

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the May 22, 2015 Meeting

Members Present

Carmen Deluca
David M. Godfrey
Mark Kellam
Wayne E. Nothstein
Eric Weaknecht
Kevin Wevodau
Amy Withrow

Members Absent

Todd A. Martin

Commission Staff Present

Carolyn DeLaurentis (via conference call)
Kathy Clarke
Doug Hummel
Jen McConnell
Bob Merwine
Don Numer
John Pfau
Deborah Williams

Others Present

Penn State University
Robert Stonis
Michael Ecker

Penn State University – Fayette Campus
Ted Mellors
Kirk Hessler

Temple University
Anthony Luongo
Christie Willard

PA Sheriffs' Association
Beth Appleby
Sheriff Robert Fyock

PA Deputy Sheriffs' Association
Michael Mohn
Paris Washington

The May 22, 2015 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Chairman, Mr. Carmen DeLuca, at 8:00 a.m., at the Days Inn State College, 240 South Pugh Street, State College, PA 16801.

Chairman DeLuca asked if everyone had an opportunity to review the minutes from the March 3, 2015 Board meeting. He stated that if there were no questions, then he would entertain a motion to approve the minutes.

Commissioner Wayne E. Nothstein made a motion to approve the minutes from the March 3, 2015 meeting. Lieutenant David M. Godfrey seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Chairman DeLuca asked Mr. Donald Numer, PCCD, to provide the SDSETB fiscal report. Mr. Numer reviewed the third quarter fiscal report for the state fiscal year 2014-2015, period ending March 31, 2015. The balance from the previous year was \$8,617,503.87. Fee collections as of March 31, 2015 was \$4,098,376.20. The total estimated funds available as of June 30, 2015 was \$12,715,880.07. The total expenditures and commitments was \$12,617,044.38 which included \$1,149,887.05 in administrative costs. The uncommitted fund balance as of March 31, 2015 was \$98,835.69.

Chairman DeLuca asked if anyone had any questions regarding the fiscal report. He stated that he would entertain a motion to approve the fiscal report.

Deputy Mark Kellam made a motion to approve the SDSETB third quarter fiscal report for state fiscal year 2014-2015, ending March 31, 2015. Commissioner Nothstein seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Chairman DeLuca asked Mr. Numer to review the fiscal projection report that was provided on page twelve of the meeting packet. The report was for informational purposes and required no Board action. This report takes into account the prior trends of the account to assist in projecting the future of the account.

Mr. Numer introduced our new staff member, Ms. Kathy Clarke. Ms. Clarke transferred to the Sheriff and Deputy Sheriff Training Program from the Constable Training Program.

Mr. Numer referred to the SDSETB Draft Policy contained in Appendix A of the meeting packet. Mr. Numer explained that the most recent amendment to the SDSETB Policy became effective January 1, 2015. Appendix A contains additional recommended changes to the existing Policy. These changes were recommended by the workgroup and reviewed by staff and the legal office of PCCD. The proposed changes primarily addressed the certification revocation process and appeal process as required by Act 114. Mr. Numer stated that the SDSETB had reviewed these proposed policy changes at the March 3, 2015 meeting. No vote was taken at the March 3, 2015 meeting. If approved by the Board, the Policy would be considered for adoption at the June 10, 2015 meeting of the PCCD.

Mr. Numer explained the first change to the Policy was contained on page one. The definition of a Home Rule Sheriff was added. On pages two and three the word “deputy” was replaced with “student.” The language regarding “minimum necessary” was clarified on pages four and five under section five, subsections D, E, and F. Home Rule Sheriff is addressed on page six. The term “Time Waiver(s)” is being replaced by “Time Extension(s).”

Section eight addresses the five year restriction for accepting a person’s prior training or law enforcement experience to qualify for a training waiver. Subsection C clarifies the five year restriction to not apply for a person that is seeking election as a sheriff. However, if a sheriff wants to serve as a deputy, their training would expire after five years.

Section nine addresses the revocation of certification. Subsection B clarifies the revocation of certification for sheriffs. A sheriff’s certification will not be revoked unless he/she is removed from office as provided by the Pennsylvania Constitution. Subsection C addresses the certification revocation of a Home Rule Sheriff. Subsection D defines the SDSETB revocation process. Section ten addresses the process for Re-Instatement of a revoked certification.

Chairman DeLuca asked if anyone had any questions. He stated that he would entertain a motion to approve the proposed policy changes.

Deputy Kellam made a motion to approve the recommended changes to the SDSETB Policy as provided in Appendix A of the meeting packet. Sheriff Eric Weaknecht seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Numer informed the SDSETB that the 2015 – 2017 Continuing Education Training Cycle would be provided through the Master Agreement with Temple University. The

Master Agreement process replaces the need to utilize the Request for Proposal process. Temple University needs to submit a budget that will be reviewed for approval.

Mr. Numer informed the SDSETB that the new web-based Sheriff and Deputy Sheriff Information System (SDSIS) was launched May 18, 2015. The new system provides sheriffs the ability to better manage their office training needs. The hiring of deputies, scheduling of training, and the submission of expense vouchers are just a few of the enhancements the new system offers. Mr. Numer stated that several training sessions were held at Fort Indiantown Gap to allow sheriffs and their training officers to become familiar with the new system. Mr. Numer stated that many users have provided positive feedback regarding the system.

Mr. Hummel reviewed the time waiver request submitted by Acting Sheriff Theresa Merritt, Elk County. The request was for an extension from April 17, 2015 to June 10, 2015 so that she could attend the continuing education supervisor course. The request was due to a manpower shortage and was in compliance with the SDSETB Policy.

Commissioner Nothstein made a motion to approve the Time Waiver for Acting Sheriff Theresa Merritt. Lieutenant Godfrey seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed the time waiver requests submitted by Sheriff Jonathan Held, Westmoreland County. The requests were for Deputy Jesse Salandro, Deputy Shawn McKown, Deputy Irvin Shipley, Deputy Scott McFeely, and Deputy Jason Grecco to be granted a time waiver so they could maintain their Firearms Instructor Certification and attend the re-certification class to be scheduled in 2016. Only one instructor re-certification class was scheduled for 2015 and due to manpower shortages, they were unable to attend. Sheriff Weaknecht questioned why only one class was being offered in 2015. Mr. Numer stated that the SDSETB decided at the September 2014 meeting to only host only class due to budgetary issues. Also, prior attendance did not support offering a second class.

Sheriff Weaknecht made a motion to grant the time waiver requests for Deputy Jesse Salandro, Deputy Shawn McKown, Deputy Irvin Shipley, Deputy Scott McFeely, and Deputy Jason Grecco. Lieutenant Godfrey seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed the time waiver request submitted by Sheriff Richard Keuerleber, York County, for Deputy Kathleen Blankenstein. The request was for Deputy Blankenstein to be granted a time waiver so she could continue serving as a deputy sheriff until her return to the academy to complete the Firearms training module with class B-15-02, which ends September 11, 2015. Deputy Blankenstein attended Basic Training with class B-15-01 and failed the Firearms training module. The policy allows Deputy Blankenstein the opportunity to repeat the failed training module, but the time extension does not comply with the SDSETB Policy. Lieutenant Godfrey explained that Deputy Blankenstein would serve in non-uniformed, un-armed administrative capacity until she returns to complete the firearms training. Mr. Numer explained that the SDSETB Policy allows the deputy to return to repeat the failed training class but does not allow the deputy to continue working as a deputy past their training due date.

Sheriff Weaknecht made a motion to approve the time waiver provided that Deputy Blankenstein serve in a non-uniformed, un-armed administrative capacity. Deputy Kellam seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Abstained: Godfrey

Mr. Hummel reviewed the time waiver requests submitted by Sheriff George David, Beaver County. The requests were for Deputy Mitchell Himes and Deputy Kayla Stevenson. Both requests were to allow additional time to attend the Waiver Training Program. Both requests did not comply with the SDSETB Policy.

Lieutenant Godfrey made a motion to deny the time waiver requests. Commissioner Nothstein seconded the motion and the motion passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed the time waiver request submitted by Sheriff Michael Slupe, Butler County. The request was to allow Deputy Gina Brucker to attend the continuing education supervisor course from June 8, 2015 to June 10, 2015. The request complied with the SDSETB Policy.

Deputy Kellam made a motion to approve the time waiver request for Deputy Gina Brucker. Lieutenant Godfrey seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed that time waiver requests submitted by Sheriff Russell Bono, Montgomery County. The requests were for Deputy Kimberly Giovinco and Deputy Adam LaChapelle. The requests were for the deputies to attend continuing education training in June 2015, in Reading, PA, which is a more convenient training location. The requests complied with the SDSETB Policy.

Lieutenant Godfrey made a motion to approve the time waive requests for Deputy Kimberly Giovinco and Deputy Adam LaChapelle. Deputy Kellam seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed the list of Time Waivers approved by the Training Supervisor. A time waiver was approved for Deputy Luke Spaseff, Dauphin County. This was for informational purposes and did not require SDSETB action.

Mr. Hummel reviewed the list of Partial Training Waiver Applications approved by the Training Supervisor. This was for informational purposes and did not require SDSETB action. Mr. Hummel explained that these waivers were in accordance with the Training Policy.

Mr. Hummel reviewed the instructor applications submitted by the Pennsylvania State University for Mr. Robert Thomas, for Sheriff/Deputy Safety; Deputy Sheriff Bryan Ward, for Security; and Deputy Sheriff Marcus Morris, for Defensive Tactics.

Deputy Michael Mohn, PA Deputy Sheriffs' Association, asked how a person would apply to become an instructor. Mr. Numer explained that anyone interested in becoming an instructor would apply with either Penn State University or Temple University. He stated that after an application is submitted, the SDSETB would vote to certify prospective instructors. Deputy Mohn stated that he received complaints regarding "down time" during defensive tactics training at the academy. Mr. Numer stated that the new waiver training curriculum that was implemented with the first waiver training in 2015 incorporated training scenario activities. He stated that one of the activities took longer to perform, creating some timing issues. Mr. Numer stated that the issue was addressed. Deputy Mohn asked if there was a need for more defensive tactics instructors. Mr. Numer stated that there has been a need for more defensive tactics/security instructors since the new waiver curriculum was implemented. Most instructors have other full time employment commitments and their availability is often limited. Deputy

Mohn asked what qualifications are needed to become a defensive tactics instructor. Mr. Robert Stonis, Academy Director, explained that a person needs a defensive tactics instructor certification from a recognized program such as Protective Safety Systems or Monadnock. He explained that the defensive tactics curriculum is a blended program and all instructors are further trained on the curriculum once hired and certified by the SDSETB. Deputy Kellam stated that becoming certified by the SDSETB to teach a particular subject does not guarantee an instructor that they will instruct and the hours they would be assigned. Instructor assignments are based on need. Deputy Kellam stated that it is more cost effective to use instructors that reside closer to the training locations. Mr. Numer stated that the contractors determine the instructor needs and set the work schedule.

Lt. Godfrey made a motion to approve the instructor applications. Sheriff Weaknecht seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed the training request submitted by Sheriff Walter Hoke, Crawford County. Sheriff Hoke requested to be granted a waiver from the SDSETB requirement for prospective department instructors to attend the Basic Instructor Development Course. Based on his prior instructor experience he requested to be exempt from attending the initial instructor course.

Lieutenant Godfrey stated that he did not understand why he, as a SDSETB certified academy firearms instructor could teach at the academy, but could not take the departmental firearms instructor certification class without having previously completed the initial instructor development course. Mr. Numer stated that he understood Lieutenant Godfrey's reasoning. He stated that the practice set forth by the SDSETB was that anyone seeking certification from the Board as a Department Instructor would need to complete the instructor development class, regardless of past experience. Lieutenant Godfrey stated that given the sheriff's experience, he believes the sheriff has the basic instructor knowledge. Inspector Paris Washington, PA Deputy Sheriffs' Association and Philadelphia Office of the Sheriff, stated that once you allow for an exception, then you open the door for additional requests for exemptions. Mr. John Pfau, PCCD, stated that policy could be drafted to consider exceptions. Mr. Numer stated that the SDSETB does not have a policy that addresses this issue. The Board has followed the past practice of requiring everyone to attend the initial instructor development course. Mr. Kevin Wevodau recommended the SDSETB follow past practice. Chairman DeLuca stated that he agreed to support following past practice, but would entertain any motion on the request. Mr. Robert Merwine, PCCD, stated that in constructing policy, we need to consider if exemptions would be permissible.

Commissioner Nothstein made a motion to deny the training waiver request for Sheriff Hoke. Lieutenant Godfrey seconded the motion and the motion passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Numer informed the SDSETB regarding the dismissal of Deputy Bryar Netherland, Beaver County, from the Basic Training Academy, for violations of the Code of Conduct. Mr. Numer asked if any SDSETB member wanted to enter into an executive session to further discuss this case. No executive session was requested.

Mr. Numer provided an update to the request from the Philadelphia Office of the Sheriff. At the December 4, 2014 SDSETB meeting, Mr. Tony Payton, representing Sheriff Jewell Williams, requested the Board to provide Basic Training at the Philadelphia Municipal Police Academy. The request was made due to an increase in hiring. In January 2015, staff submitted a written request to the Philadelphia Office of the Sheriff, requesting a response to several questions regarding the training request. The Philadelphia Office of the Sheriff responded the day prior to the March 3, 2015 SDSETB meeting. Mr. Numer stated that the response was limited. No response was provided regarding if the Philadelphia Municipal Police Academy was supporting the request. No cost projections were provided. Mr. Numer stated that staff does not have enough information to provide an accurate assessment to the SDSETB to support or not support the training request. Mr. Numer stated his opinion that the SDSETB has two options: do not take action or vote not to take action on the request. This is due to not having enough information. Mr. Merwine stated that the Sheriff has contacted Mr. Josh Shapiro, PCCD Chairman, and Ms. Linda Rosenberg, PCCD Executive Director. They need to respond to the Sheriff. Staff had been directed to do more research and gather more information regarding the request. Additional communication will occur between the PCCD and the Philadelphia Office of the Sheriff. Mr. Merwine stated that not enough information is available to make a recommendation. He stated that this is an informational update regarding the request.

Sheriff Weaknecht asked if the request was a decision for the SDSETB. Chairman DeLuca stated that it would be the Board's decision once all the information is provided. Mr. Merwine explained that when a decision is made by the SDSETB, the PCCD would need to review the decision. Sheriff Weaknecht asked if the SDSETB voted not to approved the request, could the PCCD vote to support the request. Mr. Merwine stated that it is unusual that the PCCD would not support the decisions of their advisory committees and Boards, but it is not un-precedent. Mr. Merwine stated that the PCCD had previously opposed recommendations made by their Victim Services Advisory Committee. Mr. Pfau stated that the PCCD previously overturned the decision of the Constables Education and Training Board to reduce firearms training from twenty hours to eight hours. Mr. Numer explained that the Training Act states the SDSETB makes

decisions with the review and oversight of the PCCD. Sheriff Weaknecht stated Reading, PA has a Municipal Police Academy and the same request could be made to have training in Reading. Sheriff Weaknecht stated that he did not want to lose control of the training curriculum. He stated that it would be hard to believe that any police academy would be willing to modify their academy to teach our curriculum. Mr. Merwine stated that we are still in the information gathering phase and that there is no need to vote on the request. Mr. Merwine stated that when the information gathering phase is complete, the information will be reported to the SDSETB. Lieutenant Godfrey asked how long would Philadelphia be in their mass hiring phase. Inspector Washington stated the hiring would probably continue through the next three classes. Mr. Merwine stated that a lot of research needs to be completed. Deputy Kellam asked if there was a time limit on the need for the SDSETB to address this request. Mr. Numer stated that he understood that the SDSETB would not discuss this request until more information is available. Mr. Merwine stated that if this issue “works itself out” we would have an informational update. Mr. Numer stated that if no new substantial information is available to report, then the request will not appear on the meeting agenda.

Chairman DeLuca asked Mr. Stonis to provide a report on Basic Training. Mr. Stonis stated that two Basic Training classes were currently being conducted, with one class graduating today at 11:00 a.m. He invited all to attend the graduation ceremony to be held at the Law School. Mr. Stonis informed the SDSETB that a Firearms Instructor Certification class was held the previous week and a Firearms Re-Certification class was held this week.

Chairman DeLuca asked Mr. Anthony Luongo, Temple University, for the report on Continuing Education. Mr. Luongo stated that the 2013 – 2015 Continuing Education Training Cycle was scheduled for completion by June 30, 2015. The remaining classes were being offered in Grantville, PA and Reading, PA. One supervisor training was scheduled in Monroeville, PA, in June. Mr. Luongo stated that a Court Security Instructor Training was scheduled in State College, PA, in June. In addition, he reported that the on-line classes were well attended.

Chairman DeLuca asked for the report on Curriculum Development. Mr. Ted Mellors informed the SDSETB that the curriculum for the 2015 – 2017 Continuing Education Training Cycle was developed. An instructor update class will be held at PCCD in June 2015. The courses for the next continuing education training cycle include: Legal Updates, Firearms Safety, DUI Patrol, and Court Safety.

Sheriff Robert Fyock, Indiana County and President of the PA Sheriffs’ Association addressed the SDSETB. He thanked the SDSETB for taking a firm stance on all training issues. He stated that we have a high level of professionalism and an established training academy. Sheriff Fyock stated that the more training locations you have will increase conflict and liability. Sheriff Fyock questioned the SDSETB regarding the expenditures for administrative costs provided in the fiscal report. He stated the funding available needs to remain available for sheriffs and deputy sheriffs training. He recommended the SDSETB have an independent audit of the Training Account, to include a review of the

use of administrative expenses. He asked where the five million dollars went, that was removed from the Training Account by the previous administration. Mr. Numer stated that prior to the changes to the Training Act, the Governor had the ability to remove any funds deemed in excess of the needs of the SDSETB. The money that was removed in May 2014 was put in the General Fund of the Commonwealth for the needs of the Commonwealth. Mr. Numer explained that since the Training Act was amended and became effective in September 2014, the provision allowing the removal of funds for the needs of the Commonwealth was removed. Currently the fund is protected by legislation.

Mr. Merwine stated that the SDSETB Training Account is audited once every three years by the PA Auditor General. Mr. Merwine stated that the fund was currently being audited. Mr. Merwine stated that the audit completed three years ago had no negative findings regarding the program finances. Mr. Numer stated that part of the increase in administrative costs is associated to the development of the training management information system (SDSIS) that was developed and recently implemented. Mr. Merwine stated that staff could research the administrative expenses.

Sheriff Weaknecht made a motion to have a detailed report provided to the SDSETB regarding the administrative costs associated to the SDSETB Training Account. Commissioner Nothstein seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Chairman DeLuca announced that the next SDSETB meeting was scheduled for Tuesday, September 15, 2015, at 9:00 a.m., at the PCCD.

Lieutenant Godfrey made a motion to adjourn the meeting. Sheriff Weaknecht seconded the motion and the meeting was adjourned at 9:25 a.m. with the following votes:

Voting Aye: Board Members DeLuca, Godfrey, Kellam, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None