

SPRING 2023

PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION

BULLETIN



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Chair: Al Coghill, Chief of Police, Canonsburg Borough



DEAR MEMBERS,

We all celebrated the holiday season, and the calendar turned to a new year with the offer of hope and prosperity. But those thoughts ground to a halt just two days into 2023 with the news out of Western Pennsylvania about the murder of Brackenridge Police Chief Justin McIntire. His death in the line of duty is a reality of the dangers that police officers across the Commonwealth of Pennsylvania face every day. Chief McIntire, at age 46 and a 22-year veteran of law enforcement, made the ultimate sacrifice in service to his community. I want to offer my condolences to Chief McIntire's widow, Ashley, and their children, as they are left behind to pick up the pieces from this heinous act.

When those in law enforcement that are tasked with protecting the lives of ordinary citizens are being murdered, what kind of hope is left for the safety of the average citizens in this society? Sadly, without legislative changes, including tougher mandatory penalties for violent criminals, this will not be the last time we mourn a law enforcement brother or sister.

In other news with the Pennsylvania Chiefs of Police Association, law enforcement anticipates encountering several pieces of legislation this year:

WHEN THOSE IN LAW ENFORCEMENT THAT ARE TASKED WITH PROTECTING THE LIVES OF ORDINARY CITIZENS ARE BEING MURDERED, WHAT KIND OF HOPE IS LEFT FOR THE SAFETY OF THE AVERAGE CITIZENS IN THIS SOCIETY?

- **Mandating law enforcement to video and audio tape all custodial interviews.** This is something that we certainly don't oppose, but we would like to have some input on the language of this legislation.
- **The legalization of recreational marijuana.** If marijuana were to be legalized, we would like to see a portion of the proceeds directed toward law enforcement – which would assist law enforcement in combating the negative issues that have been experienced in other states that have already legalized marijuana.
- **Wrongful Conviction legislation and reciprocity.** We certainly don't oppose this legislation, but we would like to have some input on the language of this legislation to ensure it is not overreaching.
- **Qualified Immunity.** It is something we will continue to advocate for to ensure that police officers are protected in the performance of their duties.
- **Recruitment and retention of police officers.** The law enforcement profession needs to be incentivized to encourage those experienced officers to remain on the job and to encourage those entering the job market to pursue the noble profession.
- For the 54th year in a row, we will be supporting legislation for the **use of radar** for our municipal police officers. It's time - Pennsylvania is the only state that doesn't allow its municipal police to use radar.

In closing, I would like to say that law enforcement is a worthy profession, one I love and have dedicated 38 years of my life to. Certainly, it is not without faults. Like everyone, I saw the harrowing video out of Memphis, Tennessee. I watched the fatal beating of Tyre Nichols at the hands of multiple now ex-Memphis police officers with profound sadness. I felt shame for those men who portrayed themselves as keepers of public safety and then so blatantly betrayed their oath. This is not who we are.

Thank you for your service,

PCPA President, David Splain

DEAR MEMBERS,

The death of Tyre Nichols at the hands of police officers is disgraceful and reprehensible. The brutality suffered by Mr. Nichols and the failure of any of these individuals to intervene leaves everyone, including police officers, dismayed and outraged. Our thoughts go out to the Nichols' family and community.

Our Association does not routinely inject ourselves in matters that occur in other States; in this case our opinion is not only necessary but the appropriate thing to do. It is our obligation to reaffirm our values, our oath, our sworn duty and our responsibility for the protection and inviolability of human life.

The officers involved were dismissed from the force after an internal investigation and criminally charged in Tyre Nichols's death. There is no excuse for their actions. They have betrayed their oath of office, disgraced the law enforcement profession, and brought shame on the officers across the nation who work selflessly each day to protect their communities.

Beyond the beating, profanity and pepper spraying, the video of Tyre Nichols' deadly arrest is just as notable for what's missing — any experienced supervisors showing up to stop them. Many professionals have asked: What training did these officers receive? How much supervision does the unit have? How much experience was required for officers to participate in a specialized unit? Is anyone within the agency reviewing video to monitor the actions of its officers? What are the hiring standards? Have the hiring standards been lowered because the agency couldn't otherwise obtain quality candidates; or cannot afford to pay decent wages, etc.? Why did it appear that no one was rendering assistance? All too often staffing, training and equipment are the first victims of stressed municipal budgets.

We know that in order to run a professional agency takes money, attracting quality candidates, and retaining them once they're hired. It takes money to provide training, adequate tools, equipment and to provide supervision, auditing, and monitoring. This among many other reasons is why I argued the "defunding police" was counter-intuitive and harmful to the public's safety. The profession faces a shortage of officers and supervisors. We have witnessed an increasing number of police quitting and a struggle to bring in qualified recruits. Defunding the police is paradoxical. It is readily apparent that it is an absurd statement and/or proposition. When fully investigated or explained, it will prove to be ill fated and harmful to our public.

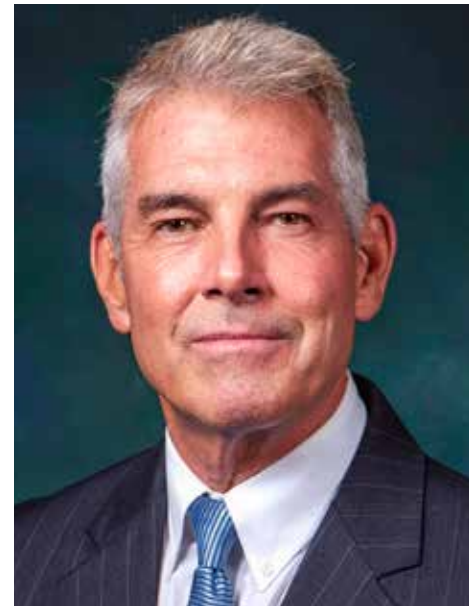
We understand that many were outraged by the actions of these officers. We want nothing more than to hold these officers accountable, but in doing so, we need to come together as one and continue to find ways to prevent such horrific things from happening in the future.

Police brutality, negligence, and the failure to render aid are reprehensible and unacceptable. The actions of these officers adversely impact all of us in the law enforcement profession who have worked so hard to gain the trust of those whom we have sworn to protect. As an Association of police leaders, we are committed to providing our members with guidance on best practices and policy. As police leaders we remain committed to emphasizing dignity and respect for all and instilling within our agencies a fundamental commitment to the preservation of human life.

Sincerely,

Scott L. Bohn

Executive Director, Pennsylvania Chiefs of Police Association



WE HAVE WITNESSED AN INCREASING NUMBER OF POLICE QUITTING AND A STRUGGLE TO BRING IN QUALIFIED RECRUITS. DEFUNDING THE POLICE IS PARADOXICAL.

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Chris Boyle's Legal Update

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

STUMP THE CHUMP

Good morning, Chris,

I was just reading *Comm. v Galloway* (2021 PA Super 218) and had a question about the vehicle search. It states that there were plenty of factors for the trooper to extend the stop beyond the Rodriguez moment and after the trooper observed a marijuana bowl in the center console, he conducted a "plain view" search and found 1575 bags of heroin in an Oreo cookie box which leads me to the two questions below in light of the mantra of "if you find something illegal during a search, stop and get a warrant for the rest of the vehicle":

1. I can see how he would be able to confiscate the bowl because it was in plain view but why wouldn't he need a warrant to search the rest of the car
2. how can heroin in an Oreo cookie box be considered plain view (unless he is Superman and has X-ray vision), when he would have to open the box to see what was inside it

Case law can be very confusing at times when one court says it's a bad search and later the same court rules on another case that all is good...or maybe it's just my rapidly diminishing IQ as I get older??

Thanks for your insight

Big John



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 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.

Big John:

You are absolutely correct in my opinion - It was an illegal search after the plain view seizure of the bowl. In fact, while the rest of the Supreme Court of Pa. denied an appeal ("No soup for you!"), Justices Wecht and Donohue dissented with Wecht writing in part:

*As for Galloway's second issue presented, although the Superior Court determined that the extended seizure was lawful, it did not then consider whether the Commonwealth's warrantless search of Difebo's vehicle was supported by probable cause and exigent circumstances, as now is required under **Commonwealth v. Alexander, 243 A.3d 177 (Pa. 2020)**. In his petition for allowance*

*of appeal, Alexander set forth a simple legal proposition: to justify a warrantless search of a vehicle, a police officer must possess probable cause that a crime has been committed and that evidence of the crime likely will be found inside the vehicle, and also must show that some exigency exists which would preclude the officer from obtaining a search warrant. Even assuming, arguendo, that Trooper McIlvaine had probable cause to search Difebo's vehicle after observing marijuana paraphernalia in plain view (though not the physical plant or odor indicating its recent use)—which is a dubious proposition in light of our recent decision in **Commonwealth v. Barr, 266 A.3d 25 (Pa. 2021)**—on this record it seems that exigent circumstances plainly*

were lacking. Trooper McIlvaine had backup support on the scene; Galloway and Difebo had been detained and handcuffed; and the vehicle was **[**25]** about to be impounded. There was nothing preventing the officer from obtaining a warrant to search the vehicle and its contents, including the sealed boxes in which the narcotics were secreted.

Galloway states succinctly that "[t]he Commonwealth set forth no exigent circumstances to justify a warrantless search," and that the Superior Court "erred by failing to apply *Alexander*." PAA at 28-29. Both assertions inarguably are true. Although the Commonwealth belatedly claimed that Trooper McIlvaine's "need to ensure his safety created an exigent circumstance that warranted an immediate search of the vehicle because [Galloway] was not restrained," Commonwealth's Superior Ct. Br. at 21, the Commonwealth never asserted exigency on those or any other grounds at the suppression hearing or in any trial court filings. And *Alexander* was decided nearly a year before the lower court's decision in this case, so it cannot be said that the panel was unaware of it. Nonetheless, the court failed to address *Alexander's* applicability to these facts. While Galloway did not proffer a full-throated merits analysis of this question in his petition, he was not required to do so at this stage. The claimed deficiencies of the Commonwealth's **[**26]** case are apparent from these minimal contentions. Finally, I note that Galloway has not waived this issue. Galloway plainly asserted that Trooper McIlvaine lacked

The trooper testified that in his experience, Philadelphia is a hub for narcotics distribution, with many drug dealers buying heroin there, since it is better quality heroin, and then driving the heroin **[4]** to another area to sell it for a profit. Trooper McIlvaine testified that he believed he had a reasonable suspicion of criminal activity ...**

even reasonable suspicion for the prolonged detention, so he could not have satisfied Alexander's dual requirements in any event. See Motion to Suppress, 2/25/2020, ¶ 7. Of course, as the prevailing party at the suppression hearing, Galloway bore no burden of preservation before the Superior Court, so that court's failure to address Alexander, which the Commonwealth had invoked in an effort to distinguish Galloway's circumstances, is inexplicable. Having lost before the suppression court, it was the Commonwealth's burden to affirmatively demonstrate exigency on appeal. On this record, it probably could not.

I surely do not savor siding with the dark side of the force, but I think the search was illegal under *Alexander*. Here's the whole underlying case if you are interested in what Big John and I are talking about:

Commonwealth v. Galloway, 265 A.3d 810 (Nov. 2, 2021)

The Commonwealth appeals¹ order granting the pre-trial suppression motion filed by Appellee, David Galloway. After careful review, we

reverse the suppression order and remand for proceedings consistent with this opinion.

The suppression court summarized the relevant facts of this case as follows:

On the evening of December 24, 2018, Trooper Luke McIlvaine of the Pennsylvania State Police ("PSP"), while working **[*812]** highway patrol on Interstate 95 Southbound, pulled over a Black Honda Civic bearing Delaware license number 541852 for traveling 64 mph in a 55 mph zone. The Trooper was **[**2]** working as part of a holiday evening enforcement unit, during which troopers stop many vehicles for traffic violations during busy holiday travel times to create a visible presence on the highway as a message to motorists. While Trooper McIlvaine was conducting the traffic stop, the dashcam video picked up a car in the left bound passing lane passing the trooper and [Appellee's] vehicles at a high rate of speed, and the trooper did not pull over that vehicle. Because of the location of the stop, Trooper McIlvaine approached the passenger side window of the vehicle so that he

continued on next page

was not dangerously close to traffic. As Trooper McIlvaine approached, he noticed two occupants in the vehicle, a driver, John DeFebo, and Appellee sitting in the passenger seat. Trooper McIlvaine noticed that Appellee appeared nervous, as [Appellee] was not making eye contact with him, allowing ash from the cigarette he was smoking to fall on him, and [Appellee] was sweating profusely. [Trooper McIlvaine] testified that Appellee sweating was suspicious because it was a very cold December evening. Trooper McIlvaine notified the driver of the reason for the stop and took the driver's license, registration, and [**3] proof of insurance. The trooper also asked for Appellee's identification, which Appellee said he did not have on him. Trooper McIlvaine asked for Appellee's name, date of birth, and social security number, to ascertain his identification. The check of the driver's information showed that he was the proper owner of the vehicle, his license was not suspended, and he did not have any outstanding warrants. Trooper McIlvaine informed the driver that he would be letting the driver off with a warning on the speeding violation and that he would be free to leave shortly. Notably, however, Trooper McIlvaine never returned the driver's license, registration, nor proof of insurance. The trooper continued to question the driver and [Appellee] over where they were driving from, what they were doing, and the reason that [Appellee] was sweating so much. Both the driver and [Appellee] told the trooper that they had just come from Philadelphia, where they got cheesesteaks at Ishkabibble's on South Street. The trooper testified that in his experience, Philadelphia is a hub for narcotics distribution,

with many drug dealers buying heroin there, since it is better quality heroin, and then driving the heroin [**4] to another area to sell it for a profit. Trooper McIlvaine testified that he believed he had a reasonable suspicion of criminal activity and intended to request a dog sniff, though he never followed up with the request. He asked [Appellee] to step out of the car, and when [Appellee] did so, the trooper noticed a marijuana bowl in the center console of the car in plain view. Trooper McIlvaine then conducted a vehicle search and found 1,575 bags of suspected heroin/fentanyl in an Oreo cookie box on the floor of the passenger side. The trooper arrested the driver and [Appellee] and read them Miranda² warnings.

Suppression court opinion, 1/25/21 at 1-3 (citations to notes of testimony and footnote omitted).

Appellee was subsequently charged with possession with intent to deliver a controlled substance (PWID), possession of a controlled substance, and possession of [**813] drug paraphernalia.³ On February 25, 2020, Appellee filed a pre-trial motion to suppress the contraband found in the vehicle, arguing that "[t]he prolonged nature of the detention was illegal in that it went well beyond the reason for the traffic stop itself . . . and was not supported by a reasonable suspicion[.]" See Motion to [**5] Suppress, 2/25/20 at ¶ 7. On September 11, 2020, the suppression court conducted a hearing on Appellee's motion, during which Trooper McIlvaine testified. Following the hearing, the suppression court granted Appellee's suppression motion on October 16, 2020. This timely appeal followed.⁴

The Commonwealth raises the following issues for our review:

1. Did the [suppression] court err by concluding that the traffic stop ended when Trooper McIlvaine informed the driver he planned to issue a warning?
2. Did the [suppression] court err by concluding that the trooper lacked reasonable suspicion to conduct an investigative detention beyond the initial traffic stop?
3. Did the trooper have probable cause and exigent circumstance to search the vehicle without a warrant?
4. Alternatively, after he observed the marijuana bowl in plain view . . . Trooper McIlvaine had probable cause to obtain a search warrant. Because he could have obtained a warrant, would the suppressed evidence have inevitably been discovered?

Commonwealth's brief at 2-3.

HN1 Our standard of review in addressing a suppression court's order granting a suppression motion is well settled.

When the Commonwealth appeals from a suppression order, [**6] we follow a clearly defined standard of review and consider only the evidence from the defendant's witnesses together with the evidence of the prosecution that, when read in the context of the entire record, remains uncontradicted. The suppression court's findings of fact bind an appellate court if the record supports those findings. The suppression court's conclusions of law, however, are not binding on an appellate court, whose duty is to

determine if the suppression court properly applied the law to the facts.

Our standard of review is restricted to establishing whether the record supports the suppression court's factual findings; however, we maintain de novo review over the suppression court's legal conclusions.

Commonwealth v. Korn, 2016 PA Super 109, 139 A.3d 249, 253-254 (Pa.Super. 2016) (internal citations and quotation marks omitted), appeal denied, 639 Pa. 157, 159 A.3d 933 (Pa. 2016).

demonstrate ascending levels of suspicion to justify their interactions with citizens to the extent those interactions compromise [**7] individual liberty." *Commonwealth v. Reppert*, 2002 PA Super 383, 814 A.2d 1196, 1201 (Pa.Super. 2002) (citation omitted). This court has recognized three types of interactions between members of the public and the police:

The first of these is a "mere encounter" (or request for information) which need not be supported by any level of suspicion, but carries no official compulsion to

lawfully seized, either by means of an investigative detention or a custodial detention, unless the police possess the requisite level of suspicion.

In the instant matter, the suppression court found that Trooper McIlvaine lacked reasonable suspicion to continue to detain Appellee following the initial traffic stop. Suppression court opinion, 1/25/21 at 5-6. The suppression court concluded that "at the moment Trooper McIlvaine told the occupants he would give them a warning, the [**8] traffic stop ended and [his] initial suspicion d[id] not justify the prolonged questioning and detention of [Appellee]." *Id.* The suppression court further opined:

This was a simple, low level speeding offense that was not investigable outside the initial stop, license check, and either the issuing of a ticket or giving of a warning. This Court believes that Trooper McIlvaine was not presented with sufficient particularized facts to constitute the reasonable suspicion required to continue detaining [the driver] and [Appellee] passed the point of writing a speeding ticket or issuing a warning.

Id. at 10.

The Commonwealth contends that the suppression court erred in concluding that Trooper McIlvaine's interaction with Appellee during the traffic stop transitioned into an unlawful investigative detention. Commonwealth's brief at 10-14. The Commonwealth maintains that "[u]p until Trooper McIlvaine removed [Appellee] from the vehicle to request a dog sniff, Trooper McIlvaine was reasonably investigating a traffic stop after

This was a simple, low level speeding offense that was not investigable outside the initial stop, license check, and either the issuing of a ticket or giving of a warning. This Court believes that Trooper McIlvaine was not presented with sufficient particularized facts to constitute the reasonable suspicion required to continue detaining [the driver] ...

HN2 "Both the Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution guarantee an individual's freedom from unreasonable searches and seizures." *Commonwealth v. Bostick*, 2008 PA Super 233, 958 A.2d 543, 550 (Pa.Super. 2008) (citation and internal quotation marks omitted), appeal denied, 604 Pa. 702, [**814] 987 A.2d 158 (Pa. 2009). "To secure the right of citizens to be free from such intrusions, courts in Pennsylvania require law enforcement officers to

stop or to respond. The second, an "investigative detention" must be supported by a reasonable suspicion; it subjects a suspect to a stop and a period of detention, but does not involve such coercive conditions as to constitute the functional equivalent of an arrest. Finally, an arrest or "custodial detention" must be supported by probable cause.

Commonwealth v. Way, 2020 PA Super 220, 238 A.3d 515, 518 (Pa. Super. 2020) (citation omitted). Thus, pursuant to the Fourth Amendment, a person may not be

continued on next page

witness[ing] the vehicle speeding[,] and developed the requisite level of suspicion, based on the totality of the circumstances, "to extend the stop further to investigate [**9] criminal activity." Id. at 15.

HN3 It is well settled in this Commonwealth that,

[a] police officer may detain an individual in order to conduct an investigation if that officer reasonably suspects that the individual is engaging in criminal conduct. This standard, less stringent than probable cause, is commonly known as reasonable suspicion. In order to determine whether the police officer had reasonable suspicion, the totality of the circumstances must be considered. In making this determination, we must give due weight ... to the specific reasonable inferences [the police officer] is entitled to draw from the facts in light of his experience. Also, the totality of the circumstances test does not limit our inquiry to an examination of only those facts that clearly indicate criminal [*815] conduct. Rather, even a combination of innocent facts, when taken together, may warrant further investigation by the police officer.

Commonwealth v. Rogers, 578 Pa. 127, 849 A.2d 1185, 1189 (Pa. 2004).

In Rodriguez v. United States, 575 U.S. 348, 135 S. Ct. 1609, 191 L. Ed. 2d 492 (2015), the United States Supreme Court examined the permissible scope of an officer's investigation during a traffic stop. The Rodriguez Court reasoned:

A seizure for a traffic violation justifies a police investigation of that violation. HN4 A relatively brief encounter, a routine traffic stop [**10] is more analogous to a so-called Terry [v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968)] stop ... than to a formal arrest. Like a Terry stop, the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's mission — to address the traffic violation that warranted the stop and attend to related safety concerns. Because addressing the infraction is the purpose of the stop, it may last no longer than is necessary to effectuate th[at] purpose. Authority for the seizure thus ends when tasks tied to the traffic infraction are — or reasonably should have been — completed.

Rodriguez, 575 U.S. at 354 (citations and internal quotation marks omitted).

HN5 The Rodriguez Court recognized that police officers may conduct certain unrelated checks during an otherwise lawful traffic stop, provided they "not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual." Id. at 372.

More recently, the Pennsylvania Supreme Court recognized in In Interest of A.A., 649 Pa. 254, 195 A.3d 896 (Pa. 2018), that a police officer may use information gathered during an initial traffic stop to justify a second investigatory detention, regardless of whether the officer has indicated at some point during the initial stop that the subject is free to leave. Id. at 898. In reaching this conclusion, [**11] the A.A. Court reaffirmed this court's decision in Commonwealth v. Kemp, 2008 PA Super 274, 961 A.2d 1247 (Pa.Super. 2008) (en banc), noting that the "totality of the circumstances approach allows the court to consider all facts at the officer's disposal and does not require the court to disregard those adduced during a valid ... traffic stop." A.A., 195 A.3d at 907 (citation omitted). HN6 The A.A. Court further explained that:

[T]he totality of the circumstances test, by its very definition, requires that the whole picture be considered when determining whether the police possessed the requisite cause to stop appellant.

...

[W]e confirm that 'all relevant facts' and the 'whole picture' necessarily includes any information learned by a police officer during an initial lawful traffic stop, irrespective of

It is well settled in this Commonwealth that Trooper McIlvaine was warranted to use information gathered during his initial traffic stop to justify a second investigatory detention, irrespective of the fact that he informed the occupants of the vehicle that they would be free to leave shortly.

whether or not the officer suggests at some point during that stop that the subject of the stop is free to leave or tells him or her to 'have a good night.'

Id. at 909-910 (citation and internal quotation marks omitted; emphasis in original).

Likewise, in *Rogers*, our Supreme Court held that a trooper had reasonable suspicion to continue to detain a defendant beyond the initial traffic stop, where the defendant, inter alia, was extremely nervous and shaking; gave vague answers to the trooper's questions; [**12] and his vehicle contained supplies which the trooper knew from experience were used in the packaging and distribution of narcotics. *Rogers*, 849 A.2d at 1189-1190. HN7 The *Rogers* Court acknowledged that although there could be [*816] innocent explanations for these circumstances, "reasonable suspicion does not require that the activity in question must be unquestionably criminal before an officer may investigate further[, but rather] requires a suspicion of criminal conduct that is reasonable based upon the facts of the matter." Id. at 1190 (emphasis omitted).

Similarly, in the instant matter, our review of the record does not support the suppression court's conclusion that Appellee was subjected to an unlawful investigative detention when Trooper McIlvaine continued to question Appellee after informing the driver that he planned to issue him a warning and he could leave shortly. Viewing the totality of the circumstances, we conclude that Trooper McIlvaine possessed the requisite reasonable suspicion to extend the traffic stop to investigate his concerns that Appellee and the

driver were engaged in criminal activity.

The record reflects that the evening of December 24, 2018, Appellee was a passenger in a vehicle stopped by Trooper McIlvaine [**13] for traveling 64 m.p.h. in a 55-m.p.h. zone on the I-95 corridor between Delaware and Philadelphia. Notes of Testimony, 9/11/20 at 10, 35. Trooper McIlvaine testified that upon approaching the vehicle, he notified the driver of the reason for the stop and requested his license, registration, and proof of insurance. Id. at 15-16, 38. Trooper McIlvaine also requested Appellee's identification, but Appellee indicated he did not have it in his possession. Id. at 16-17, 40-41. Thereafter, Trooper McIlvaine took Appellee's name, date of birth, and social security number to properly identify him. Id. at 40.

Trooper McIlvaine testified that when the driver handed over his documentation, "his hand was trembling and he could barely give [him] the information." Id. at 16. Trooper McIlvaine also testified that Appellee appeared "extremely nervous" during this encounter, "was closed, away from me" with "his head down," and was "sweating profusely." Id. at 16, 24, 40-41. Trooper McIlvaine opined that he found Appellee's profuse sweating suspicious because it was a very cold, December evening. Id. at 23-24. Trooper McIlvaine further noted that Appellee would not make eye contact with him and allowed [**14] the ash from the cigarette he was smoking to fall on his lap, instead of out the window. Id. at 16, 24.

Trooper McIlvaine also informed the driver at the time that they were conducting holiday enforcement and he planned to issue him a

warning for speeding and that they would be free to leave shortly. Id. at 38-39.

Trooper McIlvaine testified that at this point, he requested the driver exit his vehicle and sit on the guardrail near the passenger side window of the patrol cruiser, while Trooper McIlvaine sat in the driver seat and processed his documentation. Id. at 17-18, 44-45. Trooper McIlvaine stated that he conducts traffic stops in this manner for his own safety and so that he can hear over the loud highway. Id. Appellee, in turn, remained in the passenger seat of the driver's vehicle. Id. at 18. Trooper McIlvaine's subsequent check of the driver's documentation revealed that he was the proper owner of the vehicle, his license was not suspended, and he did not have any outstanding warrants. Id. at 20, 39. Trooper McIlvaine also testified that after running Appellee's information, he learned that his license was suspended and he "had a lengthy criminal history involving drug dealing, [**15] [PWID] out of the state of Delaware." Id. at 21, 23.

We acknowledge that at this point in the interaction Trooper McIlvaine had accomplished the "seizure's mission" in addressing the traffic violation that had warranted the initial stop. See *Rodriguez*, 575 U.S. at 354. [*817] Nonetheless, we conclude that this interaction seamlessly transitioned into a second, investigative detention whereby Trooper McIlvaine sought to ask additional questions of Appellee on account of his reasonable suspicion "[t]hat there's probably some type of criminal activity going on." Notes of Testimony, 9/11/20 at

continued on page 19



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24. Here, when Trooper McIlvaine extended the traffic stop by approaching Appellee to question him, he was aware of the following relevant facts:

Trooper McIlvaine testified that he has conducted over a 1,000 traffic stops on the I-95 corridor and has personally made over 175 narcotics-related arrests. *Id.* at 8. Trooper McIlvaine acknowledged that this stretch of I-95 was well known to be used for narcotics trafficking, whereby individuals purchase high-quality narcotics in Philadelphia that can be sold at significantly higher costs out of state. *Id.* at 30-32.

As discussed, Trooper McIlvaine also personally observed Appellee's extremely [**16] nervous and evasive behavior during the initial stop, see *id.* at 16, 23-24, 40-41, and was aware of "his lengthy criminal history involving [PWID] narcotics" in Delaware. *Id.* at 19. Trooper McIlvaine testified that the driver's and Appellee's behavior was "completely out of the norm from what [he] see[s] on normal traffic stops." *Id.* at 24. Trooper McIlvaine stated:

I've never -- I've never seen people that nervous before and they've had large amount of drugs. So, a passenger in the vehicle should never be that nervous. He's not in trouble for anything. You know what I mean? The guy was stopped for speeding. I told him he was going to get a warning. Normally, a person who's going to get a warning, they become less nervous. Like, oh, I don't have to pay a ticket, thank God. Both occupants were nervous the whole traffic stop, which is way out of the ordinary.

Id. at 32

Moreover, Trooper McIlvaine had been provided dubious answers as to why Appellee and the driver had travelled to Philadelphia. The record reflects that while Trooper McIlvaine was verifying the driver's information, the driver told him that he and Appellee had traveled from Delaware to Philadelphia to get cheesesteaks. *Id.* [**17] at 19, 45-46. Trooper McIlvaine further testified that the driver stated that he could not afford a speeding ticket. *Id.* at 19, 47. Trooper McIlvaine opined that he found it unusual for someone who is struggling financially to drive from Delaware to Philadelphia, pay for parking, and purchase a cheesesteak on Christmas Eve. *Id.* at 19, 32. Appellee, in turn, initially told Trooper McIlvaine that they went to Philadelphia to Christmas shop and did not say anything about cheesesteaks until after Trooper McIlvaine observed the driver on his cell phone as he was speaking with Appellee, which led him to infer that the occupants were communicating to get their stories straight. *Id.* at 21-24, 32.

It is well settled in this Commonwealth that Trooper McIlvaine was warranted to use information gathered during his initial traffic stop to justify a second investigatory detention, irrespective of the fact that he informed the occupants of the vehicle that they would be free to leave shortly. See *A.A.*, 195 A.3d at 909-910; see also *Rogers*, 849 A.2d at 1190.

Based on the foregoing facts of record, we conclude that Trooper McIlvaine had reasonable suspicion that Appellee was engaged in criminal activity sufficient to warrant

a second, investigative [**18] detention.⁵

[*818] Accordingly, we find that the suppression court erred in granting Appellee's pre-trial suppression motion, reverse the suppression court's October 16, 2020 order, and remand this case for trial.

Order reversed. Case remanded for trial. Jurisdiction relinquished.

Judgment Entered.

Date: 11/02/2021

Footnotes

Former Justice specially assigned to the Superior Court.

1 The Commonwealth certified, pursuant to Pa.R.A.P. 311(d), that the suppression court's October 16, 2020 order will terminate or substantially handicap the prosecution.

2 *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

3 35 P.S. §§ 780-113(a)(30),(a)(16), and (a)(32), respectively.

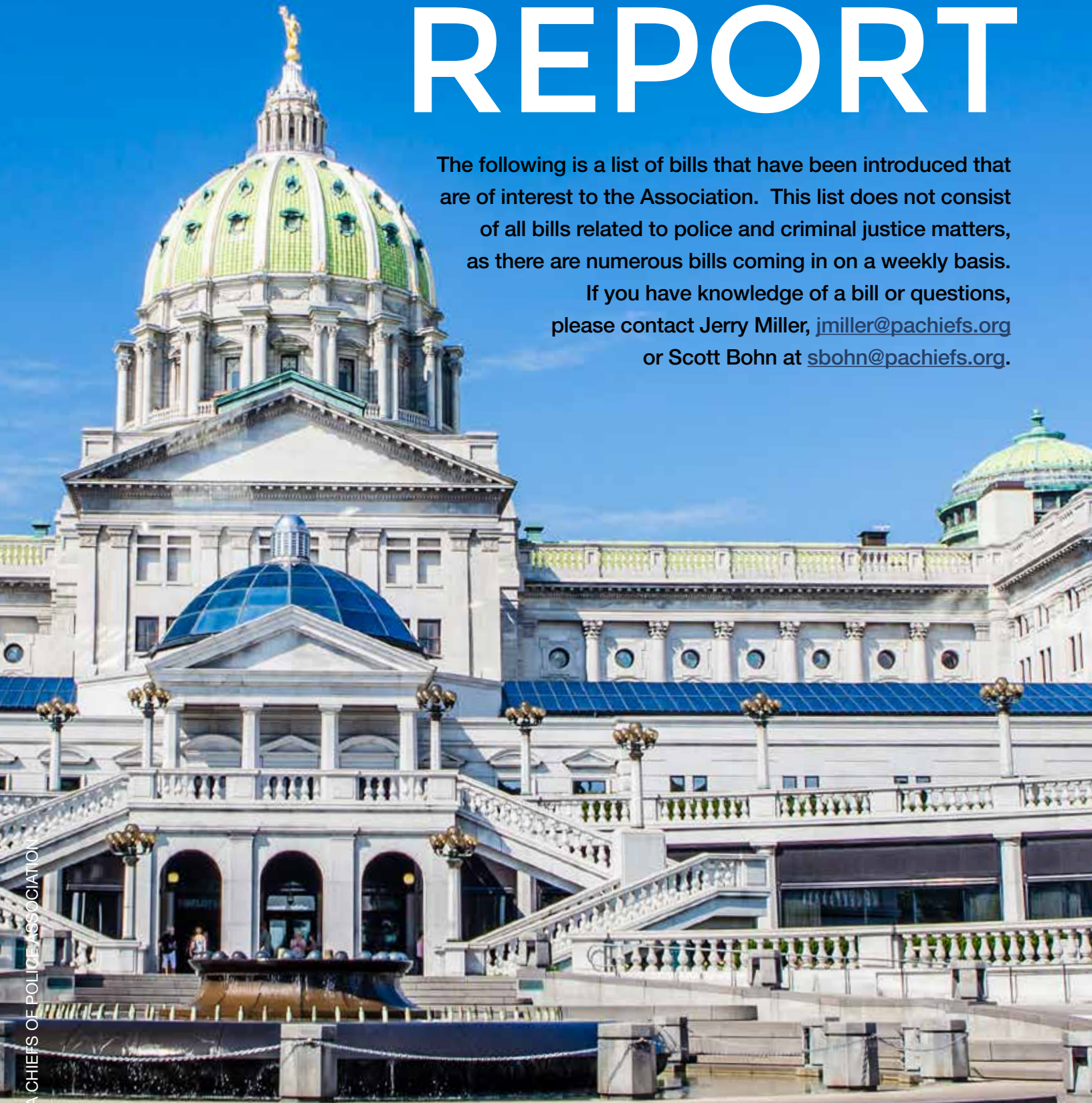
4 The record reflects that the suppression court ordered the Commonwealth to file a concise statement of errors complained of on appeal, in accordance with Pa.R.A.P. 1925(b), on November 19, 2020. The Commonwealth filed its timely Rule 1925(b) statement on December 3, 2020, and the suppression court filed its Rule 1925(a) opinion on January 25, 2021.

5 Considering our disposition, we need not address the Commonwealth's remaining claims.

LEGISLATIVE REPORT

The following is a list of bills that have been introduced that are of interest to the Association. 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 or Scott Bohn at sbohn@pachiefs.org.



Bills Tracked Report for the 2023-2024 Regular Session

SB 48 **Hughes, Vincent(D) (Philadelphia)** **Amends Title 18 (Crimes & Offenses), in inchoate crimes, for prohibited offensive weapons; in assault, for discharge of firearm; in firearms, for persons not to possess, use, manufacture, control, sell or transfer firearms.**

Remarks: Legislation would address the lack of safeguards in untraceable and undetectable firearms, "ghost guns".

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 53 **Hughes, Vincent(D)(Philadelphia)** **Amends Title 18 (Crimes & Offenses), in inchoate crimes, providing for the offense of possession of firearm or other dangerous weapon in public recreation area.**

Remarks: Would prohibit firearms or other dangerous weapons in public recreation areas.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 56 **Hughes, Vincent(D)(Philadelphia)** **Amends Title 18 (Crimes & Offenses), in firearms and other dangerous articles, further providing for licenses.**

Remarks: Requiring a Firearms Safety or Training Course as a Condition of Obtaining a Concealed Carry Permit.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 57 **Hughes, Vincent(D)(Philadelphia)** **Amends Title 18 (Crimes & Offenses), in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms.**

Remarks: Adding Additional Disqualifying Criminal Convictions to the Uniform Firearms Act.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 59 **Hughes, Vincent(D)(Philadelphia)** **Act providing for the establishment and funding of a center to conduct research on gun violence in this Commonwealth.**

Remarks: Legislation would establish a research center for gun violence will be established in the Commonwealth. The Center for Gun Violence's mission will be to conduct independent academic research on gun violence and provide policymakers with scientific evidence to develop sound, nonpartisan gun violence prevention policies and programs.

Last Action: 1-19-23 S Introduced and referred to committee on Senate State Government

SB 60 **Hughes, Vincent(D)(Philadelphia)** **Amends Title 18 (Crimes & Offenses), in firearms and other dangerous articles, further providing for sale or transfer of firearms; and abrogating a regulation.**

Remarks: This legislation eliminates most of the exceptions to the requirement of a background check prior to the purchase or transfer of a firearm. The close familial transfer exception to the background check requirements would remain under this legislation.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

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SB 63 **Kearney, Timothy(D)(Delaware)** **Amends Titles 18 (Crimes & Offenses) and 42 (Judiciary), in assault, further providing for the offense of ethnic intimidation; and making an editorial change.**

Remarks: legislation protects anyone from the crime of hate-based intimidation based on race, color, religion, or national origin, and adds those same protections for hate-based intimidation based on ancestry, sex, gender or gender identity, sexual orientation, intellectual disability, physical or sensory disability or behavioral or mental health

Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary

SB 65 **Haywood, Arthur(D)(Montgomery)** **Amends Title 18 (Crimes & Offenses), 23 (Domestic Relations), & 34 (Game), in firearms, further providing for persons not to possess, use, sell, or transfer firearms, providing for firearm eligibility license.**

Remarks: Legislation that requires an individual to obtain a firearm eligibility license prior to purchasing a gun. Creates a new firearm eligibility license within the Pennsylvania Crimes Code, mirroring requirements for a license to carry – on a form prescribed by the State Police, the Sheriff, or the Chief of Police (in Philadelphia).

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 66 **Hughes, Vincent(D)(Philadelphia)** **Act providing for the adoption of a Statewide model policy related to the prevention of excessive force by law enforcement officers and school security personnel.**

Remarks: Would create a more explicit and just standard for the use of force by police. Included in the standard would be: Requiring the exhaustion of all reasonable alternatives before using force; Requiring the use of force be reported, including when force has been threatened but not used; Banning chokeholds and strangleholds; Establishing a use of force continuum that limits the type of force and weapons that can be used for specific types of resistance; Requiring the use of de-escalation measures prior to the use of force; Establishing a duty to intervene and stop excessive force by another officer, as well as immediately reporting incidents to a supervisor; Banning shooting at a moving vehicle; and, Requiring a warning be given prior to the use of fatal force.

Last Action: 1-18-23 S Introduced and referred to committee on Senate Law and Justice

SB 78 **Hughes, Vincent(D)(Philadelphia)** **Amends Title 18 (Crimes and Offenses), in falsification and intimidation, further providing for false reports to law enforcement authorities.**

Remarks: Legislation makes it a misdemeanor of the first degree when an individual reports “criminal activity” based solely on the race or ethnicity of another individual, the individual will have committed the crime of making false reports to law enforcement.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 79 **Hughes, Vincent(D)(Philadelphia)** **Amends Title 46 (Legislature), providing for racial impact statements in consideration of legislation.**

Remarks: Would allow a member of the General Assembly to request a racial impact statement on any piece of legislation that proposes changes to the criminal offenses or sentencing laws in the Commonwealth. A racial impact statement would be another tool that would help the General Assembly make more informed decisions prior to casting a vote on a bill. The racial impact statement would describe the potential impact the proposed legislative changes would have on the racial and ethnic composition of our criminal offender population and/or the juvenile court system.

Last Action: 1-19-23 S Introduced and referred to committee on Senate State Government

SB 82 **Phillips-Hill, Kristin(R)(York)** **Amends the Dog Law, in licenses, tags and kennels, further providing for transfer of dog licenses or tags and other licensing requirements and for service dogs and dogs used by municipal or State Police departments.**

Remarks: Providing license fee exemptions to any person who uses a service dog for aid, any municipal or state police department or agency using a dog in the performance of the functions or duties of such a department or agency, further requires applications to waive license fees to include an official letter from a police chief, fire chief, sheriff or director or authorized agent of the department and evidence that the dog is a service dog.

Last Action: 1-13-23 S Introduced and referred to committee on Senate Agriculture and Rural Affairs

- SB 87** **Brooks, Michele(R)(Mercer)** **Amends Title 42 (Judiciary & Judicial Procedure), in criminal proceedings, further providing for other offenses.**
- Remarks: Legislation that will extend the statute of limitations for prosecuting crimes involving a drug delivery that resulted in death.
- Last Action: 1-18-23 S Introduced and referred to committee on Senate Judiciary
- SB 88** **Muth, Katie(D)(Montgomery)** **Amends Title 18 (Crimes & Offenses), in human trafficking, further providing for victim protection during prosecution.**
- Remarks: Legislation that will provide greater access to post conviction relief for victims of human trafficking.
- Last Action: 1-18-23 S Introduced and referred to committee on Senate Judiciary
- SB 110** **Stefano, Patrick(R)(Fayette)** **Amends Title 18 (Crimes and Offenses), in general principals of justification, further providing for definitions.**
- Remarks: Legislation would extend the self-defense protections afforded by castle doctrine beyond an individual's dwelling to their property line.
- Last Action: 1-18-23 S Introduced and referred to committee on Senate Judiciary
- SB 113** **Langerholc, Wayne(R)(Cambria)** **Amends Title 18 (Crimes and Offenses). in assault, providing for the offense of hate crimes against law enforcement officers and first responders.**
- Remarks: Amends Title 18 (Crimes and Offenses), in assault, establishing the offense of hate crimes against law enforcement officers and first responders.
- Last Action: 1-13-23 S Introduced and referred to committee on Senate Judiciary
- SB 117** **Ward, Judy(R)(Blair)** **Amends the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sale of malt or brewed beverages by liquor licensees, for wine expanded permits and for retail restrictions on**
- Remarks: Would improve consumer access to wine and beer at grocery stores, restaurants and other alcohol retail locations.
- Last Action: 1-18-23 S Introduced and referred to committee on Senate Law and Justice
- SB 120** **Phillips-Hill, Kristin(R)(York)** **Amends Title 75 (Vehicles), in rules of the road in general, further providing for special speed limitations.**
- Remarks: Legislation amends the statute to permit the establishment of enforceable school zone speed limits during the hours that students are normally going to and from school, even if students are not permitted to walk to and from the school.
- Last Action: 1-18-23 S Introduced and referred to committee on Senate Transportation
- SB 135** **Street, Sharif(D)(Philadelphia)** **Amends Titles 18 (Crimes & Offenses), 42 (Judiciary), 61 (Prisons & Parole), in authorized disposition of offenders, further providing for sentence of persons under the age of 18 for murder, murder of an unborn child and murder of police.**
- Remarks: would make it possible for those sentenced to life imprisonment to eventually have an opportunity to be reviewed for parole in Pennsylvania.
- Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary

SB 145 Brewster, Jim(D)(Allegheny) Amends **Titles 3 (Municipalities Generally) and 75 (Vehicles), providing for the Municipal Police Recruitment and Retention Program and establishing the Municipal Police Recruitment and Retention Program Fund.**

Last Action: 1-30-23 S Introduced and referred to committee on Senate Law and Justice

SB 159 Langerholc, Wayne(R)(Cambria) Amends **Title 18 (Crimes and Offenses), in assault, providing for the offense of unauthorized use of an electronic tracking device; and providing for penalties.**

Remarks: Protects individuals from the unauthorized use of an electronic tracking device, such as the Apple AirTag.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 166 Tartaglione, Christine(D)(Philadelphia) Amends **Title 75 (Vehicles), in general provisions, further providing for definitions.**

Remarks: Adding a vehicle owned and operated by the Salvation Army and used for emergency disaster services to the definition of emergency vehicle.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Transportation

SB 170 Baker, Lisa(R)(Luzerne) Amends **Titles 18 (Crimes & Offenses), and 42 (Judiciary), in criminal history record info, further providing for juvenile records; and, in juvenile matters, providing for powers and duties of probation officers.**

Last Action: 1-30-23 S Introduced and referred to committee on Senate Judiciary

SB 197 Bartolotta, Camera(R)(Washington) Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for pardoning power and Board of Pardons.

Remarks: Legislation would replace the unanimous vote requirement with a requirement that four-fifths of the Board of Pardons vote in favor of a commutation or pardon for offenders serving a sentence of life imprisonment or death.

Last Action: 1-19-23 S Introduced and referred to committee on Senate Judiciary

SB 204 Fontana, Wayne(D)(Allegheny) Amends **Title 42 (Judiciary and Judicial Procedure), in actions, proceedings and other matters generally, providing for extreme risk protection orders.**

Remarks: legislation would establish a system in our Commonwealth for the implementation of Extreme Risk Protection Orders. An ERPO grants family members and law enforcement the ability to petition a court to temporarily suspend an individual's access to firearms if there is documented evidence that an individual is a threatening harm to themselves or others. The person subject to that order must surrender their guns to police and will not be able to buy, sell, or possess other firearms with a judge determining the time frame of this suspension not to exceed one year.

Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary

SB 210 Brooks, Michele(R)(Mercer) Amends **the Right-to-Know Law, in preliminary provisions, further providing for definitions; in procedure, further providing for written requests; and, in judicial review, further providing for fee limitations.**

Remarks: Legislation would allow, not require, an agency to charge a commercial purpose requester additional fees for the search, retrieval, review, redaction and duplication of records. The fees shall be calculated at no more than the hourly wage of the lowest-paid public employee of the agency who is capable of completing such a request.

Last Action: 1-19-23 S Introduced and referred to committee on Senate State Government

- SB 212 Mastriano, Doug(R)(Franklin)** **Amends Title 18 (Crimes and Offenses), in firearms and other dangerous articles, further providing for the Firearms License Validation System.**
- Remarks: legislation will amend Title 18 to clarify that information from the Firearms License Validation System may not be provided to personnel in another state that has NOT entered into a reciprocity agreement with the Commonwealth of Pennsylvania.
- Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary
- SB 220 Hughes, Vincent(D)(Philadelphia)** **Amends Title 18 (Crimes and Offenses), in firearms and other dangerous articles, further providing for the offense of sale or transfer of firearms.**
- Remarks: amends the Uniform Firearms Act ("UFA") to impose strict civil and criminal liability on any person, licensed importer, licensed dealer or licensed manufacturer who knowingly and intentionally sells, delivers or transfers a firearm in violation of the UFA if that gun is subsequently used in a crime or attempted crime.
- Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary
- SB 221 Hughes, Vincent(D)(Philadelphia)** **Amends Title 23 (Domestic Relations), in protection from abuse, further providing for definitions and for relief.**
- Remarks: bill amends Title 23 to allow a judge to order a defendant to wear an electronic monitoring device if a defendant is found, by a judge, to present a substantial risk of violating a protection from abuse order. This would not be a mandatory requirement; it would be another option for relief a judge can order.
- Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary
- SB 235 Mastriano, Doug(R)(Franklin)** **Amends Title 18 (Crimes and Offenses), in criminal homicide, providing for the offense of fentanyl delivery resulting in death.**
- Remarks: an individual who sells or engages in a monetary transaction to distribute fentanyl resulting in a death would face a mandatory minimum 25-year sentence upon conviction
- Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary
- SB 291 Kearney, Timothy(D)(Delaware)** **Amends Title 42 (Judiciary and Judicial Procedure), in commencement of proceedings, providing for execution of warrants.**
- Remarks: in commencement of proceedings, providing for standards when law enforcement executes a search warrant to include body camera requirements, physical knocks and announcements, uniform requirements; provides for training; further establishes sanctions for violations of standards for the execution of warrants.
- Last Action: 1-31-23 S Introduced and referred to committee on Senate Judiciary
- SB 332 Street, Sharif(D) (Philadelphia)** **Amends Title 53 (Municipalities Generally), in employees, providing for use of force and deadly force policy for law enforcement agencies; and making an editorial change.**
- Remarks: Prohibiting the Use of Chokeholds by Those in Law Enforcement
- Last Action: 2-14-23 S Introduced and referred to committee on Senate Judiciary
- SB 355 Dush, Cris (F)(R)(Jefferson)** **Amends the Right-to-Know Law, in judicial review, providing for criminal penalty.**
- Remarks: providing a person commits an offense if the person intentionally and unlawfully alters, destroys, conceals, removes, or otherwise impairs the verity or availability of any record for which a request has been made under this act; offenses under the provisions are felonies of the third degree.
- Last Action: 2-10-23 S Introduced and referred to committee on Senate State Government



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OFFICER-OPERATED REPORTING

Officer collects info at reportable and non-reportable crashes.



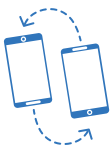
OFFICER-GUIDED REPORTING

Citizens exchange info while officer investigates and clears crash scene.



REMOTE-START REPORTING

Citizens start crash report in advance of officer arrival on scene.



CITIZEN SELF REPORTING

When no officer is on scene of minor crash, and citizens exchange info.

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Results, Not Solutions.

The Pennsylvania Chiefs of Police Association's PLEAC Accreditation has been the gold standard for law enforcement throughout the Commonwealth for over 20 years. Based on established standards that reflect best practices in law enforcement, PLEAC accreditation has been a means for agencies to voluntarily demonstrate their commitment to excellence, operate more professionally, and promote transparency and trust in their community. However, accreditation is no longer an option, it is an expectation set by our progressive colleagues and the citizens we serve. The goal is clear, achieve accreditation. And yet only 11.94% of the Commonwealth's 1,231 law enforcement entities are accredited.

The Problem with Solutions

There are plenty of solutions to achieve accreditation. The Pennsylvania Chief of Police Association provides guidance to assist with the accreditation process through the development of manuals and the creation and maintenance of a sample assessment. Accredited agencies and those seeking accreditation throughout the Commonwealth have come together to form the Pennsylvania Police Accreditation Coalition (PPAC) "which serves as a network for member agencies to encourage communication and cooperation, provide mutual support, and share member agency directives/regulations". And various companies, both local and national, offer "solutions" to achieve accreditation. And still, after over 20 years, only 147 agencies within the Commonwealth have achieved accredited status. The solutions are plentiful; however, the outcomes vary. A few achieve accreditation while others find themselves with accreditation-compliant policies and practices for years and are unable to cross the finish line.

The Difference Between Solutions and Results

Solutions without action aren't solutions at all, they are noise. When it comes to accreditation, what sets Aspirant Consulting Group (ACG) apart from other providers is that we offer results, not just solutions. This might seem like wordplay, but when your agency is preparing for its onsite assessment, the difference is monumental. Our process is simple, and our results are proven.

The Start - Learning Your Agency and Building Relationships

Call us old-fashioned, but we prefer in-person meetings and handshakes to video calls. Because of this, our accreditation services start with an in-person visit to your agency. Getting to know you and your department requires more than just a phone call, it takes walking around the building, talking with people, and getting to know the agency. We take this opportunity to learn about the department, its members, and how things are actually done operationally.

Policy Development

Your agency's policies are the foundation upon which daily procedures are established. They communicate your agency's values and serve as a reference point to establish uniformity, accountability, and clarity, improving overall operational efficiency. For these reasons, having clear and well-communicated policies can help minimize your agency's exposure to risk. We are proud to partner with Chris Boyle who consults on several policies from his wheelhouse including Use of Force and Search and Seizure. In addition to this unmatched partnership, we utilize a collaborative approach to policy development ensuring key members of your agency and stakeholders have the ability to participate in the process, leveraging feedback to create buy-in.

While standard policies explain to your officers the “why”, they fall short of explaining the “how”. That is why all of our policies incorporate agency-specific procedures to guide your officers on “how” to accomplish your agency’s mission and goals.

Implementation

The key to successful policies is successful implementation. After working with our clients to develop policies specific to their needs, we are there every step of the way to ensure successful implementation. Our clients can rest assured knowing that they are working with current PA law enforcement officers, not just a salesperson. We are doing the same job, using the same ideas and principles, providing us with the insight to help agencies successfully implement practical policies and procedures.

Proof Collection

Sounds easy, right? It’s not. Many agencies struggle at this junction because this part of the process can be time-consuming and confusing. It’s not for lack of “solutions” or support, but the learning curve associated with the accreditation process. It is known that the more an individual repeats a process or activity, the more adept they become at that activity. At ACG our assessment team is comprised of current or former Accreditation Managers and PLEAC assessors with extensive experience and knowledge. ACG builds your assessment from proof collection to highlighting within the assessment, shifting the administrative burden from your officers to our team. Additionally, their expertise ensures accreditation is achieved in a fraction of the time it takes to do in-house.

On-Site Assessment - Being There Is Critical

The on-site assessment is the proverbial finish line for those agencies working toward accreditation. It is the culmination of all their efforts and work. As law enforcement officers from accredited agencies, we have stood where you will be standing. We know how daunting this can be. We are proud to stand with our clients during this time and assign representatives to be onsite with you during your assessment. Leading up to this, we walk through before the assessors do to ensure nothing is missed. Having done multiple assessments ourselves, we provide an understanding of what is to be expected and ensure you and the department members are prepared. We help agencies create their assessor packets and checklists, meet with staff and officers to explain the process, and are there to answer any questions from you or the assessors. Consultants that offer solutions without being there are like your brother-in-law on moving day telling you how to pack the truck over the phone. Do you want someone to say they will help but not show up when it matters, or someone who does the heavy lifting for you? ACG will be there when it matters most to you.

Result Driven. Customer Focused.

Our process is results-driven but always customer-focused. While assisting agencies to become accredited is our mission, the fortunate byproduct is the relationships forged in the process. Our clients have become an extension of our law enforcement family. We are humbled to have the opportunity to work with the men and women of these agencies as they pursue accreditation and keep our PA law enforcement community progressing. We look forward to the opportunity to work with more agencies throughout the Commonwealth.

To learn more about our services contact us at info@aspirantllc.com or visit our website aspirantllc.com.

Technology to Drive Successful Outcomes in Law Enforcement

Better Protected When Everything's Connected

By: Jess Farr, Manager, Strategic Engagement, jfarr@axon.com

Police work is hard. Every day, officers may experience traumatic events, encounter numerous people, and deal with a rising stack of paperwork. They joined the force to make their communities safer, but there are many different challenges. Individual solutions exist for some of those challenges, but they're often disconnected. Solving one problem might create two new ones. Time for training is tough to find. Politicians and taxpayers will question every cent that is spent.

Public Safety officers need solutions that work together, providing a seamless and intuitive experience that helps them protect life, capture truth, and accelerate justice. To support these needs, Axon serves the public safety sector delivering a suite of connected devices and services combined with the strength of strategic, device and platform integration partners called the Axon Ecosystem.

Train for anything.

Axon's training pillar combines scalable virtual reality training with expert-led, in-person learning and human-focused thought leadership conferences. Breakthrough technology coupled with holistic, wellness-centered training will better prepare law enforcement officers for the critical situations they see in the field, allow them to effectively resolve these situations in a safe manner, and remain resilient through the stresses and challenges of the job.

Respond more effectively.

Training alone is not enough. Once in the field, officers must be equipped with tools and technologies that will set them up for success. The ecosystem's real-time operations

consist of cloud-based systems that give first responders access to live maps, live-streamed video, and other critical information at a moment's notice, helping reduce response times, enhance situational awareness, and improve outcomes.

De-escalate with confidence.

TASER energy weapons allow law enforcement officers to confidently de-escalate or safely incapacitate without turning to lethal force. Training prepares officers to handle a wide variety of situations.

Capture truth.

The Axon Ecosystem gives law enforcement clear visibility into critical incidents both during and after a call. This evidence provides transparency and context for investigations and, along with insights provided to law enforcement through community engagement tools, strengthens training and data-driven learning.

Manage More Efficiently.

Once agencies capture digital evidence, they need a means to store, manage, analyze, and share this evidence efficiently. The Axon Ecosystem provides an end-to-end solution for digital evidence management, opening the door for more efficient and just investigations.

Report with Clarity.

The Axon Ecosystem provides a means for agencies to quickly analyze and share records and performance

data with each other and their community. Increased transparency drives learnings and continuous improvement, and ultimately builds trust and understanding between public safety and their communities.

Partner with a leading provider.

Axon was founded 30 years ago as TASER International (rebranded as Axon in 2017) by brothers Rick and Tom Smith, who were on a mission to reduce gun violence after two friends were killed in a senseless act of road-rage violence. What started in a garage with inventor Jack Cover has grown into an expansive technology company with a network of people, devices, and apps that help public safety agencies around the world make their communities safer. Over three decades, Axon has partnered with law enforcement agencies globally to drive innovative solutions for public safety challenges. This drive for innovation is fueled by a desire to fulfill the mission of protecting life.

Join the movement.

Recently, Axon announced a moonshot goal to cut gun-related deaths between police and the public by 50% in 10 years. Gun-related deaths between police and the public

have risen steadily for at least the past six years. In 2021 in the U.S., 1,118 people — 1,054 civilians and 64 officers — lost their lives in gun-related incidents between police and the public, according to leading data sources. “Through a shared commitment to research, dialogue, innovation and implementation, we believe we can become greater than the sum of our parts to protect life. This is not Axon's moonshot. This is our moonshot,” said Rick Smith, CEO and Founder of Axon. Axon is calling on its own team members, leaders in law enforcement, community organizations, technology companies, elected officials, and others representing the best ideas to support and achieve this goal.

In short, there needs to be a movement behind the mission to collectively develop realistic, research-based and responsible solutions to cut all gun-related deaths between police and the public in half by 2033.

For three decades, Axon has been committed to protecting life with its evolving technology, training, and transparency solutions serving the law enforcement community. Putting Axon’s proven solutions at work in your agency can provide an efficient, effective, and connected ecosystem of technology to support and keep your officers safe.



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Preventing Childhood Lead Poisoning is a Crime Prevention Strategy

By: Bruce Clash, Pennsylvania State Director of Fight Crime: Invest in Kids, at bclash@fightcrime.org

For more than 20 years, Fight Crime: Invest in Kids has been proud to partner with the Pennsylvania Chiefs of Police Association to advocate for evidence-based investments in children and families that are shown to prevent future crime.

While we have traditionally focused on high-quality early education, child care and parent mentoring programs, we can no longer ignore the strong research base that correlates childhood lead poisoning with an increased risk of being involved in the justice system later in life.

Lead can seriously harm a child's health by causing well-documented damage to the brain and nervous system. This damage can lead to future learning disabilities, behavior issues and problems with impulse control, which in turn can lead to later juvenile and adult crime as indicated by numerous longitudinal research studies.

In Pennsylvania, more than 4,400 children under age six are found



to have elevated blood lead levels each year. The primary culprit is lead paint chips and lead paint dust that are present in older homes and apartments and ingested or inhaled by children. Pennsylvania ranks fifth in the nation for old housing stock with 70 percent of residential units built

before 1980 (lead paint was banned in 1978). While the effects of lead poisoning are irreversible, it is entirely preventable and early detection is key to stopping further damage. Sadly, fewer than one-third of children under age two are tested for lead exposure each year in Pennsylvania.

We are grateful that the PA Chiefs of Police association, along with the PA District Attorneys Association and PA Sheriffs' Association and 53 other organizations including municipalities, housing authorities, health entities and other advocates are partner organizations in the PA Lead-Free Promise Project (LFPP).

The LFPP is working to stop childhood lead poisoning by encouraging the remediation of homes and dwellings where children live that still contain lead paint. Possible means include the creation of a state fund to make these projects affordable and to create a state tax credit to incentive remediation.

A second goal of the LFPP is to require testing of all young children at least once for elevated blood lead levels so that children exposed and

their families can get the services they need.

Last October, Fight Crime: Invest in Kids members played a critical role in getting Sen. Lisa Baker's bill SB522 enacted into law. The bill as drafted, which passed 49-0 in the Senate, required all young children to be tested at least once for elevated blood lead levels, required insurance companies to cover the tests, and directed the PA Department of Health to mount a public information campaign about the dangers of childhood lead exposure.

Unfortunately, the bill was diluted the day of House passage to remove the testing requirement and instead instructed health practitioners to merely consider testing if risk factors are present. This version of the bill was signed into law by Governor Wolf

in early November 2022. Senator Baker plans to reintroduce legislation soon that would amend this new law to require lead testing for young children, an effort Fight Crime: Invest in Kids will again support.

Thank you for your partnership in helping all kids grow up without being exposed to toxic lead paint and its lifelong consequences, including increased risk of being involved in the justice system.

If you have any questions or would like to help Fight Crime: Invest in Kids in this effort, please feel free to contact Bruce Clash, Pennsylvania State Director of Fight Crime: Invest in Kids, at bclash@fightcrime.org. You can also learn more by visiting www.paleadfree.org.

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Critical Thinking: Using Social and Emotional Intelligence in Public Safety

By: Captain Rex M. Scism (Ret.) with Lexipol, www.lexipol.com

I started working in law enforcement during the late 1980s. At that time, the agencies I worked for were located in busy jurisdictions where we ran from one call to the next. Like many organizations, we were shorthanded. Communication in the field was short and sweet. We took care of business and moved on to the next call for service without giving much thought to human relationships. Community policing was a relatively new term. We knew the importance of forging positive relationships. But *time* was the primary focus.

Fast-forward several decades and time is still an important factor when juggling the myriad responsibilities found in public safety. The relationship factor is equally important and effective communication is essential to accomplishing the mission. Early in my career, I was extremely task-oriented while handling calls and dealing with the public. As time went on, I realized there was much more to a call than a *“just the facts, ma’am”* approach. People want to be heard. But communication is complicated.

During the past decade we’ve heard more about social and emotional intelligence in public safety and how these competencies contribute to enhancing critical thinking, while helping us establish positive relationships. Now, public safety professionals are even required to attend training that focuses on developing these skills. But what are emotional and social intelligence really about and why are they necessary in today’s climate? To answer that question, we need to explore how these competencies directly relate to public safety.



Captain Rex M. Scism

CAPTAIN REX M. SCISM (Ret.) is a 32-year law enforcement veteran and former director of research and development for the Missouri State Highway Patrol. He also had a successful military career, retiring from the Missouri Army National Guard after 20 years of service. Mr. Scism served as a public safety and private sector consultant and instructor for over 20 years. He formerly served as an adjunct faculty member in the Department of Criminal Justice for both Columbia College and the University of Central Missouri, and is a frequent contributor to multiple sources about various public safety topics. Mr. Scism is a graduate of the FBI National Academy’s 249th Session and currently serves as a content developer for Lexipol.

Emotional Intelligence

Spiritual master Dr. Amit Ray is often quoted as saying, “Emotional intelligence is the foundation of leadership. It balances flexibility with toughness, vision with passion,

compassion with justice.” *Psychology Today* defines emotional intelligence (EI) as “... the ability to identify and manage one’s own emotions, as well as the emotions of others.”[1] Professor Gregory Saville stresses that becoming emotionally mature and confident are necessary prerequisites to influencing other people’s emotions.[2]

It’s no mystery that today’s public safety professionals need to have well-developed human skills and be able to communicate effectively, while managing both inter- and intradepartmental relationships. Dr. David Black notes how “emotional intelligence isn’t something we’re born with; it’s a tactical skill set we must develop.”[3] Dr. Michael Pittaro from American Military University takes it a step further and identifies four critical skills for developing social and emotional intelligence in public safety:[4]

1. *Self-Awareness*: Requires knowing our own strengths, weaknesses, emotions and circumstances that impact how we feel in certain situations.
2. *Self-Management*: Involves controlling our emotions, especially in situations where we might spontaneously respond in a disruptive manner. It also includes self-monitoring and knowing when it’s appropriate to act.
3. *Social Awareness*: Requires empathy for the feelings, needs and concerns of others. This is a big factor in building rapport since it involves understanding a person’s mood or behavior in a way that improves the relationship.
4. *Relationship Management*: This expands on social awareness by developing bonds and making people feel supported and understood.

In public safety, social competencies such as conflict management, empathy and leadership are also important. These skill sets are required on nearly every call for service. [2] There is a strong relationship between emotional intelligence and building trust in the communities we serve. And to make the most of this valuable competency, it’s also necessary to clearly understand complex social relationships—which in turn requires an understanding of social intelligence.

Social Intelligence

Bnidhu and Snigh’s research identified social intelligence (SI) as “the ability to understand the feelings, thoughts, and behaviors of persons, including oneself ... and to act appropriately upon that understanding.”[5] Simply put, SI refers to our ability to read other people and understand their intentions and motivations—making strong human connections. When human beings make these

connections, they are better equipped to adjust to new situations or adopt alternative courses of action based on a variety of situationally dependent variables.

Savvy public safety professionals use this important competency on a daily basis without even thinking. But it’s important to note SI is another learned competency. We develop this skillset through experiences and interactions with people. As Dr. Ronald Riggio points out, we learn “from the successes and failures in social settings.”[6] Some key elements of SI include:

- *Verbal fluency and conversational skills*: This largely involves being tactful and appropriate—working or reading the room, as they say.



- *Knowing social roles, rules, and scripts*: Also known as “playing the game,” this social intelligence element involves conforming to the unwritten rules or norms that govern how humans interact with one another in social or group settings.
- *Effective listening skills*: Being a good listener goes without saying in this industry, but human beings are hardwired to care more about our own thoughts, opinions and feelings. In other words, we are selfish and must work to set aside our own basic needs to connect with others, especially in situations where emotions are at play.
- *Impression management*: Those working in public safety are keenly aware of the importance of making a

continued on next page



good impression. There is obviously a delicate balance between managing the image you portray and how it comes across to others. How you wear the uniform, your level of self-confidence, and skill competencies all play a role in how you professionally interact with both your peers and the public while on the job.

In public safety, we must be able to quickly adjust to new situations and adopt effective courses of action that allow us to connect with the people we serve. How do emotional intelligence and social intelligence competencies relate to critical thinking in public safety?

The Relationship to Critical Thinking

Effective critical thinking requires us to overcome individual biases and false assumptions. How many times have you responded to a call for service and immediately drew conclusions about what occurred or hastily decided upon a necessary course of action, only to significantly change direction after hearing all the facts? We've all been there. Our experience and training largely contribute to our success, but it can also inhibit our ability to rationalize when we're faced with new challenges in unfamiliar territory.

As Phillips and Burrell point out, "critical thinking and effective problem-solving is an optimal process to reach well-thought-out decisions."^[7] This level of analysis is paramount if we wish to actually solve a problem without settling on some mediocre alternative. And it requires us to have a strong understanding of our own capabilities relative to both social and emotional intelligence. Critical thinking allows us to:^[7]

- Develop paths to reasoned judgment when variables in a situation change or evolve.
- Understand how to build group consensus around complex issues (or at least engage in conversation directed toward problem resolution).
- Learn to encourage and ensure consideration of breakthrough or "outside the box" ideas or thinking.

The key centers on enhancing our ability to solve problems constructively after careful consideration of rational alternatives. This also requires some level of analytical assessment as we determine which course of action is necessary for a given situation.

If we consider critical thinking from a social and emotional intelligence standpoint, we also need to deal with some

internal noise. Factor in your own egocentrism and be realistic about the impact of individual emotions on decision making. We also need to be aware of group influences in our lives. Public safety professionals have a lot in common and it's not unusual to develop behaviors that are encouraged within that group. This may or may not be beneficial when dealing with certain members of the public. Awareness is the key. As India yoga guru Sadhguru said, "When your mind is full of assumptions, conclusions, and beliefs, it has no penetration, it just repeats past impressions."

Making Your Job Easier

Critical thinking often requires us to overcome what we think we know about a given situation and approach it with an open mind. This means not only managing our emotions and understanding the emotions of others, but also placing those emotions and feelings in the proper context. As with anything, it's crucial we are self-aware of our own biases, our capacity to understand others, and the limitations to effective communication.

Although it's tempting to rush through that next call for service in the interest of time, take a moment to slow down, regroup, and consider critical social and emotional competencies that I promise will make your job easier. Most of this is grounded in common sense, but it's easy to get caught up in the minutia of a busy day while failing to consider the human dynamic that can make or break a situation.

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PMI Is Working with You to Combat Illegal Trade in Pennsylvania

This past summer, a routine traffic-stop on Route 15 in South Williamsport, Pennsylvania, led to the seizure of 1,500 cartons of illegal cigarettes. Not only is this incident a testament to the danger the officers in Pennsylvania communities face every day, but it is also a reminder of how easily illegal goods flow in and out of our state.

Sadly, crimes like these are becoming more common in the Keystone State and throughout the Mid-Atlantic region. The Commonwealth loses approximately \$160 million each year in tax revenue to illegal tobacco smuggling. This is money that could be used for important taxpayer priorities such as education, health care and law enforcement, but instead falls into the pockets of criminals.

Cigarette smuggling is just one of many low-risk, high-reward criminal activities that give organized crime rings the opportunity to make millions of dollars at the expense of law-abiding Pennsylvanians. One of the most common ways criminals build up their illicit inventory is through organized retail crime and “smash and grab” robberies. Criminal networks with sophisticated professional shoplifting operations target retail stores, then turn around and sell stolen merchandise ranging from luxury and name brand goods to stolen tobacco products, auto parts, and even toothpaste on the black market.

In total, organized retail crime accounts for over \$100 billion in retail

losses each year in the United States. Last year, Pennsylvania lost more than \$510 million in tax revenues to retail theft alone.

These brazen criminal acts rarely stop at commodities like tobacco or stolen retail merchandise. All too often, criminal enterprises use these funds for more nefarious activities, including the trafficking of drugs, guns, and even human beings—posing an even more substantial risk to public safety and commerce.

A few thousand packs of illegal cigarettes could be the least of Pennsylvanians’ worries if both public and private entities in the Commonwealth do not take substantive action to put an end to this growing crime epidemic.

I have been driving from Washington, DC to the Poconos for the past two years in order to attend the Pennsylvania Chiefs of Police Association’s Annual Education and Training Conference in July. Every year, I am elated to learn more about the extraordinary work Pennsylvania’s law enforcement does every day to combat illegal trade and other forms of crime that plague the Commonwealth.

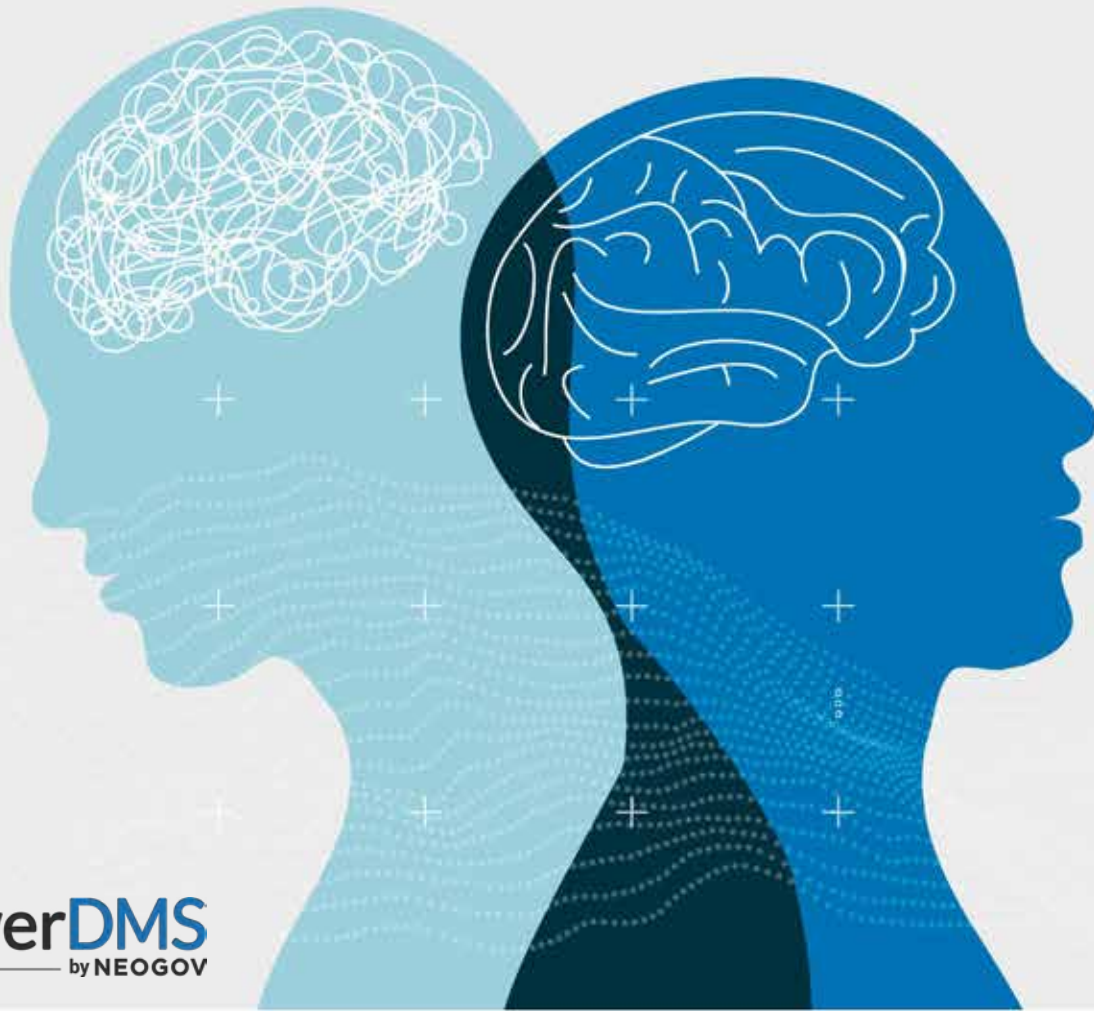
We must commend and support the courageous work of these brave men and women who put their lives on the line daily. At any moment, a chance traffic stop could lead to the discovery of a much more dangerous criminal network.

While the courage and hard work of our women and men in blue are unrivaled, combating the complex problems associated with illegal trade requires a comprehensive approach from both the public and private sectors.

One group that is doing its part to make our communities safer is United to Safeguard America from Illegal Trade (USA-IT). USA-IT brings together over 80 organizations, including national and state brand enforcement experts, law enforcement agencies, elected officials, academics, community leaders, and leading business organizations to raise public awareness of black-market profiteers and the roles we can all play in fighting back against our nation’s crime epidemic.

Later this year, USA-IT will host the second national summit in Washington, D.C., following the success of the first summit in 2021, where individuals from across the country in both the public and private sectors will meet to raise awareness on illegal trade and learn more about the actions lawmakers, businesses, law enforcement officials and ordinary citizens can take to ensure their livelihood and their communities are better protected.

By working together with organizations like USA-IT to eliminate the growing threat of illegal trade, we can build a more prosperous and safer commonwealth for all Pennsylvanians.



Three Mental Health Exercises That Help Officers Manage *Stress and Avoid Burnout*

Introduction

Law enforcement professionals today face significant challenges.

In addition to the everyday stresses of the job, officers face mass media coverage that focuses on negative incidents instead of the thousands of positive interactions happening daily between police and communities. The resulting social and political discourse hasn't been kind to the brave officers who continue to suit up and put themselves on the line.

In addition to the inherent threats of law enforcement, elevated stress, and increased public scrutiny, officers face personal challenges with families, relationships, peers, and more. These stressors don't disappear with time, and suppressing them isn't an effective long-term strategy.

***law enforcement officers
are 54% more likely to
die of suicide than the
civilian population***

According to a 2020 survey study, conditions such as **post-traumatic stress disorder (PTSD) and depression were estimated to affect police officers at rates between 7% and 35%**. A more alarming study revealed **law enforcement officers are 54% more likely to die of suicide than the civilian population**.

The following research-backed tools can help avoid negative outcomes and assist officers in leading healthy and productive lives.



Chapter 1

What is Cognitive Behavior Therapy?

Mental health intervention, such as therapy or psychiatric management, increases the ability of officers to maintain optimal mental health and sustain productive careers.

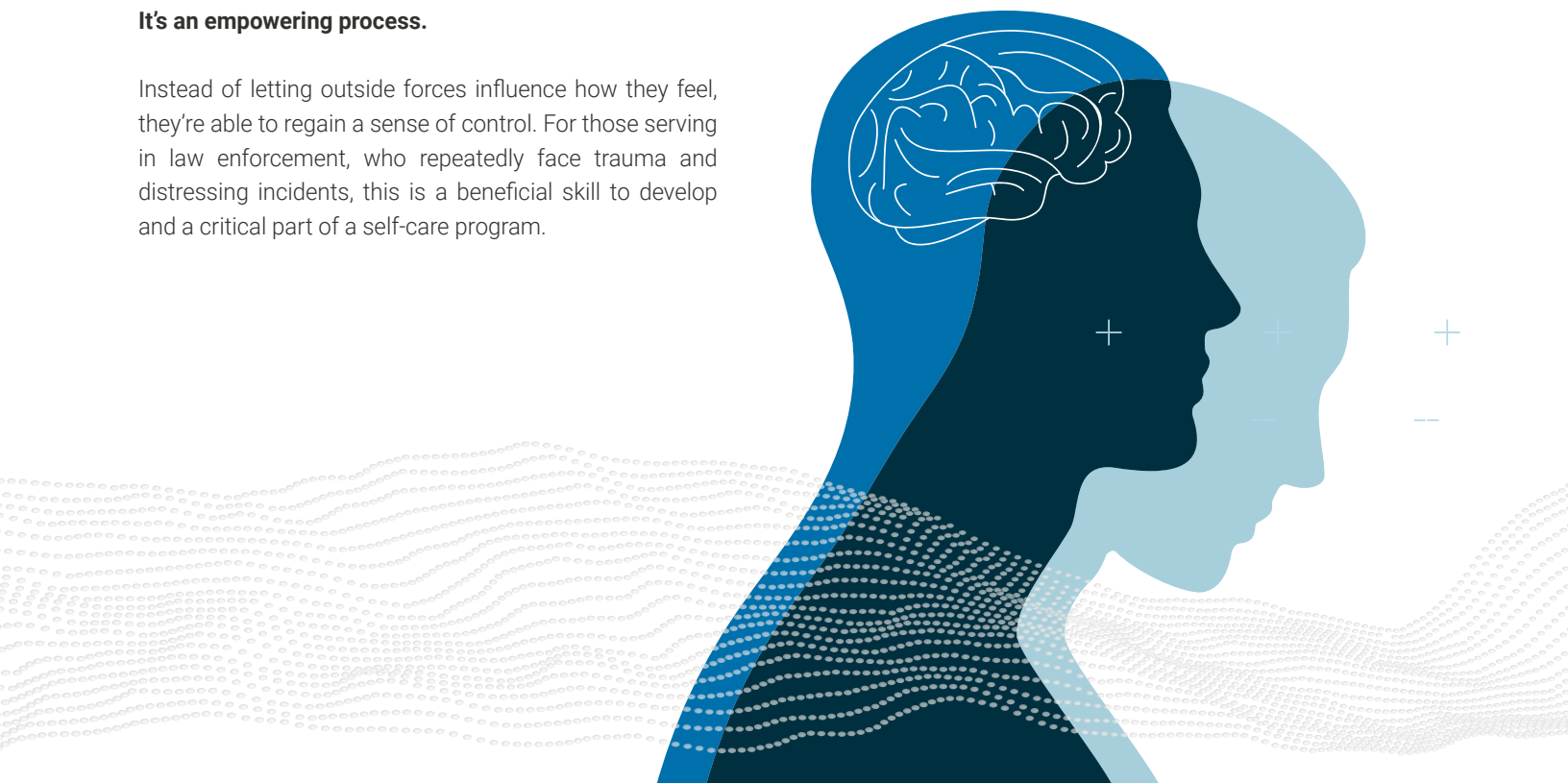
The goal is to help officers process trauma, work through daily challenges, and obtain tools to use on their own time. Tools that allow them to help themselves. Tools are defined here as a skill set the client can implement to improve the quality of cognitive functioning, emotional health, and behavior management.

One of the most effective options at your disposal is Cognitive Behavior Therapy. Cognitive Behavior Therapy, commonly known as CBT, is an evidence-based practice clinically shown to benefit anxiety, depression, trauma, substance abuse, and eating disorders, amongst other things. It's simple, powerful, and can provide hugely beneficial results.

The main principle of CBT is to increase a client's awareness of the connection between their thoughts, feelings, and behaviors. Once an individual understands they have the ability to control and manage their thoughts, they can begin to improve the quality of their emotional health and behavior.

It's an empowering process.

Instead of letting outside forces influence how they feel, they're able to regain a sense of control. For those serving in law enforcement, who repeatedly face trauma and distressing incidents, this is a beneficial skill to develop and a critical part of a self-care program.



Chapter 2

Introduction to Common CBT Exercises

There are three main focus points when introducing clients to CBT for the first time.

- ✓ A simple image called the CBT triangle that shows the connection between thoughts, feelings, and behaviors.
- ✓ A set of three rational questions.
- ✓ A grounding technique invoking the five senses that brings clients back to the present moment and out of their destructive thoughts.



The Cognitive Triangle

The CBT triangle is a simple image that helps clients understand the connection between their thoughts, feelings, and behaviors.

This simple image, with thoughts at the top, feelings at the bottom right, and behaviors at the bottom left, helps clients visualize where they are in the process and how each point influences the next.

Our negative thoughts can often be irrational and not based on facts. CBT helps individuals take control of their thoughts and increases the outcome of logical, rational, and positive thinking.

For law enforcement professionals forced to confront heightened challenges and trauma on a regular basis, the ability to take control can help alleviate stress and avoid burnout.

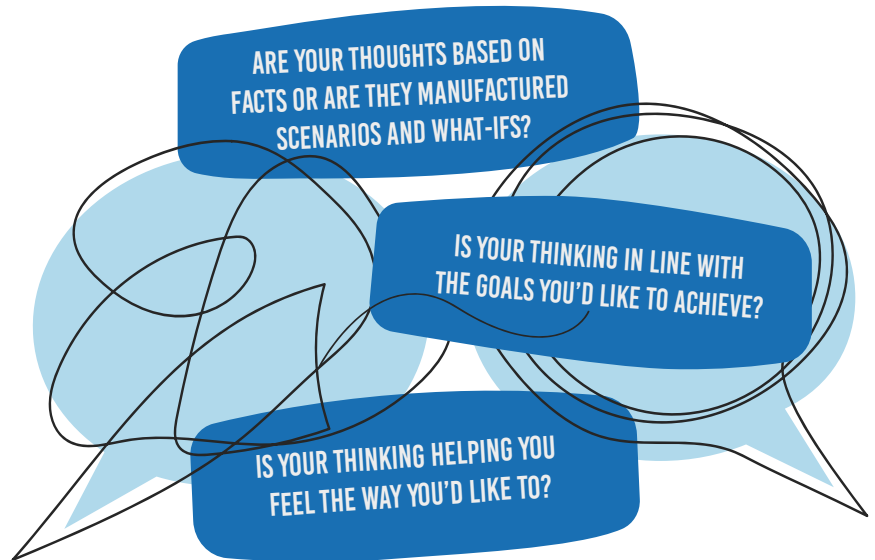
After introducing the CBT triangle, three rational questions are presented.

The first question helps clients realize if their thoughts are based on facts, or if they're simply manufactured scenarios and what-ifs. The second question asks the client if their thinking is in line with the goals they'd like to achieve. The third question asks a client if their thinking is helping them feel the way they'd like to.

These questions are designed to put the power back in their hands and clearly demonstrate they have a choice in deciding how they'd like to feel.

Answering these questions can help law enforcement officers separate themselves from the stresses of the job and get necessary mental breaks. The realization that their own thinking can cause tremendous undue stress helps them become empowered to take control and change it.

People that repeatedly face critical incidents and constant danger become particularly susceptible to panic attacks and negative flashbacks. Without the right tools, these can become negative habits that lead to burnout, critical incidents, or suicide. The CBT grounding technique is designed to give individuals the ability to return to the present moment and break negative thought patterns.



- 5
THINGS YOU CAN SEE
- 4
THINGS YOU CAN TOUCH
- 3
THINGS YOU CAN HEAR
- 2
THINGS YOU CAN SMELL
- 1
THINGS YOU CAN TASTE

The CBT grounding technique is a series of short, simple exercises that evoke all five senses. Connecting to each of the five senses forces your attention to shift away from negative thoughts that cause anxiety and instead bring the focus back to the present moment. It's an extremely effective way to separate from distress.

Clinical studies reveal that a person's ability to remain in the present moment is connected to various health benefits. These include lower levels of perceived stress, a decrease in anxiety and depression, improved mood, and improved well-being. The CBT grounding technique can be utilized in moments of significant stress, but the practice of being aware is something that will benefit practitioners in all areas of their lives, not just critical moments.

Chapter 3

Benefits for Individuals and Communities

The health and safety of our communities are directly related to the health and wellness of our law enforcement officers.

Officers are asked to face tremendous challenges daily, and empowering them with tools to take a more active role in their well-being gives them the best chance of maintaining healthy and productive lives and careers.

These tools don't have to be complicated to be effective. A simple conversation offering a brief education on what it means to be well, and the available tools to achieve wellness, is more than enough to get started. With tools like CBT, officers can use simple and effective ways to increase calm, decrease stress, and provide relief that will benefit not only them but the communities they serve.



By Zoey Kyriacou, MA, LAC, NCC

Zoey Kyriacou is a nationally certified and state-licensed mental health counselor. She received her Bachelor's degree, in psychology, from Seton Hall University and her Master's degree, with distinction, in Counseling with a focus on clinical work. Zoey is currently employed at Resolve Community Counseling Center which is a local non-profit agency. She is a Certified Anxiety Specialist as well as a Certified Rational Hypnotherapist.



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Technology Update

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

PAVTN

pavtn.net

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Hello everyone, it's Ken Zipovsky once more with the spring edition of the training and technology update. Let me start off with a friendly reminder about the new 2023 MPOETC courses that are available on the PAVTN:

- Legal Update- Part 1 & 2 (23-201)- MANDATORY (completion required by 6/30/2023)
- Tactical Communications (23-301)- MANDATORY
- Criminal Investigations (23-401)
- Officer Wellness (23-501)

We also have a new course titled Preventing Bias in Domestic Violence & Sexual Assault Response. It can be found under the Police Response heading.

I am excited to tell you we are currently in production of a training course covering Technology Facilitated



Ken Zipovsky

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

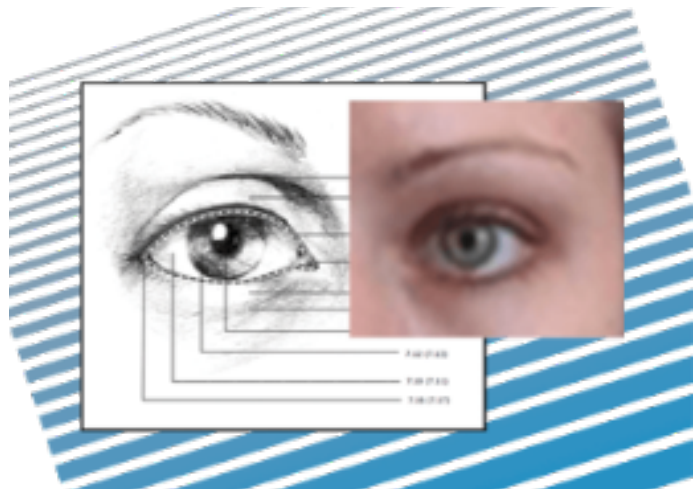
Abuse. I believe that this course will be a great benefit to our officers. It is an eye-opener and provides information on how to deal with almost any crime where technology is exploited by the bad guy. This training should be live and posted on the PAVTN in the spring.

We have reached a new PAVTN milestone. I am happy to report that we have now surpassed 28,000 users, and they now have access to 69 different training courses! Using the PATVn is an easy, efficient, and cost-effective way to provide officers with quality training. It is the goal of the Pennsylvania Chiefs of Police Association to provide the best law enforcement

continued on next page

training possible delivered in an on-demand manner. All the training on the PATVTN is free of charge and can be accessed by going to <https://www.pavtn.net/> or by using the links on the Association web site.

Over the last few months, I have heard from some departments who have updated their officer rosters and system administrators. It may have been some time since your department last thought about the house-keeping side of the PAVTN. Please send me an email at kzipovsky@pachiefs.org if you have any questions about the PAVTN features or if your rosters and administrators need to be updated.



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. 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>.

Say Goodbye to AFIS, Hello to MBIS

Police jargon seems to have been around almost as long as police officers themselves. It seems to come naturally for us to use abbreviations for the technology and programs that we frequently use to do our job. The language we use when referencing processing

arrestees is a great example. Since the early 1990's we have been using the term AFIS (Automated Fingerprint Identification System) to describe the technological platform that we leverage every day to make offender identification faster and more effective.

Thanks to recent advancements in technology, we now have an updated platform to assist us in offender identification. And with an updated platform, we also get an updated abbreviation. You will now hear the phrase MBIS used in the law enforcement vernacular. MBIS stands for Multi- Biometric Identification System. Although the phrase is new, it more accurately describes what we have recently been doing. The collection of an offender's fingerprints is routinely accompanied with photos of the offender and information about scars, marks, and tattoos.

So, we have already been collecting multiple biometrics to help identify our offenders. With technology constantly improving and coming down in price, we may have the chance to add an additional biometric tool to assist us. Recently I had the opportunity to attend a demonstration of iris collection when used as part of the booking process. It turns out a person's iris is just as unique as what their fingerprints are. It seems like an exciting and promising technology.

The iris capture device is small enough that it can be housed in our current booking cabinets. Technology has advanced to the point that the iris capture can occur with the offender standing in the same location where their mugshots are now taken. Who knows, maybe in the near future this option will be approved for criminal justice use.



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