixteen years were spent training, consulting for, and defending Police Officers and their Departments as a Trial Attorney and Law Enforcement Expert. In 2020, Chris formed “Chris Boyle Law Enforcement Consulting, LLC” to provide training, subject matter expertise and consultation services to law enforcement and the legal profession. He is a nationally recognized law enforcement expert, frequently called upon to deliver seminars and other training on a variety of topics. He is also a proud member of the Pennsylvania Chiefs of Police Association who can be reached at: [ChrisBoyle125@ChrisBoyleConsulting.com](mailto:ChrisBoyle125@ChrisBoyleConsulting.com) or (215) 919-7879.

The material in this law alert has been prepared by Chris Boyle. It is solely intended to provide information on recent legal developments and is not intended to provide legal advice for a specific situation or to create an attorney-client relationship.

## **Opinion**

OPINION BY PANELLA, P.J.E.:

The Commonwealth appeals from the Philadelphia County Court of Common Pleas' order granting Devaghn Hawkins-Davenport's motion to suppress the firearm **police** saw in plain view during a traffic stop as well as statements Hawkins-Davenport made during that stop. The Commonwealth primarily argues that one of the two officers who effectuated the traffic stop properly removed the firearm openly laying on the passenger seat of Hawkins-Davenport's vehicle for the officers' safety and the trial court erred by finding otherwise. Specifically, the Commonwealth [\*2] contends the court erred by concluding the officer unlawfully removed the firearm without first knowing that Hawkins-Davenport illegally possessed the gun.

We agree the trial court erred by granting Hawkins-Davenport's motion to suppress the firearm and the statements he made to **police**. We therefore reverse.

Hawkins-Davenport was charged with, inter alia, firearms not to be carried without a license after Officers Gregory McCabe and Joshua Torres of the Philadelphia **Police** Department secured a firearm laying on the front passenger seat in his vehicle during a traffic stop. Hawkins-Davenport openly admitted during the traffic stop that he did not have a license to carry the firearm.

He eventually filed a suppression motion alleging a wide range of violations of his constitutional rights, many not applicable to the facts of this case. However, among its many claims, the suppression motion did generally allege the **police** did not have sufficient grounds to search Hawkins-Davenport's vehicle and recover the firearm from the vehicle, the statements Hawkins-Davenport gave to **police** were the fruit of that illegal search, and he did not properly waive his **Miranda** rights. **See** Omnibus Pre-Trial [\*3] Motion for Suppression, 11/15/2021, 1-3 (unpaginated).

The trial court held a hearing on the motion. At the hearing, Hawkins-Davenport clarified the grounds on which his suppression motion was based. Specifically, he asserted the **police** did not have reasonable suspicion to stop his vehicle. **See** N.T., 2/21/2023, at 4, 35. He also claimed there was not sufficient cause to search his vehicle and recover the firearm and that any statements made to **police** were the fruit of that illegal search. He further maintained he had not knowingly waived his **Miranda** rights prior to a statement he eventually gave to detectives at the **police** station following his arrest. **See id.** at 4-5. Hawkins-Davenport was therefore seeking to suppress the firearm the officers saw in the car and any statements he made to **police**. **See id.**

At the hearing, the Commonwealth called Officer McCabe to the stand. Officer McCabe reported he and his partner, Officer Torres, were on patrol on August 19, 2020, in Philadelphia, when they pulled Hawkins-Davenport over because the brake light on the driver's side of his vehicle was not working. **See id.** at 8. Officer McCabe testified he approached the driver's side window and asked Hawkins-Davenport [\*4] to lower the vehicle's windows because they were heavily tinted. **See id.** at 11. After Hawkins-Davenport lowered the vehicle's windows, the officer asked Hawkins-Davenport for his license, registration and insurance, which Hawkins-Davenport produced. **See id.** at 8, 11.

Officer McCabe confirmed he was wearing a body-worn camera at the time of the stop and the footage from the stop was played for the court. **See id.** at 8-13.<sup>1</sup> When defense counsel asked Officer McCabe if the video was "an accurate representation of what you saw on that day at the rear of the vehicle," the officer replied that it was not "because the vehicle [was now] in park." **Id.** at 14.

Officer McCabe also testified that after he approached the driver's side of the vehicle and asked Hawkins-Davenport for his information, Officer Torres approached the passenger side of the vehicle and saw a firearm through the open window. **See id.** at 8.<sup>2</sup>

Officer Torres then took the stand and elaborated on his role in the stop. He reiterated he and Officer McCabe pulled Hawkins-Davenport over because the driver's side brake light on Hawkins-Davenport's vehicle was not working. **See id.** at 20. He also reiterated that Officer McCabe asked [\*5] Hawkins-Davenport to lower the vehicle's windows because they were tinted. **See id.** Officer Torres stated he approached the passenger side of the vehicle as Officer McCabe was gathering Hawkins-Davenport's papers. **See id.** At that point, Officer Torres came to the open front passenger window and saw a gun laying on the front passenger's seat of the vehicle. **See id.**

---

## We agree the trial court erred by granting Hawkins-Davenport's motion to suppress the firearm and the statements he made to police. We therefore reverse.

---

Officer Torres confirmed he was also wearing a body-worn camera at the time of the stop. **See id.** at 20-21. The Commonwealth played the footage from his camera. As the video played, Officer Torres testified that as his partner was engaging with Hawkins-Davenport he "observed a gun, uncovered, completely in plain sight, on [Hawkins-Davenport's] passenger's seat." **Id.** at 22. According to Officer Torres, he asked Hawkins-Davenport if he had a license to carry and Hawkins-Davenport responded he did not. **Id.** at 23. The officer then "recovered the weapon for our safety and proceeded to ask him [again] if he had a license to carry, [to] which he replied no." **Id.**<sup>3</sup>

continued on next page

On cross-examination, defense counsel showed Officer Torres the investigation report he had completed about the incident. Defense counsel read the portion from the [\*6] report that recounted Officer Torres stating he had approached the passenger side of the vehicle, observed the firearm in plain sight and "grabbed the weapon right away." N.T., 2/21/2023, at 25. According to the report, Officer Torres then asked Hawkins-Davenport if he had a permit to carry the gun, to which Hawkins-Davenport replied he did not. *See id.* at 25-26. Hawkins-Davenport was then placed under arrest.

Hawkins-Davenport testified at the hearing in his own defense. He represented that his driver's side brake light was functional on August 19, 2020. *See id.* at 32. He also testified the officers removed his firearm before asking him whether he had a license to carry it. *See id.* at 33.

During argument, defense counsel maintained there was no reasonable suspicion to stop Hawkins-Davenport's vehicle because, according to defense counsel, the body-worn camera footage reflected that the brake light in question was functional. *See id.* at 35. He also argued the firearm was illegally seized because Officer Torres did not ask Hawkins-Davenport if he had a license to carry before he seized the weapon. *See id.* at 38. According to defense counsel, Hawkins-Davenport did not make any motion towards [\*7] the firearm or do anything to indicate that, although he was clearly armed, he was also dangerous. *See id.* at 46-47. Defense counsel further maintained any statements made by Hawkins-Davenport were the fruit of this illegal stop and seizure and the statements made by Hawkins-Davenport after his arrest and at the *police* station were unlawful as he had not knowingly waived his Miranda rights. *See id.* at 39.

The Commonwealth began its argument by countering there was reasonable suspicion to stop the vehicle. The court interrupted counsel and stated "I find the officer had reasonable suspicion. It's the recovery of the firearm that you need to discuss." *Id.* at 41. The Commonwealth took heed and proceeded to argue Officer Torres properly removed the firearm, which the officer saw in plain view and was within Hawkins-Davenport's reach during a lawful stop, to protect the officers' safety. *Id.* at 45 ("For everyone's safety, it makes sense to secure the firearm before proceeding [with the traffic stop.]").

The trial court granted the suppression motion. In doing so, the court reiterated it was finding the traffic stop was legal but was nonetheless excluding the firearm. *See id.* at 48. The court [\*8] explained

that, although Officer Torres testified that he asked Hawkins-Davenport whether he had a permit to carry the gun before seizing the gun, the investigation report provided that the officer did not ask the question until after he seized the gun. *See id.* at 48. The court then stated there was no evidence that Hawkins-Davenport was reaching towards the gun, so there was "no evidence of danger" to the officers, and the officers therefore illegally seized the gun. *Id.* The court also ruled it was excluding statements based on its finding that Hawkins-Davenport did not knowingly waive his Miranda rights. *See id.* at 48-49. An order granting the suppression motion was entered the following day, February 22, 2023.

---

**On cross-examination, defense counsel showed Officer Torres the investigation report he had completed about the incident. Defense counsel read the portion from the [\*6] report that recounted Officer Torres stating he had approached the passenger side of the vehicle, observed the firearm in plain sight and "grabbed the weapon right away."**

---

The Commonwealth filed a notice of appeal, certifying the court's suppression order would substantially handicap the prosecution of its case pursuant to [Pa.R.A.P. 311\(d\)](#). The Commonwealth also complied with the trial court's directive to file a [Pa.R.A.P. 1925\(b\)](#) statement of errors complained of on appeal.

In its responsive opinion, the trial court urged this Court to find it had properly granted the suppression motion. The trial court reiterated it had determined, as a finding of fact, that Officer Torres [\*9] had only asked Hawkins-Davenport if he had a license to carry after he removed the firearm from the vehicle. The court acknowledged the officer's testimony that he also asked the licensure



question before removing the firearm but explained it had given more weight to the investigation report, which the court found provided otherwise.

The trial court then determined that, pursuant to [Commonwealth v. Hicks, 652 Pa. 353, 208 A.3d 916 \(Pa. 2019\)](#), the officer had improperly removed the firearm from the car before ascertaining that Hawkins-Davenport did not have a license to carry the firearm. This is because, the court reasoned, under [Hicks](#), possession of a firearm alone is not sufficient to create reasonable suspicion of criminal activity given that carrying a concealed firearm with a valid license is lawful conduct. [See Hicks, 208 A.3d at 937](#) (holding that mere possession of a firearm did not establish reasonable suspicion to allow a **police** officer to approach and detain a person in order to investigate whether the person had a license to carry the firearm).

The court found that, other than carrying and having access to the firearm, Hawkins-Davenport did nothing to show he posed any threat to the officers. Instead, the court explained, he complied with Officer McCabe's request [\*10] for his papers, was cooperative and did not make any motion towards the firearm. As such, the trial court opined that it had properly concluded the **police** illegally seized the firearm, mandating its suppression, and urged this Court to find the same.

The Commonwealth, clearly, urges this Court to reach the contrary conclusion and find the trial court erred in suppressing the firearm. The Commonwealth contends the officers' actions here did not violate Hawkins-Davenport's right to be free from unreasonable searches and seizures under the [Fourth Amendment to the United States Constitution](#) or [Article I, Section 8 of the Pennsylvania Constitution](#). To that end, it raises these two issues for our review:

- i. Did the lower court err by suppressing a firearm that **police** properly seized as a safety precaution from the seat beside [Hawkins-Davenport] during a lawful traffic stop?
- ii. Did the lower court err insofar as it suppressed statements that [Hawkins-Davenport] made during the lawful traffic stop?

Commonwealth's Brief at 3 (lower court's answers omitted).

When this Court reviews an appeal from a suppression court's order, we may only consider the evidence produced at the suppression hearing. [See Commonwealth v. Barr, 266 A.3d 25, 39 \(Pa. 2021\)](#). We must determine, in the first instance, whether the suppression court's factual findings are supported

[\*11] by the record and if they are, we are bound to those findings. [See id.](#) "When the suppression court's [ ] factual findings are unannounced, or there is a gap in the findings, the appellate court should consider only the evidence of the prevailing party [ ] and the evidence of the other party [ ] that, when read in the context of the entire record, remains uncontradicted." [Commonwealth v. Millner, 585 Pa. 237, 888 A.2d 680, 685 \(Pa. 2005\)](#) (citation omitted).

Moreover, the suppression court, as factfinder, has the exclusive ability to pass on the credibility of witnesses. [See Commonwealth v. Fudge, 2019 PA Super 192, 213 A.3d 321, 326 \(Pa. Super. 2019\)](#). We will therefore "not disturb a suppression court's credibility determination[s] absent a clear and manifest error." [Id.](#) (citation omitted).

We must also determine whether the legal conclusions the suppression court drew from its factual findings are correct. [See Barr, 266 A.3d at 39](#). Unlike the deference we give to the suppression court's factual findings, "we maintain de novo review over the suppression court's legal conclusions." [Commonwealth v. Brown, 606 Pa. 198, 996 A.2d 473, 476 \(Pa. 2010\)](#) (citation omitted).

The Commonwealth begins its argument by stating that "[a]s an initial matter, there is no question that the stop of the car was appropriate. [Hawkins-Davenport] was driving without a functioning driver's side brake light." Commonwealth's Brief at 10. [\*12] To be sure, the Commonwealth points out, the trial court specifically stated in its opinion that it had found "there existed reasonable suspicion to stop [Hawkins-Davenport's] vehicle, and this issue is not presently disputed." Trial Court Opinion, 7/11/2023, at 4 n.5.

Hawkins-Davenport takes issue with this and asserts the legality of the stop is in dispute in that he continues to argue there was not sufficient cause to stop his vehicle. To that end, Hawkins-Davenport maintains the trial court never specifically found as a fact that Hawkins-Davenport's brake light was not functioning, stating only that the officers stopped him due to an "alleged malfunctioning taillight." [Id.](#) at 1. He asserts the video of Officer McCabe's body-worn camera supports Hawkins-Davenport's testimony that the brake light was functional. According to Hawkins-Davenport, because there was conflicting evidence on whether the brake light was working, "this Court [,under the applicable standard of review,] must conclude that the brake light was functional." Appellant's Brief at 14.

We disagree. Instead, we find it is entirely reasonable to conclude from the suppression hearing's notes of

continued on next page

testimony as well as the [\*13] trial court's [Rule 1925\(a\)](#) opinion that the trial court found the brake light was not functional and the officers therefore initiated a legal traffic stop. The officers both testified that they stopped the vehicle because they observed that the vehicle's brake light was not working, testimony that the trial court specifically cited to in its opinion. **See** Trial Court Opinion, 7/11/2023, at 1. The video from the officers' body-worn cameras, which Hawkins-Davenport insists shows a working driver's side brake light, was shown to the trial court. Following the testimony and evidence presented, the trial court stated in no uncertain terms that it was finding the officers conducted a valid and legal traffic stop.

Based on the record as a whole, we find the trial court grounded its conclusion that the officers conducted a valid traffic stop on its finding that the brake light was malfunctioning. As stated above, we are bound by those findings of fact made by the suppression court that are supported by the record.<sup>4</sup> We therefore find no error in the trial court's legal conclusion that the traffic stop was lawful. **See** [75 Pa.C.S.A. § 4303\(b\); Commonwealth v. Holmes, 609 Pa. 1, 14 A.3d 89, 95 \(Pa. 2011\)](#) (stating that a **police** officer may conduct a vehicle stop if there is reasonable suspicion [\*14] that a violation of the Motor Vehicle Code has occurred).<sup>5</sup>

We therefore turn to the Commonwealth's first issue on appeal, that is, the trial court erred by suppressing the firearm the officers found in plain view on the passenger seat of Hawkins-Davenport's vehicle during the lawful traffic stop. The Commonwealth acknowledges at the outset, as do we, that the trial court found that Officer Torres only asked Hawkins-Davenport if he was licensed to carry the gun after seizing the gun and not before, and because the record supports that finding, we are bound by it. The Commonwealth maintains that, even without knowing whether the firearm was illegally possessed, Officer Torres properly removed the firearm from Hawkins-Davenport's car for his and his partner's safety. It argues that when the officer saw the gun laying out in plain sight during the traffic stop it was entirely reasonable for the officer to remove it from the vehicle as not doing so would have jeopardized the officers' safety. We agree.

This case involves the constitutionality of actions taken by the **police** during a traffic stop, which is generally considered to be an investigative detention. **See** [Commonwealth v. Spence, 2023 PA Super 22, 290 A.3d 301, 314 \(Pa. Super. 2023\)](#). "[A]n investigative [\*15] detention, by implication, carries an official compulsion to stop and respond, but the detention is temporary,

unless it results in the formation of probable cause for arrest[.]" *Id.* (citation omitted).

The "mission" of a traffic stop is "to address the traffic violation" underlying the stop as well as to "attend to related safety concerns." [Commonwealth v. Ross, 2023 PA Super 113, 297 A.3d 787, 792 \(Pa. Super. 2023\)](#) (citation omitted). An officer's mission includes "inquiries incident to the traffic stop[,]" such as checking the driver's license," registration and insurance and determining whether the driver has any outstanding warrants. *Id.* (citation omitted). Importantly:

[T]asks relating to officer safety are also part of a traffic stop's mission when done purely in an interest to protect the officers. This safety interest stems from the fact that traffic stops are especially fraught with danger to **police** officers, so an officer may need to take certain negligibly burdensome precautions in order to complete his mission safely.

*Id.* at 792-793 (quotation marks and citations omitted).

As such, there are certain "actions **police** officers may undertake during a lawful traffic stop based solely on concerns for their safety and security and without independent justification or cause." [\*16] *Id.* at 798. The legality of these actions involves the balancing of the public interest in ensuring the safety of **police** officers against an "individual's right to personal security free from arbitrary interference by law officers." [Pennsylvania v. Mimms, 434 U.S. 106, 109, 98 S. Ct. 330, 54 L. Ed. 2d 331 \(1977\)](#) (citation omitted). In balancing those interests, precedent has established, for example, that an "officer may order the driver of a vehicle to exit the vehicle until the traffic stop is completed, even absent a reasonable suspicion that criminal activity is afoot." [Commonwealth v. Wright, 2019 PA Super 358, 224 A.3d 1104, 1109 \(Pa. Super. 2019\)](#) (citations, ellipses and brackets omitted). It has also established that, to protect their own safety, officers may also ask drivers whether they have a weapon as a matter of course during a traffic stop. **See** [Commonwealth v. Clinton, 2006 PA Super 217, 905 A.2d 1026, 1031 \(Pa. Super. 2006\)](#) (stating that asking of such question unquestionably falls on the side of officer safety); [Ross, 297 A.3d at 793](#).

In [Ross](#), this Court examined the propriety of the suppression of a firearm removed from a vehicle after the **police** asked Ross, the driver of a vehicle pulled over for a traffic stop, if there were a firearm in the car and Ross responded that there was. There, two Philadelphia **police** officers stopped Ross's vehicle because it did not have an operable break light. While

**Based on the record as a whole, we find the trial court grounded its conclusion that the officers conducted a valid traffic stop on its finding that the brake light was malfunctioning. As stated above, we are bound by those findings of fact made by the suppression court that are supported by the record. We therefore find no error in the trial court's legal conclusion that the traffic stop was lawful.**

running Ross's information, Officer Gregory [\*17] Kotchi discovered that Ross had a revoked license to carry a firearm. *See Ross, 297 A.3d at 790*. Concerned that Ross possessed a firearm in the vehicle, Officer Kotchi returned to the vehicle and asked Ross if he had a firearm. *See id.* Ross replied that he had a firearm on his hip. *See id.* Officer Kotchi told Ross that his partner, Officer Lewis Armstrong, who was on the passenger side of the vehicle, was going to remove the firearm. Ross raised his hands and Officer Armstrong opened the passenger door and removed the firearm from Ross's hip. *See id.* Ross was arrested.

Ross filed a motion to suppress the firearm, which the suppression court granted. The court found that the question about the presence of a firearm constituted a separate investigation from the traffic stop and that the **police** officer had not asked about the firearm because he felt unsafe. *See id. at 790-791*. The court therefore found the **police** had illegally seized the firearm and ordered its suppression.

On appeal, this Court reversed. We held that Officer Kotchi did not initiate a new investigation during the traffic stop when he asked Ross about the presence of weapons but rather, posed this question while the traffic stop was ongoing. *See id. at 795*. As such, *Ross* [\*18] held the officer properly asked Ross whether he had a firearm as a means of ensuring his and his partner's safety during the course of the traffic stop. *See id.* The Court explained:

[A]lthough the trial court indicate[d] that the officers could not have felt unsafe, we conclude a reasonable officer, under these factual circumstances, would believe his and his partner's safety was at issue and could inquire about a firearm. Significantly, when Officer Kotchi learned about the revoked firearms license, Officer Armstrong was standing outside Ross's vehicle and unaware of the possible firearm and Officer Kotchi still possessed Ross's driver's

license and had to return it. Officer Kotchi explicitly testified that in his experience, people who applied for a firearm permit generally carry a firearm, and that he was concerned that the possession of a firearm by Ross could endanger him or Officer Armstrong. Therefore, based upon information available to Officer Kotchi, he had a reasonable belief that his safety or the safety of [his partner] was in danger.

*Id. at 796* (citations omitted).

Based on the officer's legitimate concern Ross had a firearm in the car, therefore putting the officers' safety at risk, [\*19] we held that the officers properly asked about the presence of a firearm and, by logical extension, removed the firearm for their safety. *See id. at 795, 797-798*. We then stated:

It bears emphasizing that balancing the constitutional rights of motorists, the public protection objectives, and **police** officer safety is difficult, especially in the context of rapidly evolving traffic stops. One particular concern for officers during a traffic stop is the proliferation of guns, including the substantial increase in the number of people possessing firearms, the rise in mass shootings, and the ability to carry a concealed weapon in vehicles in Pennsylvania. Clearly, neither the United States Constitution nor the Pennsylvania Constitution require officers to gamble with their personal safety during traffic stops. Therefore, in the context of traffic stops, **police** officers may take reasonable precautions when the circumstances give rise to legitimate safety concerns.

*Ross, 297 A.3d at 797-798* (citations and footnote omitted).

We now find that **police** officers may, as a reasonable precaution for their safety, remove a firearm they see in plain view that is accessible by the driver, during an ongoing valid traffic stop as a matter of course. [\*20] In these circumstances, there is no need to ask whether the driver is armed because the sighting of the firearm in

continued on next page

plain view has negated any need for that question. We have no difficulty in finding that the sighting of the gun in the circumstances presented by this incident "[gave] rise to legitimate safety concerns" and the removal of such a firearm was a reasonable precaution to protect the officers' safety. *Id.* at 798.

In concluding otherwise, the trial court essentially found that the sighting of the gun did not give rise to legitimate safety concerns because Hawkins-Davenport was cooperative and did not make any movements towards the gun. However, the *Ross* Court clearly contemplated that the mere presence of a firearm during a traffic stop can reasonably lead an officer to believe his safety is at risk. As explained above, the *Ross* Court held that the officers had a reasonable belief that their safety was in danger once they discovered Ross had a revoked firearms license, which led them to believe Ross could possibly have a firearm in the car. As such, the officers lawfully asked if Ross had a gun and then lawfully secured that gun once Ross answered in the affirmative.

Here, Officer Torres saw [\*21] a firearm sitting on the front seat of the car. He and his partner were standing on either side of the stopped car. The gun was within the reach of Hawkins-Davenport. In these circumstances, the officers clearly had legitimate reason to believe their safety may be at risk. To find otherwise would be to ignore the reality of our country, with the proliferation of guns on our streets and the fact that "a significant percentage of murders of *police* officers occurs when the officers are making traffic stops." *Mimms*, 434 U.S. at 110 (citation omitted).

To be clear, we also find that the removal of the gun seen in plain sight was a reasonable precaution to protect Officer Torres's legitimate concern for his and his partner's safety. Undoubtedly, cases such as *Clinton* and *Ross* did not contemplate that an officer could ask about the presence of firearms in warranted situations, but not take safety precautions, like securing the firearm, for the duration of the traffic stop should the driver affirm he has a firearm at his command. "We think it too plain for argument that the [Commonwealth's] proffered justification—the safety of the officer—is both legitimate and weighty." *Mimms*, 434 U.S. at 110. At the same time, temporarily securing the gun in [\*22] these circumstances, even if the firearm is lawfully possessed, is not a "serious intrusion upon the sanctity of the person" nor is it an "arbitrary interference by law officers." *Id.* at 109, 111 (citations omitted). Rather, it is a "negligibly burdensome precaution" taken so the officer may "complete his mission safely." *Ross*, 297 A.3d at 793 (citations omitted).

On balance, then, we find that any intrusion imposed by the seizure of a gun while *police* continue their traffic investigation must give way to the clear risk posed by a driver having access to a firearm during a traffic stop that is already known to teem with potential danger. As such, we conclude the removal of the gun in situations such as the one here is one of the "actions the *police* may undertake during a lawful traffic stop based solely on concerns for safety and security and without independent justification or cause." *Id.* at 798 (citations omitted).

Although inherent in such a finding, we now make explicit that Officer Torres and other *police* officers in like situations do not need to ascertain that the driver illegally possesses the firearm observed in plain view during a lawful traffic stop before securing it for their protection. In concluding otherwise, the [\*23] trial court found Officer Torres illegally seized the gun because, under *Hicks*, the officer did not have reasonable suspicion to believe Hawkins-Davenport had engaged in criminal activity simply by observing a firearm that Hawkins-Davenport could have legally possessed. The court explained that the officer only asked Hawkins-Davenport if he had a license to carry after he secured the gun, so he was unaware at the time he removed the gun from Hawkins-Davenport's reach that Hawkins-Davenport did not legally possess it.

---

## Ross Court clearly contemplated that the mere presence of a firearm during a traffic stop can reasonably lead an officer to believe his safety is at risk.

---

However, as explained above, Officer Torres removed the firearm as a safety precaution to protect himself and his partner during a valid traffic stop. He did not need any additional justification or cause to support the removal of the firearm beyond the fact that he was removing the firearm for the precautionary purpose of officer safety. Clearly, this safety justification is applicable to a firearm regardless of the possessor's licensure status. There is no doubt a firearm can be used to harm a *police* officer during a traffic stop whether it is legally possessed or not. As the Commonwealth cogently argues:

[When the **police** stop a person for a Motor Vehicle Code violation and [\*24] discover a deadly weapon], a potential threat to the well-being of the officers is obvious and avoidable regardless of whether it might ultimately turn out that the weapon was lawfully possessed. See [Michigan v. Long](#), 463 U.S. [1032.] 1052 n.16, 103 S. Ct. 3469, 77 L. Ed. 2d 1201 [(1983)] ("[W]e have expressly rejected the view that the validity of a **Terry** search depends on whether the weapon is possessed in accordance with state law.").

[T]emporarily taking control of the weapon[, regardless of whether it is legally or illegally in the driver's possession,] is not only reasonable but essential. See [ ] [Ross](#), 297 A.3d at 797 (explaining that [Hicks](#) does not restrict protective actions by **police** once a stop is initiated for a valid reason)[.]

Commonwealth's Brief at 15 (some citations and footnote omitted) (single paragraph divided into two paragraphs). We agree that a **police** officer is not required to ascertain whether a firearm is illegally owned before removing that firearm from the driver's reach in order to ensure the officer's safety as he proceeds with the investigative stop.

We also find that [Hicks](#) is, in any event, inapposite. In [Hicks](#), our Supreme Court held that an officer cannot initiate an investigative stop based on an individual's mere possession of a firearm. Here, in contrast, the **police** did [\*25] not stop Hawkins-Davenport on the basis that he was armed; rather, they stopped him because of a Motor Vehicle Code violation. Moreover, [Hicks](#) cautioned that it "offer[ed] no opinion as to whether a **police** officer who has effectuated a lawful investigative detention may treat the suspect's possession of a firearm as per se authorization to 'frisk' the detainee." [Hicks](#), 208 A.3d at 934. Officers McCabe and Torres did not frisk Hawkins-Davenport. Rather, Officer Torres saw a gun in plain sight on the front passenger seat and secured it for his and his partner's safety.

Hawkins-Davenport argues, however, that the **police** did conduct a frisk of his vehicle when they seized the firearm and did so improperly because they lacked reasonable suspicion that Hawkins-Davenport was armed and dangerous. Hawkins-Davenport claims Officer Torres could not reasonably suspect Hawkins-Davenport was dangerous given that he did not move towards the gun and, according to Hawkins-Davenport, a driver pulled over for a traffic stop is not necessarily dangerous simply because he is armed. We disagree.

Again, Officer Torres saw a gun in plain sight on the front passenger seat of the vehicle. Once he saw the

gun, the officer reached in through [\*26] an open window to retrieve the gun, as he was entitled to do as a safety precaution without any further justification or cause. While it may be true that Hawkins-Davenport did not make any movement towards the firearm, the Commonwealth responds:

That was cold comfort. The danger remained that [Hawkins-Davenport] might proceed to do so, particularly if Officer Torres had immediately asked if he was unlicensed as defense counsel insisted the officer should have done. [See N.T., 2/21/2023, at 38;] [Arizona v. Johnson](#), 555 U.S. 323, 331, 129 S. Ct. 781, 172 L. Ed. 2d 694 (2009) ("the risk of a violent encounter in a traffic-stop setting stems ... from the fact that evidence of a more serious crime might be uncovered during the stop") (quotation omitted). The officer was not obliged to cross his fingers and hope that things would not take a turn for the worse as the stop progressed.

Commonwealth's Brief at 16-17.

We agree. See [Mimms](#), 434 U.S. at 112 (holding that the bulge in the driver's jacket "permitted the officer to conclude that [the driver] was armed and thus posed a serious and present danger to the safety of the officer"). Officer Torres properly removed the firearm he saw in plain sight so that it was not accessible to Hawkins-Davenport during the valid traffic stop in order to protect [\*27] his and his partner's safety.

We note this case does not involve an allegation that the **police** impermissibly extended the traffic stop to ascertain the status of Hawkins-Davenport's concealed carry licensure, such as in [Malloy](#), which was discussed at length at the hearing on Hawkins-Davenport's suppression motion. See N.T., 2/21/2023, at 41-46. Nor would we find that to be the case even in the face of such an allegation.

In [Malloy](#), a **police** officer stopped a vehicle for a missing license plate, but the driver ultimately provided documentation showing he had recently bought the car. See [Malloy](#), 257 A.3d at 145, 151. The officer asked Malloy, a rear-seat passenger in the vehicle, for identification, and then asked him if he possessed a firearm. See [id.](#) at 145, 151-152. Malloy stated that he did. The officer then secured the firearm for his safety and the safety of the other occupants of the car. See [id.](#) at 145.

The officer asked Malloy whether he had a license to carry the firearm and Malloy gave the officer an expired "Act 235" card, which authorizes certain individuals to carry a firearm for their employment. See [id.](#) at 146, 146

continued on next page

[n.1, 152](#). The officer then spent the next 15 to 20 minutes determining whether Malloy was in lawful possession of the gun. **See** [id. at 146](#). After he determined he was [\*28] not, the officer arrested Malloy. **See** [id.](#)

[Malloy](#) filed a suppression motion, arguing the officer improperly prolonged the traffic stop to investigate whether he lawfully possessed the firearm. **See** [id.](#) The suppression court denied the motion. On appeal, this Court reversed. The issue in [Malloy](#) was not the questioning of the presence of weapons in the stopped vehicle or the removal of the gun for the officer's safety but rather, the continued detainment caused by the officer's investigation into Malloy's gun licensure status. The [Malloy](#) Court held the officer had unlawfully prolonged the traffic stop, stating that once the officer had properly secured the firearm for safety purposes, even a "10 to 15-minute extension of a routine traffic stop for the investigation of a secondary criminal matter" was not constitutionally permissible. [Id. at 153](#).

[Malloy](#) is readily distinguishable from this case. The events in this traffic stop happened in quick succession. Officer McCabe approached Hawkins-Davenport's car and while the officer was gathering Hawkins-Davenport's information and before he was able to check the information, Officer Torres saw the firearm out in the open, removed the firearm through the open passenger side [\*29] window, and asked Hawkins-Davenport within seconds if he had a permit to carry the gun. Hawkins-Davenport replied immediately that he did not. Officer McCabe ordered Hawkins-Davenport to step out of the vehicle and he placed him under arrest. Unlike the officer in [Malloy](#), Officer Torres did not initiate a separate and prolonged investigation into whether Hawkins-Davenport possessed documents permitting him to carry a firearm.

Given the clear factual distinction of [Malloy](#) from this case, [Malloy](#) does not alter our conclusion that the officers' removal of the firearm from Hawkins-Davenport's vehicle was constitutionally permissible. In conclusion on this issue, we find that the trial court erred in suppressing the firearm.

The Commonwealth's second issue addresses the statements made by Hawkins-Davenport to the **police**. The Commonwealth asserts the trial court erred insofar as it suppressed statements Hawkins-Davenport made during the lawful traffic stop, i.e. that he did not have a license to carry the firearm seen in plain view by Officer Torres. The Commonwealth explains:

The Commonwealth [ ] raised the issue of whether "statements [Hawkins-Davenport] made during the lawful stop" should have been suppressed. [\*30]

[Rule 1925\(b\)](#) Statement (emphasis added). But the lower court did not address that issue either at the suppression hearing or in its opinion. Rather, the court opined that a subsequent statement [Hawkins-Davenport] gave to detectives at the **police** district after receiving [Miranda](#) warnings was inadmissible. [See Trial Court] Opinion[, 7/11/2023,] at 7-8. For present purposes, the Commonwealth will assume arguendo that the lower court was correct in that respect, and that [Hawkins-Davenport's] waiver in response to those warnings was not knowing and voluntary as required. **See** generally [Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 \(1966\)](#). Therefore, the Commonwealth will not seek to use that statement at trial.

The question remains, however, whether [Hawkins-Davenport's] statements to Officer Torres at the time of the traffic stop were subject to suppression. [Hawkins-Davenport] alleged that they were the "fruit of the poisonous tree" because the underlying traffic stop and the seizure of the gun were purportedly illegal. [See] N.T., 2/21/2023, at] 4-5. For the reasons set forth [in the first issue], that was not the case. Thus, the taint argument fails.

\*\*\*

The relevant statements, like [Hawkins-Davenport's] gun, were not obtained in violation of his rights. [\*31] Insofar as the lower court prohibited their use at trial, it erred as a matter of law.

Commonwealth's Brief at 17-18.

We agree. As we have already determined that the initial traffic stop and the removal of the gun were lawful, Hawkins-Davenport's statements to **police** that he did not have a license to carry the firearm during that lawful traffic stop and after the officer removed the gun should not have been suppressed on the basis that they were tainted.

In conclusion, we emphasize that our holding today is limited to the facts of this case. That is, when an officer sees a firearm in plain sight and within reach of the driver during a lawful traffic stop, the officer may remove that firearm from the vehicle before ascertaining whether the driver has a license to carry the gun so that the officer may proceed with the traffic stop safely.

Order reversed. Case remanded for further proceedings. Jurisdiction relinquished.

Judgment Entered.

**Date: 7/2/2024**

## References

<sup>1</sup> The camera is activated as the officer is getting out of his vehicle to approach Hawkins-Davenport's stopped vehicle. The first minute of the video has footage with no audio, with the audio activated at approximately the one-minute mark of the video. **See** Ex 1 USB; N.T., 2/21/2023, at 10. Officer McCabe indicated it is standard for there to be a delay after the camera is activated before the audio also comes on. **See** N.T., 2/21/2023, at 10.

<sup>2</sup> The video reflects the middle console of Hawkins-Davenport's vehicle appears to be blocking Officer McCabe's view of the gun.

<sup>3</sup> Again, as with the video footage from Officer McCabe's body camera, the first minute of the video footage from Officer Torres's body camera has footage with no audio, with the audio activated at approximately the one-minute mark of the video. **See** Ex 1 USB. The audio begins a few seconds after Officer Torres has taken the firearm from the front passenger seat and with Officer Torres asking Hawkins-Davenport "and you don't have a license for it?" and Hawkins-Davenport candidly admitting he did not. **See** id.

<sup>4</sup> Hawkins-Davenport argues the trial court failed to make a finding of fact regarding the functionality of the brakelight. However, to the extent Hawkins-Davenport's argument could be read as averring that any finding of fact by the suppression court that the brake light was

not working is not supported by a record with a video clearly showing otherwise, we reject such an argument. Both Officer McCabe and Officer Torres testified that Hawkins-Davenport's brake light was not functioning and that is why they stopped his vehicle. Moreover, we have reviewed the video and do not agree with Hawkins-Devenport that it definitively establishes that the driver's side brake light of Hawkins-Davenport's vehicle was not malfunctioning while he was driving the vehicle as the officers testified.

<sup>5</sup> Hawkins-Davenport now argues the police needed probable cause to stop his vehicle because a broken brake light does not require any further investigation regarding whether a Motor Vehicle Code violation has occurred. He did not make this argument at the suppression hearing and the issue is arguably waived. **See** [Pa.R.A.P. 302\(a\)](#) (providing that "issues not raised in the lower court are waived and cannot be raised for the first time on appeal."). Even assuming the issue is properly before the Court and that probable cause was needed, the officers testified they observed the brake light not working, which would give them probable cause of a Motor Vehicle Code violation. **See** [Commonwealth v. Malloy, 2021 PA Super 90, 257 A.3d 142, 148-149 \(Pa. Super. 2021\)](#) (stating that the officer's observation that Malloy's vehicle did not have a properly displayed license plate provided probable cause to believe the stopped vehicle was in violation of Motor Vehicle Code).

## Please Update Your Information



**Please take a moment to visit the PCPA website at [pachiefs.org](http://pachiefs.org) and log in at the top right corner using your email and password.**

Logging in will allow you to gain access to members-only pages and information as well as the full membership directory. Here you can make changes to your contact information and department information.

Increasingly, the PA Chiefs of Police Association uses electronic methods, such as our website, to keep our membership up to date and informed. Please make sure your email address is current and correct so that you don't miss out on pertinent information between magazines.

**Your accurate information will allow us to better serve you!**

# LEGISLATIVE REPORT

To see the list of bills that were introduced and are of interest to the Association please visit our website at <https://pcpa.memberclicks.net/bills-to-watch>. This list does not consist of all bills related to police and criminal justice matters, as there are numerous bills coming in on a weekly basis. If you have knowledge of a Bill or questions, please contact Jerry Miller, [jmiller@pachiefs.org](mailto:jmiller@pachiefs.org) or Scott Bohn at [sbohn@pachiefs.org](mailto:sbohn@pachiefs.org)



# LEGISLATIVE REPORT OF BILLS TRACKED SINCE LAST BULLETIN ISSUE

- HB2503**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of invasion of privacy.**  
Sponsor  
Rep. Ann Flood (R)  
Intro Date- 07/16/2024  
Last Action- 07/23/2024 H - Referred to - House Judiciary
- HB2501**      **An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in safety and anti-pollution equipment, further providing for windshield obstructions and wipers.**  
Sponsor  
Rep. Patrick Gallagher (D)  
Intro Date- 07/16/2024  
Last Action- 07/23/2024 H - Referred to - House Transportation
- HB2463**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for medical consultation and judgment and for informed consent.**  
Sponsor  
Rep. Melissa L. Shusterman (D)  
Intro Date- 06/27/2024  
Last Action- 06/28/2024 H - Referred to - House Health
- HB2462**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, further providing for the offense of resisting arrest or other law enforcement.**  
Sponsor  
Rep. Sheryl M. Delozier (R)  
Intro Date- 06/27/2024  
Last Action- 06/28/2024 H - Referred to - House Judiciary
- HB2461**      **An Act providing for the Ebony Alert System; imposing duties on the Pennsylvania State Police; and imposing a penalty.**  
Sponsor  
Rep. Gina H. Curry (D)  
Intro Date- 06/27/2024  
Last Action- 06/27/2024 H - Referred to - House Children & Youth
- HB2455**      **An Act amending the act of October 25, 2012 (P.L.1618, No.197), known as the National Human Trafficking Resource Center Hotline Notification Act, further providing for definitions; providing for training regarding public lodging establishments and for training regarding third-party listing platforms; and further providing for enforcement, for violation, for affirmative defenses, for administrative penalties and for criminal penalties.**  
Sponsor  
Rep. Regina G. Young (D)  
Intro Date- 06/26/2024  
Last Action  
06/26/2024 H - Referred to - House Tourism & Economic and Recreational Development

continued on next page

- HB2429** **An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for persons eligible for medical assistance.**  
 Sponsor  
 Rep. Tim Briggs (D)  
 Position- Support (General)  
 Intro Date- 06/18/2024  
 Last Action- 07/12/2024 S - Referred to - Senate Health & Human Services
- HB2428** **An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for registration card to be signed and exhibited on demand; and, in licensing of drivers, further providing for issuance and content of driver's license and for carrying and exhibiting driver's license on demand.**  
 Sponsor  
 Rep. Ed Neilson (D)  
 Position- Support (General)  
 Intro Date- 06/18/2024  
 Last Action- 06/24/2024 H - Re-committed to - House Rules
- HB2427** **An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for lost, stolen, damaged or illegible registration plate and for use of farm vehicle plates, providing for Pennsylvania Sportsman plate, further providing for Distracted Driving Awareness plate and for special motorcycle plates related to veterans, providing for Operation Inherent Resolve veterans plate, further providing for special plates for veterans and providing for special plates for recipients of Borinqueneers Congressional Gold Medal; and, in fees, further providing for exemption of persons, entities and vehicles from fees.**  
 Sponsor  
 Rep. Ed Neilson (D)  
 Position- Support (General)  
 Intro Date- 06/18/2024  
 Last Action- 06/26/2024 H - Placed on HVS
- HB2426** **An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions relating to offenses in general, providing for use of registration plate flipping device.**  
 Sponsor  
 Rep. Patrick Gallagher (D)  
 Position- Support (General)  
 Intro Date- 06/18/2024  
 Last Action- 07/12/2024 S - Referred to - Senate Transportation
- HB2415** **An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to area government and intergovernmental cooperation, providing for Municipal Police Enhancement Consolidation Grant Program and establishing the Municipal Police Enhancement Consolidation Grant Program Fund.**  
 Sponsor  
 Rep. Tim Brennan (D)  
 Intro Date- 06/12/2024  
 Last Action- 06/13/2024 H - Referred to - House Judiciary

- HB2418**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children.**  
 Sponsor  
 Rep. Stephenie Scialabba (R)  
 Intro Date- 06/12/2024  
 Last Action- 06/13/2024 H - Referred to - House Judiciary
- HB2409**      **An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for period of registration and for registration; and establishing the Registration of Sexual Offenders Restricted Account.**  
 Sponsor  
 Rep. Jason Ortitay (R)  
 Intro Date- 06/11/2024  
 Last Action- 06/11/2024 H - Referred to - House Judiciary
- HB2352**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, providing for the offense of institutional trespass.**  
 Sponsor  
 Rep. Kristin Marcell (R)  
 Intro Date- 06/10/2024  
 Last Action- 06/10/2024 H - Referred to - House Judiciary
- SB1236**      **An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, in preliminary provisions, further providing for definitions; in recovery of possession, further providing for notice to quit; in repeals, providing for applicability; and making an editorial change.**  
**(Chapter 88)**  
 Sponsor  
 Sen. Daniel Laughlin (R)  
 Position- Neutral (General)  
 Intro Date- 05/31/2024  
 Last Action- 07/17/2024 G - Approved by the Governor - Act 88
- HB2364**      **An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in motorcycles, further providing for motorcycle safety education program**  
 Sponsor  
 Rep. Joshua Siegel (D)  
 Intro Date- 05/31/2024  
 Last Action- 07/12/2024 S - Referred to - Senate Transportation
- HB2359**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, further providing for the offense of theft of leased property.**  
 Sponsor  
 Rep. Christopher M. Rabb (D)  
 Intro Date- 05/30/2024  
 Last Action- 06/03/2024 H - Referred to - House Commerce
- SB1218**      **An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, further providing for automatic certification.**  
 Sponsor  
 Sen. Chris Gebhard (R)  
 Intro Date- 05/29/2024  
 Last Action- 07/02/2024 H - Referred to - House Judiciary

continued on next page

- SB1213**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for the offense of unlawful dissemination of intimate image; and, in minors, further providing for the offense of sexual abuse of children and for the offense of transmission of sexually explicit images by minor.**
- Sponsor  
 Sen. Tracy Pennycuick (R)  
 Intro Date- 05/29/2024  
 Last Action- 06/11/2024 H - Referred to - House Judiciary
- S988**      **An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for State DNA Data Base, for State Police recommendation of additional offenses and annual report and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases, providing for request for modified DNA search and further providing for DNA data base exchange, for expungement and for mandatory cost; and making an editorial change.**
- Sponsor  
 Sen. Frank A. Farry (R)  
 Intro Date- 05/29/2024  
 Last Action- 07/11/2024 S - Re-committed to - Senate Judiciary
- SB2349**      **An Act designating a portion of U.S. Route 522 from the intersection with Main Street to the intersection with Town Hill Street in Shade Gap Borough, Huntingdon County, as the Special Agent Terry R. Anderson Memorial Highway.**
- Sponsor  
 Rep. Rich Irvin (R)  
 Intro Date- 05/28/2024  
 Last Action- 05/29/2024 H - Referred to - House Transportation
- SB1212**      **An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, providing for mandatory firearms training for certain law enforcement agencies.**
- Sponsor  
 Sen. Anthony H. Williams (D)  
 Intro Date- 05/28/2024  
 Last Action- 05/28/2024 S - Referred to - Senate Law & Justice
- SB1201**      **An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for licenses, providing for liability insurance and further providing for sale or transfer of firearms.**
- Sponsor  
 Sen. Amanda M. Cappelletti (D)  
 Intro Date- 05/28/2024  
 Last Action- 05/28/2024 S - Referred to - Senate Judiciary
- HB2341**      **An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices.**
- Sponsor  
 Rep. Jamie L. Flick (R)  
 Intro Date- 05/23/2024  
 Last Action- 05/28/2024 H - Referred to - House Transportation

# HIRING Officers has never had a HIGHER Priority

*“Since 1995, our organization has had a vested interest in locating not only the best qualified candidates for a municipality, but also candidates who are a good fit for a community.”*

**WRITTEN EXAMS** – Entry-Level & Promotional exams as partnered with Stanard & Associates **ORAL BOARDS** – We come to you for entry-level and promotional boards

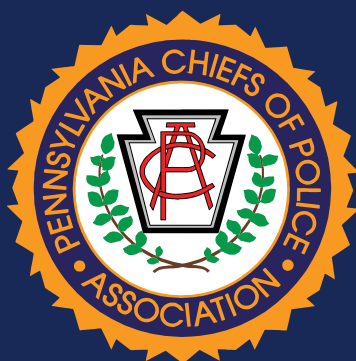
**CHIEF OF POLICE POSITIONS** – We do all the work in setting up a system of success to find the right police leader

**FITNESS EXAMS** – Our team administers legally defensible entry-level fitness testing

**WEBSITE FOR EMPLOYMENT** Our robust web site gets the attention of candidates nationwide seeking employment in the policing profession. Currently we are emailing our job postings to over 4,500 persons who have signed up for this service.

Go on-line to find out more about our Testing & Consulting programs

- [Pachiefs.org](http://Pachiefs.org) / programs and services
- [sbohn@pachiefs.org](mailto:sbohn@pachiefs.org); 717.236.1059x108





# The question of burnout: How Draft One can reduce officer workload through AI

By: Noah Spitzer-Williams, Senior Principal of Product Management, Axon

**Over the last several years, law enforcement agencies across the country have struggled with recruitment and retention. According to an article in the FBI Law Enforcement Bulletin, today's law enforcement agencies are seeing a 27-60% decrease in number of recruits [SOURCE]. Those officers that agencies do manage to recruit are facing high levels of burnout.**

## THE QUESTION OF BURNOUT

According to a publication in Police Beat Magazine, "One major contributing factor to officer burnout is not having the resources or manpower they require" [SOURCE]. Our research has shown that officers can spend up to 3 hours each day writing reports [SOURCE]. This leads to officers having to work overtime or spend extra hours doing tedious work that does not provide much job satisfaction.

Many agree overworked officers simply do not police as effectively as those not suffering from burnout. In fact, one study showed that "burnout influences how police officers interact with the public as well as their attitude towards the use of violence (Kop et al., 1999), and actual behavior in conflict situations (Euwema, Kop, & Bakker, 2004). Some studies have also linked burnout to negative outcomes for the families of police officers, such as display of anger and spending time away from the family (Jackson & Maslach, 1982)" [SOURCE].

It is clear that burnout is an issue that law enforcement agencies must tackle, but how can it be addressed when budgets are tight and recruiting is suffering? While agencies currently cannot address the issue of manpower through recruiting, they may have a solution in AI.

## AI AS A FORCE MULTIPLIER

One potential answer to today's law enforcement capacity problem is to use AI to cut down on the amount of time officers need to spend performing administrative tasks. Less time spent on reports means more time spent responding to calls for service, reducing crime and supporting communities.

One such AI-based solution is Draft One, a new product feature from Axon. Draft One is a "force multiplier for officers, leveraging generative AI and body-worn camera audio to produce high-quality draft report narratives in seconds" [SOURCE].

## DRAFT ONE

Draft One was launched by Axon in April of this year at Axon Week in Miami Beach. We believe that this technology can give officers more time back to engage with their communities rather than perform administrative work:

Early adoption customers believe that Draft One has cut their report-writing time by 50% or more. In fact, Sgt Bob Younger of the Fort Collins PD recently said, "We're averaging 67% time savings in our report writing...that's time that the officers are getting back to go out into the community and do work that they really enjoy."



### THE QUESTION OF AI FOR GOVERNMENT USE CASES

Many government agencies are asking, Is AI safe to use?

Axon believes that AI is a valuable tool to make public safety more efficient and effective, but it is only safe when the AI solution has been designed with several safeguards in place.

What does this mean? The first safeguard is that all Axon solutions that utilize AI have controls in place to ensure that human officers are the actual decision-makers. This helps to minimize the risks of AI while ensuring that officers receive the tools they need to effectively battle burnout.

In the case of Draft One, the software was designed in such a way that "Narratives cannot be submitted without officer review and approval. Officers must review the draft, manually fill in missing information and then sign off on the narrative's accuracy before submission" [SOURCE].

The second safeguard embedded into Draft One was to reduce the creativity that many generative AI solutions are known for. This helps ensure the AI "sticks to the facts" and only drafts a narrative from the video's transcript. The tool uses Open AI's GPT-4 Turbo, but it has been calibrated to prevent speculation or embellishments. When information is missing, the AI won't guess or make something up, it will require the officer to "insert" the missing information.

The third safeguard helps ensure the AI drafts are accurate and without racial bias. Axon conducted a double-blind study on Draft One to ensure that the technology drafted report narratives that were complete, neutral and objective. The study, which can be read at [axon.com](https://www.axon.com),

"could not detect a statistically significant difference in mistakes, omissions, or number of incriminatory words between races" [SOURCE]. In other words, the study tested the technology for racial bias, and none was found.

A fourth safeguard is built around secure data. One of the dangers of free generative AI tools is that any information submitted to that AI tool becomes public information that can be used in the future. When working with sensitive data that is tied to investigations, this is not an option for law enforcement officers. With Draft One, all data is always secured within the Axon Network; no information will be shared outside of your agency.

These safeguards, along with thoughtful agency policies and training, can enable government agencies to leverage the benefits of AI while also drastically reducing the risks.

### REWRITE REPORT WRITING

With the struggle of recruiting and retaining talent ever-present in today's policing landscape, tools like Draft One provide agency's a potential solution for reducing officer burnout while simultaneously increasing agency ability to effectively protect and serve their communities.

As Chief Scott Galloway, Lafayette PD, said, "You come on this job wanting to make an impact, you don't come on this job wanting to type reports. So this AI feature, I'm super excited about it...Ultimately we are here to serve the community and this helps with that job" [SOURCE].

**To learn more about Draft One, please visit [axon.com/draft-one](https://www.axon.com/draft-one) or contact Noah Spitzer-Williams at [noahsw@axon.com](mailto:noahsw@axon.com)**

# Enhancing School Safety with CRG: Success Story from Beaver County's South Side School District



## CRITICAL RESPONSE GROUP

America's Common Operating Picture®

In rural Beaver County, Pennsylvania, the [South Side School District \(SSSD\)](#) stands as a model for innovative school safety measures. To ensure the safety and security of its students and staff, SSSD has engaged [Critical Response Group \(CRG\)](#) to create accurate, up-to-date critical incident maps of its schools.

### The Journey to CRG

CRG's detailed, gridded maps of school campuses form the foundational layer for coordinating emergency responses. They offer a precise, unified reference that integrates crucial information such as room numbers, access points, and locations of critical infrastructure like AEDs and utility shutoffs. Without such a base, deploying other security measures—whether AI gun detection, panic buttons, or camera systems—can be far less effective. The critical incident map allows all security technologies to work in concert, streamlining response efforts and ensuring that every second counts in an emergency.

One year ago, SSSD, utilizing grants from the Pennsylvania Commission

on Crime and Delinquency ([PCCD](#)), began integrating CRG's mapping solutions. The district, which includes an elementary school and a combined high school/middle school campus, was motivated by the need for precise, real-time information during emergencies.

### Unique Challenges in Beaver County

Beaver County's rural setting presents unique circumstances that require a coordinated response from multiple agencies. In this environment, CRG plays a critical role by providing a reliable source of data that can be accessed by all responding agencies.

Robert Kavals, Chief of Safety and Security for SSSD's police department, emphasizes the importance of CRG in this context:

"Our school district is in the middle of the country, so it's essential that all responding agencies operate from the same information. CRG eliminates any uncertainty by providing a clear, unified picture of the situation, ensuring that everyone is on the same page."

This coordination is vital for seamless collaboration across different departments, enabling them to work together effectively in high-pressure situations.

### Integrating CRG with Other Safety Systems

SSSD has maximized the utility of CRG by integrating it with several other systems, including their PSAP platforms, emergency panic button systems, security camera monitoring software, and the Beaver County 911 dispatch. Kavals detailed the process and benefits:

"We have our entire campus mapped into a grid, integrated with our camera system. Now, state police and 911 dispatch can view live footage by clicking on camera icons on the grid map. Each camera is identified by the school, general area, and grid, ensuring no confusion during an emergency."

### Comprehensive Training and Teacher Confidence

Last year, SSSD conducted extensive training sessions to familiarize staff with CRG. Teachers were introduced



to the system, shown the maps, and instructed on safety protocols. The feedback was overwhelmingly positive. Kavals recounts:

"The teachers appreciated the detailed training and felt reassured about their safety and the best ways to communicate their location. We emphasized that adhering to these protocols is crucial for maintaining security and improving emergency response."

CRG's effectiveness extends beyond active shooter scenarios. Kavals shared an incident from years earlier that he feels would have been resolved more quickly had CRG's mapping been on-hand:

"In my first year, a student walked out of school intending self-harm. While we managed the situation with state police and volunteer departments, CRG would have significantly

streamlined the response. The ability to utilize grid-based maps and understanding neighboring locations would have provided invaluable support in locating the student quickly."

In that case, delays occurred in pinpointing the student's location and effectively communicating among responders. CRG could have drastically reduced the time lost in coordinating efforts, allowing for a quicker, more decisive response.

#### **Funding and Accessibility**

By using PCCD grants to cover the costs of mapping, SSSD ensured that financial constraints did not hinder the adoption of this critical safety measure.

Kavals explains: "It's crucial for schools to know that funding opportunities like the PCCD grants

are available. Implementing CRG costs us nothing, and the benefits are immeasurable. Schools should explore these funding options to enhance their safety protocols without financial burden."

#### **Continuous Improvement and Future Plans**

SSSD's commitment to safety continues. The district is currently undergoing significant construction, including renovations to the elementary school, and plans to update the CRG maps accordingly.

South Side School District's proactive approach to safety through CRG has set a benchmark for other rural school districts nationwide. By integrating advanced mapping technology with existing safety systems, they have created a seamless, effective emergency response framework.





## cNET 2.0 & NIBRS Reporting in PA



*A crucial element for any RMS system should be the features and functions necessary for NIBRS reporting for your agency.*

*But what exactly is that and what does it entail?*

### **cNet 2.0 RMS Simplifies NIBRS Reporting Process**

The transition to NIBRS reporting can be a daunting task for law enforcement agencies. Complex data requirements, time-consuming manual processes, and the potential for errors can create significant challenges. However, the cNET 2.0 RMS offers a streamlined and efficient solution that can significantly simplify the NIBRS reporting process.

### **What is NIBRS?**

In January 2021 the FBI's National Incident Reporting System (NIBRS) became the national standard for crime data reporting in the United States. NIBRS was implemented to more accurately collect specific data relative to the types of crimes addressed by police agencies and thereby improve the understanding of crime and public safety.

What this boils down to on the agency level is that NIBRS requires a significant amount of additional crime data over the previous Summary Reporting System (SRS) data. NIBRS collects data for 52 offenses, plus 10 additional offenses for which only arrests are reported. SRS counts limited data for 10 offenses and 20 additional crimes for which only arrests were reported. Additionally, NIBRS collects more detailed information, including incident date and time, whether reported offenses were attempted or completed, expanded victim types, relationships of victims to offenders and offenses, demographic details, location data, property descriptions, drug types and quantities, the offender's suspected use of drugs or alcohol, the involvement of gang activity, and whether a computer was used in the commission of the crime. NIBRS also provides more context to the specific crimes such as whether drug/narcotics, sex offenses, animal cruelty, identity theft, and computer hacking were involved.

### **NIBRS Compliant**

As it relates to the RMS system, there is a reasonable assumption that all or most of the data required for NIBRS reporting should be collected during the use of the RMS system when creating an incident or complaint. Already having this data should greatly reduce or eliminate the time necessary to potentially re-enter the information when reporting it to PSP saving much time and effort. This is the primary purpose and benefit of having the NIBRS interface in the RMS system and is part of what dictates whether an RMS system can state that they are "NIBRS Compliant".

However, in order to become designated as a NIBRS compliant RMS, DataWorks Plus worked with PSP on developing the proper NIBRS interface, which operated to their satisfaction and was compliant with the NIBRS specification that they provided. As one of the first RMS vendors to provide the NIBRS interface in PA, DataWorks Plus was fortunate to have input on how the final product would operate and made best efforts to consider and include local law enforcement agency perspective.

### **Built-in Validation Tool**

Obviously it is essential that any NIBRS interface within the RMS be able to successfully submit the required NIBRS data, but even more importantly, it should have the ability to notify the user if a NIBRS submission fails validation for any reason. Ideally it will indicate not only that the submission failed, but the specific elements that caused the failure and what needs to be done to correct the issue. The NIBRS interface in cNET 2.0 provides this feedback to the user in easily identifiable red color-noted notifications and messages so that the user can quickly identify and correct the errors. The cNET 2.0 RMS seamlessly integrates with the PSP reporting site, allowing for a smooth transfer of validated incident data. The system's built-in validation tool is a game-changer, identifying missing or invalid data elements and providing clear guidance for corrections. This proactive approach helps to prevent errors and ensures data quality.

**cNET 2.0 RMS**  
**CRIME NETWORK**  
**Rebuilt • Refined • Reliable**

*A full-featured RMS system that  
delivers a full complement of  
operational capabilities.*

## Support for the PA NIBRS Certification Process

But wait...there's more.

Once an agency has a NIBRS certified RMS, in order to submit records to PSP they must go through a NIBRS certification process. This entails completing an application provided by PSP and sending it to PSP for approval. Once the application is approved, the agency is typically sent 14-15 sample test cases. The agency must then complete and submit the test cases one at a time. Each test case is reviewed and the agency is advised of any errors or omissions and directed to make the corrections and resubmit. This process continues until all the test cases have been successfully submitted with no errors. This entire process can take several weeks or longer. As part of the support when becoming a cNET user, DataWorks Plus will work with each agency to assist and facilitate this process. Having already assisted dozens of agencies with NIBRS certification, DataWorks Plus can help greatly expedite this procedure.

## NIBRS Interface Enhancements Continue

While the NIBRS interface provided with cNET 2.0 is already very good, there is always room for improvement. DataWorks Plus is currently working on adding even more application validation logic as well as additional data collection granularity and summary information to further enhance the efficiency and accuracy of the NIBRS reporting interface.

## cNET 2.0 NIBRS Feature Summary

- NIBRS data is captured from information already entered into Incidents. No NIBRS forms to complete, saving time and resources
- Seamless integration of data, flowing from the RMS to the PSP reporting site. Incidents that have passed validation are easily submitted to PSP in a single click
- Easy to use validation tool that identifies missing and invalid data elements and guides the user in data correction
- An integrated messaging system that shows records that require an update based on PSP messaging displayed in the application and provides a direct link to the record on the PSP UCR website is included
- Relational linking tool to simplify setting property, offense and suspect relationships
- Mapping API lookup to easily add NIBRS required GPS coordinates
- NIBRS record submission included at no additional cost
- NIBRS support and training included at no additional cost **including assistance with the certification process.**
- Integrated searching and ad-hoc reports which allow users an easy way to organize NIBRS reports
- Supplemental training videos

By leveraging existing data, automating validation, and providing seamless integration with PSP reporting sites, the cNET 2.0 RMS offers a comprehensive solution for NIBRS reporting. The system's user-friendly interface, combined with comprehensive support and training, empowers law enforcement agencies to efficiently and accurately fulfill their NIBRS reporting obligations. With cNET 2.0 RMS, agencies can focus on crime prevention and investigation while streamlining their NIBRS reporting process.

Without question, cNET 2.0 is a full featured NIBRS compliant RMS system that delivers a full complement of operational capabilities. Now more than ever with costs rising, it is especially important to make choices that are fiscally responsible for your agency. cNET 2.0 provides a cost effective RMS solution with a fixed annual cost, no capital expenditures for system server hardware, easy implementation, and access from any PC, laptop or tablet. Improvements and upgrades made to cNET are immediately available to all cNET users. Initial training is included as well as on-line help guides and videos. Support is provided 24 hours a day, 365 days a year.



Whether your agency is part time with less than one full time officer or has over a hundred full time officers, cNET will provide the same fully functional RMS capabilities. There is no additional costs for non-sworn or administrative personnel but all users must have JNET credentials. Demos can be provided on-line remotely or on-site or you can request access to the cNET 2.0 Demo site and explore the application for yourself.

**For additional information about  
cNET:**

**Please contact Dan Allen,  
cNET Project Manager**

**[DJAllen@DATAWORKSPUS.com](mailto:DJAllen@DATAWORKSPUS.com)**

**864-672-6748**

# How Police-Community Interaction Surveys Build Trust and Improve Service



**Mutual trust between law enforcement and the community is the foundation for effective policing. It's a partnership. Without an effective method of interacting with citizens and gathering feedback, law enforcement agencies miss out on the opportunity to improve service and build community trust.**

## Importance of citizen feedback

Citizen feedback helps you better understand community needs, validate your positive impact, and create a stronger bond between the department and the community.

Even if your agency documents and analyzes interactions via CAD systems and MDTs, the data is limited to facts and the respective officer's point of view. Without a community feedback mechanism, you miss the citizen's perspective.

**If the interaction was positive, you missed the chance to encourage the officer and raise morale. If the interaction was negative, you missed the opportunity for improvement or corrective action.**

## Challenges with common citizen feedback systems

Many agencies use manual and/or traditional tools to collect citizen feedback:

- Public meetings or town halls
- Community advisory boards
- Focus groups
- Paper mail-in surveys
- Monitoring social media
- Online feedback forms

Unfortunately, these traditional approaches are often ignored by citizens, time-consuming to set up and manage for staff, and frequently focus on just complaints. Fortunately, there are automated tools that can help law enforcement agencies inform citizens and gather positive feedback without adding to their workload.

## Automated police-community interaction surveys

These surveys are automatically sent to the citizens you choose: people who recently interacted with your agency and who match the CAD and RMS data of your choosing.

Sent directly via mobile text, these surveys don't require citizens to click on links or visit a website. Because you're meeting citizens where they are, right on their mobile devices, these police-community interaction surveys enjoy a much higher response rate.



### Community Engagement Software (Surveys & More)

With [PowerEngage](#), these automated survey results are aggregated into a real-time dashboard that you can track and report on over time. Positive feedback is automatically emailed to your staff and displayed on large screens throughout your department to provide recognition and boost morale.

The PowerEngage system makes it easy to share citizen feedback with internal leaders, external stakeholders, and officers. It also tracks citizen satisfaction trends over time, combining that data into something called a Citizen Positive Satisfaction Score (CPSS). 90% of PowerEngage customers have a 90% CPSS score or higher.

As you better understand community needs with PowerEngage, everything else starts falling into place. You can improve services to the community, build trust, and prove impact – all of which help you justify more resources allocated to your agency.

#### How to get started

Wondering if automated survey solutions are right for your agency? Start by conducting an audit and asking these questions:

- How do you currently collect citizen feedback?
- How much “manpower” does it take?
- Is the result worth the effort?
- Could your officers use a morale boost?
- Can you prove your impact?

**Without a reliable method of collecting and analyzing citizen feedback, you miss opportunities to improve operations, identify training gaps, and boost officer morale.**

[Learn how PowerEngage can help your agency automate surveys, measure citizen satisfaction, and prove your positive impact.](#)

**IN-SYNCHRMS**

Available in  
In-Synch  
Cloud or On  
Premises

# UNLOCK THE POWER OF DATA IN YOUR INVESTIGATIONS

Empower Your Force with Cutting-Edge Investigative Tools



- Self-Building Master Indexes
- Known Associate Records
- Affiliations with Organizations, Businesses, & Gangs
- Intergrated Data-Sharing
- Interactive Visual Querying Tool
- Multi-Level Advanced Searching
- Scars, Marks, Tattoos, & Piercings
- Partial, Wildcard, & Soundex Searches

Ready to transform your investigations? Contact us today for a demo and see how our tools can elevate your department's capabilities.

**CONTACT INFO:** ☎ (800) 243-6540 🌐 [www.in-synchrms.com](http://www.in-synchrms.com)

# Technology Update

By: Ken Zipovsky, Pennsylvania Chiefs of Police Association  
Grants Management and Technology Coordinator

## PAVTN

**pavtn.net**

Powered by Pennsylvania Chiefs of Police Association

Greetings, everyone! It's Ken Zipovsky, and I'm pleased to bring you the fall edition of our training and technology update. The 2024 MPOETC MIST courses are available on the PAVTN. Work is continuing to develop the four new courses for the 2025 MIST training.

- **Mandatory Courses:**
  - o **Legal Updates:** In 2025, Legal Updates will be streamlined into a single class.
  - o **Law Enforcement Response to Homeless Persons**
- **Elective Courses:**
  - o **Tactical Response**
  - o **Elder Abuse and Exploitation**

It is anticipated that the MIST courses will be available January 1<sup>st</sup>, 2025. The PCPA is committed to enhancing our officers' knowledge and readiness. We have two new courses on the PAVTN: Gun Investigation and Firearms Recording, and Understanding Tourette Syndrome. We also have the following courses in production that will be completed by the end of 2024:

- **Child Physical Abuse**
- **Child Sexual Abuse**



Ken Zipovsky

**KEN ZIPOVSKY** is the Grants Management and Technology Coordinator for Pennsylvania Chiefs of Police Association

- **Child Pornography Investigations**
- **Report Writing**

Once these courses are completed, you'll find them on the PAVTN. Did you know that the PAVTN now boasts 91 distinct training courses and serves over 32,000 users? Our goal at the Pennsylvania Chiefs of Police Association is to provide top-notch law enforcement training, available on-demand. All training on the PATVTN is absolutely free. Access it conveniently by visiting [www.pavtn.net](http://www.pavtn.net) or by using the links on our Association website.

Stay informed, stay prepared, and keep up the great work!

## Mobile Fingerprint Identification Devices

The association continues to administer the Mobile ID project



for Pennsylvania's law enforcement agencies. Mobile Fingerprint Identification Devices are a great tool that can increase productivity by helping officers identify subjects in the field. At this moment there are 264 units deployed by PA's police agencies. There is no cost for the agency to acquire the unit. The annual fee is currently \$1,025.00 per unit. That fee covers the system/device maintenance and the required secure data connection. *The 2025 fee will remain the same.* Additional details about the program and the application process can be found on the PCPA website under the Programs and Services Tab on the top of the homepage or at the address <https://pcpa.memberclicks.net/mobile-fingerprint-id>.

## Jnet Conference



The semi-annual Jnet Conference will be held on Thursday December 5th, 2024, and Friday December 6th, 2024, at the Penn Stater Conference Center in State College, PA. This two-day training session is being presented by Jnet and The Pennsylvania Chiefs of Police Association. New and expanded training and information sessions are scheduled for this training. Keep an eye out for registration for this free training on the Jnet portal. Looking forward to seeing you there!



## ABOUT US

Today the Pennsylvania Chiefs of Police Association is an organization comprised of over 1,200 command level law enforcement officers which includes not only chiefs of police, superintendents and commissioners, but also the commanding officers of federal, state and industrial agencies. The Association goal is to be regarded as a world class resource for professional Law Enforcement leadership and a respected voice for Pennsylvania's law enforcement community. The Pennsylvania Chiefs of Police Association mission is to promote excellence in service and expertise in law enforcement and public safety services, to advocate for Law Enforcement leaders, and to provide innovative programs and training for our members.

For more information about membership, please contact Marcia Nixon at [mnixon@pachiefs.org](mailto:mnixon@pachiefs.org).



## MEMBER BENEFITS

**ADVOCACY:** • PCPA has a strong relationship with the PA General Assembly, the PA State Police and the Municipal Training and Education Commission. • This relationship can ensure our members have a voice at the table concerning legislation affecting law enforcement and mandatory training requirements for municipal departments.

**COMMUNICATION:** • Receive the PCPA's quarterly publication, the *Bulletin* and gain critical awareness of global news and issues relevant to law enforcement. • Access the "Members Only" area of our website and view resources including advice and tips, legal updates, bills to watch and other tools to assist you in your daily operations. • Receive valuable and pertinent information through membership email blasts.

**EDUCATION & TRAINING:** • The PCPA provides valuable education and training throughout the year and at our Annual Conference in order for law enforcement officers to meet and maintain specific certifications.

**PLEAC PROGRAM:** PCPA introduced the PLEAC Program to the Commonwealth in July 2001. Since then it has enrolled over 375 agencies with 170 that maintained their accredited status. Accreditation is a progressive and time-proven way of helping institutions evaluate and improve their overall performance.

**TESTING & CONSULTING SERVICES:** • The PCPA provides municipalities with a variety of written entry level and promotional exams and • Offers assessors structured questions for interview panels regarding Entry-Level through Police Chief positions • PCPA also provides physical fitness testing which can predict an officer's ability to perform the physical tasks necessary for the position; all in a valid and defensible program.





# HOW ILLICIT TRADE IN TOBACCO PRODUCTS MAKES AMERICA LESS SAFE.

The illegal tobacco trade is a substantial threat to the security and prosperity of American communities, though for most people it doesn't seem that way. The perception that illegal tobacco trafficking is a petty crime is exactly why it is a major source of funding for sophisticated criminal and terror organizations—it is out of sight and out of mind to most. Illegal goods with low enforcement risk that earn high profits—like illicit tobacco—help criminals fund a web of nefarious activities, spurring violence and instability within our towns and cities. In doing so, they rob American taxpayers of billions in tax revenue, taking money that could be used to fund law enforcement and putting it in the pockets of the criminals they're fighting.

Pennsylvania's law enforcement community works tirelessly to confront the scourge of illegal trade, but no agency or company can do it alone. Through public-private partnerships, we can cooperatively implement meaningful, long-term solutions against illegal trade.

Only by working together, can we effectively combat illegal trade and related crimes.



PHILIP MORRIS  
INTERNATIONAL



# PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION

## APPLICATION TYPE:



- Active Membership**  
\$150 per year plus \$100 Initiation Fee (\$250 to accompany application)
- Affiliate Membership**  
\$150 per year plus \$100 Initiation Fee (\$250 to accompany application)

3905 North Front Street | Harrisburg, PA 17110 | Tel: 717-236-1059 | Fax: 717-236-0226 | [www.pachiefs.org](http://www.pachiefs.org)

**CHECK HERE FOR A MAILED COPY OF THE BULLETIN...\$30 PER YEAR**

Please type or print clearly.

### APPLICANT INFORMATION

Name \_\_\_\_\_

Rank \_\_\_\_\_ Date of Appt \_\_\_\_\_

Full Name of Employer \_\_\_\_\_

Office Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County \_\_\_\_\_ Phone \_\_\_\_\_

Fax \_\_\_\_\_ Email \_\_\_\_\_

Are you a sworn police officer? **Y** or **N**

Full time police officer in above department? **Y** or **N**

MPOETC # \_\_\_\_\_

If not applicable, please explain why MPOETC number is not present \_\_\_\_\_  
\_\_\_\_\_

Residence Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County \_\_\_\_\_ Region \_\_\_\_\_

Date of Birth \_\_\_\_\_ Phone \_\_\_\_\_

Have you ever been convicted by a Court of Record of the commission of a felony or misdemeanor? **Y** or **N**

If yes, explain on a separate sheet of paper and attach to application form.

Signature of Applicant: \_\_\_\_\_  
\_\_\_\_\_

### RECOMMENDING MEMBER

Please list a current member of the Pennsylvania Chiefs of Police Association who has recommended that you apply for membership. **If the applicant holds a rank lower than Chief, your recommending member must be your Chief, Superintendent or Commissioner.**

Recommending Member Name and Title: \_\_\_\_\_  
\_\_\_\_\_

Department Name and Phone Number: \_\_\_\_\_  
\_\_\_\_\_

### APPLICANT DEPARTMENT INFORMATION

Provide the number of sworn police officers in your department

Full time \_\_\_\_\_ Part time \_\_\_\_\_

If industry, number of security officers under applicant's command \_\_\_\_\_

If other, state nature of business in relation to law enforcement \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### MEMBERSHIP QUALIFICATIONS

Section 4. Active Membership. "Active" membership shall be open to the following: (a) All full-time sworn chiefs of police, superintendents, or commissioners of municipal police agencies in the Commonwealth of Pennsylvania who have police powers and MPOETC Certification (b) All full-time sworn municipal police officers in the Commonwealth of Pennsylvania who have police powers, MPOETC Certification and hold the rank of captain or above and persons who hold the rank of Captain or above that are members of the Pennsylvania State Police; (c) Special agents in charge, assistant special agents in charge, and resident agents of any law enforcement entity of the United States government if, at the time of application, such persons are headquartered in the Commonwealth of Pennsylvania; and; full-time persons with command-level responsibility in any law enforcement agency of the Commonwealth of Pennsylvania provided that these individuals are not elected to their position by a popular vote of citizens Section 5. Affiliate Membership. "Affiliate" membership shall be open to those persons who, by occupation are Chiefs of Police who work part time, Police Officers In Charge of Police Departments, Directors of Police Agencies, and Ranking officers who have a supervisory role in a police department. This category also includes agency heads of Corporate Security and Police Academies. These individuals must share a mutuality of interests with the Association and its membership, enabling them access to information from the Association that is regularly provided to Active Members. Affiliate members may attend the Association's Annual Meeting at the invitation of the Executive Board and under no circumstances shall such members have or exercise the privilege of voting, either by voice or ballot, on Association business. For the full by-laws regarding membership, please visit our website at [www.pachiefs.org](http://www.pachiefs.org).

### MAIL TOTAL FEE AND THIS FORM TO:

PA Chiefs of Police Association  
3905 North Front Street, Harrisburg, PA 17110

#### For office use:

Check Amount & No. \_\_\_\_\_ Date \_\_\_\_\_



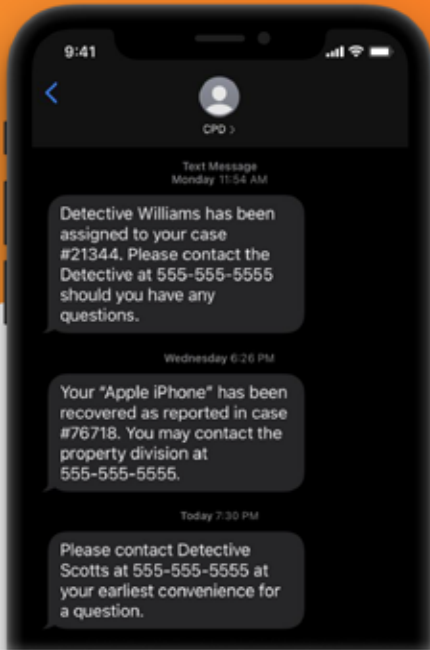
**CRITICAL RESPONSE GROUP**

America's Common Operating Picture®

**The Nation's Leader on  
Critical Incident Mapping Data**

Enabling better communication and  
navigation during an incident.

Visit us at [www.crplans.com](http://www.crplans.com)



# Engage

SCAN THE QR CODE TO LEARN MORE



 **Keep citizens informed**

**"Deputy Karen went out of her way to help me find a ride after the accident."**

**"Officer Smith was very friendly and helpful."**

**"Thank you Officer Darby for caring and helping my father."**

 **Boost officer morale**



 **Measure satisfaction**