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## Hovan, Middletown police officer who went to church on duty, wants public hearing over suspension



Mark Hovan

Posted Wednesday, January 24, 2018 2:51 pm

By Dan Miller

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TRENDING STORIES



George Mouchette

The Middletown police officer who received a 10-day unpaid suspension related to him attending church services while on duty has requested a public hearing before the borough Civil Service Commission.

A date for the hearing sought by Patrolman Mark Hovan has not been set, Commission Chairwoman Amy Schreffler told the Press & Journal after a meeting of the commission.

"I never intended to make my faith a subject of public attention," Hovan said in a text message to the Press & Journal when asked for comment. "It is a gift from God that I am thankful and humbly proud to have been given."

Police Chief George Mouchette, whose recommendation led to borough council approving the suspension by 4-1 vote on Dec. 5, has said that Hovan was not suspended for going to church, but for disobeying a direct order from the chief.

Mouchette declined comment when asked about Hovan requesting a public hearing.

"At this point he is appealing it. I can't comment," Mouchette told the Press & Journal.

According to the ordinance governing the Civil Service Commission on the borough website, the commission's "standard of review" in holding the hearing "shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action."

The commission after the hearing is to decide whether to uphold the suspension. If the commission upholds the suspension, Hovan can appeal that determination to Dauphin County Court, according to the ordinance.

If the commission does not uphold the suspension, Hovan is to be credited with full pay for the 10-day period he was suspended, and no charges shall be officially recorded against his record.

The three-member commission during its Jan. 19 meeting authorized hiring an attorney, Melissa K. Fiala, to represent the commission at the hearing.

The borough will pay Fiala \$185 an hour, according to borough Manager Ken Klinepeter.

Hovan told the Press & Journal he is to be represented at the hearing by an attorney being paid for by the Fraternal Order of Police.

Fiala is an attorney with Rudolph Clarke LLC, a firm with offices in Bucks, Chester, Delaware and Montgomery counties, according to the firm's website.

Fiala confirmed in an email to the Press & Journal that she has been hired to represent the commission at an upcoming appeal hearing.

Borough council by 4-1 vote during its Dec. 5 meeting approved Hovan's 10-day suspension, after council had been briefed behind closed doors on results of an investigation that had been ordered by Mouchette.

Councilor Robert Reid dissented, saying while he supported disciplinary action Reid could not "go along with" a 10-day suspension.

Councilor Diana McGlone abstained from the vote, on what she said was the advice of borough Solicitor Adam Santucci.

Mayor James H. Curry III, who as mayor oversees the police department, said on Dec. 5 that he supported Mouchette's recommendation.

A 20-year veteran of the Middletown force who served as chief from June 2012 to January 2013, Hovan told the Press & Journal his suspension ended Saturday, Jan. 20, and he was to be back on duty on Sunday, Jan. 21.

Hovan, who describes himself as a devout Catholic, contends that he was suspended for going to church at Seven Sorrows in Middletown while on duty on Aug. 15, 2017.

Mouchette has said that Hovan was not suspended for going to church, but because Hovan had disobeyed a direct order from the police chief.

A letter that Hovan received from the chief on Oct. 27 detailed four separate charges of "Neglect of Duty/Inefficiency."

One charge says that Hovan refused to obey proper orders from a superior. A second charge says that Hovan failed "to properly supervise subordinates, or to prefer disciplinary charges, or to take other appropriate disciplinary action."

The third charge says that Hovan failed "to comply with any order directives, regulations, etc., oral or written and also those of a superior." The fourth charge cites Hovan's "failure to properly patrol district or sector and make assigned reports to headquarters, unauthorized absence from assignment, failure to respond to radio call."

Three of the four charges specifically refer to Hovan having attended church services on Aug. 15, "while on duty without authorization despite previous written orders that you not attend such services while on duty."

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The fourth charge refers to Hovan having "an unauthorized absence from your assignment for at least an hour" on Aug. 15.

Hovan during an earlier interview told the Press & Journal that he had often gone to church while on duty throughout his career with the Middletown Police Department.

He contended it was sometimes necessary, in order for Hovan not to miss attending church during any of the required Holy Days of Obligation that are part of being a practicing Catholic.

Hovan said that chiefs before Mouchette were aware of the practice, and that some past Middletown police chiefs had encouraged officers attending church while on duty to improve relations with the community.

Hovan said that he always kept his radio with him while attending church while on duty, and that he had never missed a call while attending services in uniform.

Hovan also said that he was not the only Middletown police officer who had attended church while on duty before Mouchette was appointed effective Jan. 5, 2017, to lead the department as interim police chief by Curry.

Curry tapped Mouchette, a retired New York City police detective, to replace John Bey who had resigned as borough police chief effective Dec. 30, 2016.

Council voted to make Mouchette's appointment permanent on Aug. 7.

Hovan said that Mouchette called him into the chief's office on Jan. 8, 2017, shortly after Mouchette had learned that Hovan had attended services at Seven Sorrows while on duty earlier that same day.

He said that Mouchette at the time gave him a letter saying that Hovan could no longer attend church while on duty, and that Hovan was to "never conduct personal business on Middletown Police Department time."

Mouchette has taken issue with that account, telling the Press & Journal that he did not tell Hovan he could not attend church services.

"He (Hovan) was specifically told that if the needs of the community and the department allowed he could attend church," Mouchette said. "He was previously advised that if he was required to attend church services during his shift, he needed to request appropriate time off to attend."

"He never requested the time off," Mouchette said of Hovan.

Hovan does not deny that he disobeyed a direct order from Mouchette in attending church while on duty at Seven Sorrows on Aug. 15, 2017.

Hovan was not at the Jan. 19 commission meeting. Asked for comment afterward, Hovan said, "I would like to ask all fellow Christians and supporters to please come to the hearing to show their support, and if they cannot attend the hearing to at least pray that the Lord's will be done."

Hovan added he is "very thankful already for all the support and prayers that I have already received" since word of his suspension became public following council's action on Dec. 5.

Hovan also asked that people pray for Christopher Hill, the U.S. marshal deputy who was killed while serving a warrant in Harrisburg on Thursday, Jan. 18, Hill's family, the two other police officers who were injured during the same incident, and their families.



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