

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the September 15, 2015 Meeting

Members Present

Carmen Deluca
David M. Godfrey
Mark Kellam
Todd A. Martin
Wayne E. Nothstein
Amy Withrow

Commission Staff Present

Kathy Clarke
Carolyn DeLaurentis
Norma Hartman
Doug Hummel
Bob Merwine
Derin Myers
Don Numer
Lisa Osman
John Pfau
Deborah Williams

Members Absent

Kevin Wevodau
Eric Weaknecht

Others Present

Penn State University
Stephen Shelow
Robert Stonis

Penn State University – Fayette Campus
Ted Mellors
Kirk Hessler

Temple University
Anthony Luongo
Christie Willard

PA Sheriffs' Association
Beth Appleby
Robert Wollyung
Sheriff Nick Hoke

Cumberland County Sheriff's Office
Sheriff Ronny Anderson
Chief Deputy Jody Smith

The September 15, 2015 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Chairman, Mr. Carmen DeLuca, at 9:00 a.m., at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North Front Street, Harrisburg, PA 17110.

Chairman DeLuca opened the meeting by asking everyone to introduce themselves. All persons present introduced themselves and their affiliation.

Chairman DeLuca asked if everyone had an opportunity to review the minutes from the May 22, 2015 Board meeting. He stated that if there were no questions, then he would entertain a motion to approve the minutes.

Sheriff Todd A. Martin made a motion to approve the minutes from the May 22, 2015 meeting. Lieutenant David M. Godfrey seconded the motion and it passed with the following votes:

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

Voting Nay: None

Chairman DeLuca asked Ms. Norma Hartman, PCCD, to provide the SDSETB fiscal report. Ms. Hartman reviewed the end of the year fiscal report for the state fiscal year 2014-2015, period ending June 30, 2015. The balance from the previous year was \$8,617,503.87. Fee collections as of June 30, 2015 was \$4,333,746.20. The total funds available as of June 30, 2015 was \$12,951,250.07. The total expenditures and commitments was \$13,187,276.09 which included \$1,391,766.72 in administrative costs and \$1,715,884.63 in reimbursements to Counties. The uncommitted fund balance as of June 30, 2015 was \$-236,026.02. The actual carry forward balance for state fiscal year 2015-2016, beginning July 1, 2015 was \$6,847,613.59.

Ms. Hartman provided a more detailed report regarding the administrative costs associated to the Training Account. The report included line item costs for personnel, travel, telecommunications, IT consulting services, rent, supplies and other expenses. The report was provided on page 15 of the meeting packet.

Ms. Hartman provided a report detailing the actual expenditures and revenues of the Training Account since the 2004-2005 state fiscal year. The report provided projections through the 2017-2018 state fiscal year. This report was provided on page 12 of the meeting packet.

Ms. Hartman provided a report on the expenditures and commitments for the SDSETB contracted services provided by Penn State University, Penn State University – Fayette Campus, Temple University, and Alutiiq Diversified Services LLC. This report was provided on page 13 of the meeting packet.

Ms. Hartman provided a report on the quarterly fee collections for each state fiscal year since 2006-2007. This report was provided on page 14 of the meeting packet.

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 year end fiscal report for state fiscal year 2014-2015, ending June 30, 2015. Lieutenant Godfrey seconded the motion and it passed with the following votes:

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

Voting Nay: None

Mr. Don Numer, PCCD, provided a report regarding the administrative personnel costs for 2012, 2013, and 2014. This was provided as a result of questions that were asked during the May 22, 2015 meeting regarding the PCCD administrative expenses. Mr. Numer stated that this information was made available yesterday, so it was provided as an addendum to the meeting packet. The report shows which people and positions that have charged hours to the Training Account. The 2014 report only shows the first half of administrative expenses for the 2014 – 2015 state fiscal year, ending July 30, 2015. The data for the last six months (January 1, 2015 through June 30, 2015) was not available to be presented.

Ms. Beth Appleby, PA Sheriffs' Association, asked why the administrative costs have continued to increase each year. Mr. Numer stated one reason could be due to increases in salaries. Mr. Numer stated that hours dedicated to the program have increased and he was not sure why. He stated that maybe someone else was in a position to provide an explanation. Mr. Numer stated that some positions were identified as having increased hours dedicated to the program. He was not sure if the hours were prorated or actual hours reported on time sheets. Mr. Numer explained that prorating hours meant that certain identified positions are shared amongst other work units in PCCD. Mr. Numer informed the SDSETB that he asked for more information regarding time sheets and proration, but did not have a response yet. Mr. Numer stated that the information is still being reviewed by his superiors. Mr. Bob Merwine, PCCD, explained that more work hours were needed to support the program. Mr. Merwine stated that with the changes to the SDSETB Policy, more hours were needed for legal review and approval. He stated that in analyzing the costs from 2012 to 2013, removing Mr. John Pfau's costs (he splits his time between two programs), the costs was one full time equivalent (FTE). From 2013 to 2014 it was 1.02 FTE's. Mr. Merwine explained that the total increase in administrative support costs from 2012 to 2014 was only .02 FTE's, which was not a significant increase. Mr. Merwine stated that we only have data for the first six months of 2014 to match with the Penn Watch Data. When projecting costs for the last six months of 2014, it appears that costs would increase by 1.4 FTE's. Chairman DeLuca asked staff if they had any additional comments. Mr. Numer stated that all the

administrative personnel listed in the report provided support for the program. He identified a few positions that have increased billing hours. He stated he was not sure why this trend occurred. Mr. Derin Myers, Director of the Office of Financial Management, PCCD, stated that employees submit monthly time sheets to record their hours dedicated to the programs they support. Sheriff Hoke expressed concern why the fiscal documents were not available sooner than just prior to the meeting. He stated the PA Sheriffs' Association requested this information at the May 22, 2015 Board meeting. Mr. Merwine stated that it took a lot of time to gather the information and receive legal approval to make the information available at a public meeting. Commissioner Wayne E. Nothstein asked if the expenses included health insurance costs. Mr. Myers stated that the figures included fringe costs, which have increased. He stated that in some instances, employee costs have increased between 17 percent and 28 percent. Mr. Robert Wollyung, Executive Director, PA Sheriffs' Association stated that it appears that one person's hours increased 200 percent and another person's hours increased 50 percent. Mr. Numer stated that he received the report yesterday and he did not have enough information and time to determine the reason for the increased work hours. Chairman DeLuca stated that staff will continue to monitor program costs and report to the SDSETB for further discussion at the December 2015 meeting. Mr. Numer stated that administrative personnel costs for the last half of this past fiscal year should be available for review.

Mr. Numer stated that the SDSETB voted to approve changes to the Policy at the May 22, 2015 meeting. Since that time, staff had the opportunity to further review the Policy and compare it with the current SDSETB Regulations.

Mr. Numer referred to the SDSETB Policy contained in Appendix A of the meeting packet. All proposed changes are highlighted and include comments. He stated that the proposed changes are new and not the same as previously approved by the SDSETB. Mr. Numer recommended that additional definitions be added or revised in Section I. of the Policy, to include: Basic Training, Certification, Continuing Education, Home Rule Sheriff, Recertification, and Time Extension. These provide clarification when used throughout the Policy.

Mr. Numer stated that the term medical "evaluation" was being replaced with medical "clearance" in Section II. (Training Attendance), Subsection C. Injuries or medical conditions discovered during training, requires an attendee to obtain medical clearance to continue attending training. Section III. (Training Failures), Subsection A. was amended to include language requiring students to meet the evaluation and testing standards as outlined in the SDSETB regulations and policy.

Mr. Numer explained the recommended changes in Section IV. (Violations of the Training Code of Conduct). Subsection A. provides the PCCD Executive Director with the authority to grant a designee the authority to approve training dismissals. Subsection B. clarifies the dismissal process. Mr. Merwine was granted the authority to approve training dismissals.

Mr. Numer reviewed the changes to Section V. (Training Re-imburement). Reimbursement for training will only be provided once for certification and once every two year cycle for re-certification. Reimbursements will be limited to the minimum amount required to complete the registered course(s). Only one reimbursement will be issued regardless of any required returns to make-up missed training. Deputies who return to their departments under the conditions of Section III., Subsection C. may return to training at the request of the sheriff and approval of the SDSETB. A sheriff may return to training with the approval of the SDSETB. Room and Board will not be provided. Reimbursements will be limited under the conditions of Section V., Subsections C. and D. All reimbursement requests are required to be submitted using the Sheriff and Deputy Sheriff Information System (SDSIS) within 18 months from the date they were generated by the PCCD.

Mr. Numer reviewed the addition of language to Section IX., Subsection A., authorizing the SDSETB staff to suspend a certification upon obtaining verification of the conviction of a qualifying offense. Suspension is a temporary status prior to revocation. This includes receiving information from a court docket or the employing sheriff. "Hearing" was removed from Subsection D. and replaced with "Board meeting."

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. Lieutenant Godfrey seconded the motion and it passed with the following votes:

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

Voting Nay: None

Ms. Carolyn DeLaurentis, Acting Chief Counsel, PCCD, arrived for the meeting at 9:28 a.m.

Mr. Numer stated that the SDSIS is functioning well since its deployment in May. Sheriff Hoke asked if any savings would occur as a result of the implementation of the new information system. Mr. Numer stated that the SDSETB may experience a decrease in costs associated with information technology development since the system is built and functioning. He noted that there are remaining portions of the information system that need further development. Personnel costs associated with processing invoices may decrease since the new system involves the electronic submission and processing of invoices.

Mr. Numer reported that since the implementation of the Act 114 of 2014, staff received five requests for certification revocation. Three of the deputies have been convicted of misdemeanor-1 offenses, which are prohibited offences by the Training Act. One deputy

has been charged with prohibited criminal offenses, but has not been convicted at the present time. The last certification revocation request is more complicated and staff is awaiting more information. Staff is in need of the mailing addresses of the deputies involved. The sheriffs have not yet provided those addresses. Letters will be sent to the deputies notifying them of the revocation process.

Mr. Numer reported that the Philadelphia Office of the Sheriff removed one deputy from the Basic Training Academy in June 2015. Also, this deputy was in violation of the Training Code of Conduct and dismissed. Mr. Numer stated that criminal charges are pending.

Mr. Numer informed that SDSETB that requests for certification revocation were received for deputies that are pending certification. Mr. Numer explained that the Training Act addresses the revocation of certification. The SDSETB can't revoke a certification that was never granted. If a deputy was under consideration for hiring with another County, the SDSETB would not allow attendance at training for certification or recertification.

Ms. Kathy Clarke reviewed the time extension requests submitted by Sheriff Richard Keulerleber, York County. The requests were for Deputy Shane Becker, Deputy James Ring Jr., and Deputy John Smith, to be able to attend continuing education training when held in York County, from September 23, 2016 to September 25, 2016. The requests complied with the SDSETB Policy.

Sheriff Martin made a motion to approve the Time Extensions for Deputy Shane Becker, Deputy James Ring Jr., and Deputy John Smith. Ms. Amy Withrow seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Kellam, Martin, Nothstein, and Withrow

Voting Nay: None

Abstained: Godfrey

Ms. Clarke reviewed the time extension request submitted by Sheriff Ray Gerring, Montour County. The request was for Deputy Anthony Fritz to be able to attend continuing education training when held in Williamsport, PA, from September 7, 2016 to September 9, 2016. The request did not comply with the SDSETB Policy. Commissioner Nothstein stated that we should follow the Policy.

Commissioner Nothstein made a motion to approve a six month time extension to July 24, 2016 as authorized by the SDSETB Policy. Lieutenant Godfrey seconded the motion and it passed with the following votes:

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

Voting Nay: None

Ms. Clarke reviewed the time extension request submitted by Sheriff Carolyn Welsh, Chester County. The request was for Deputy Kevin Thompson to be granted a time extension because he attended a partial Continuing Education Class (12 hours), but did not complete the class because he was called out for a K-9 detail. Deputy Thompson attended a second Continuing Education Class in May 2015, in York County, to complete the missed classes but only completed an additional 4 hours. Deputy Thompson needs to complete the four hour class of Management of Aggressive Behavior for re-certification. The training cycle ended prior to Deputy Thompson being able to complete the required training. Sheriff Welsh requested an extension until February 28, 2016. The request did not comply with SDSETB Policy.

Sheriff Ronnie Anderson, Cumberland County, stated that training attendance should be the priority. He said that his deputies do not respond to calls while attending training.

Commissioner Nothstein made a motion to deny the time extension request. Deputy Kellam seconded the motion and the time extension was denied with the following votes:

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

Voting Nay: None

Ms. Clarke reviewed the time extension request submitted by Sheriff Carolyn Welsh, Chester County. Sheriff Welsh requested a time waiver for Deputy Michael Sarro. The request was for Deputy Sarro to be granted a time waiver so he could attend the November 2015 Waiver Training Program. Deputy Sarro is a K-9 officer and could not attend the previous Waiver class due to having K-9 training the last week of that class. The request did not comply with the SDSETB Policy.

Deputy Kellam made a motion to deny the time extension request. Commissioner Nothstein seconded the motion and the time extension was denied with the following votes:

Voting Aye: Board Members DeLuca, Kellam, Martin, Nothstein, and Withrow

Voting Nay: None

Abstained: Godfrey

Ms. Clarke reviewed the time extension requests that were submitted to extend the Departmental Instructor Certifications for Chief Deputy Curtis Ulmer, Lycoming County; Lieutenant Kevin Miller, Adams County; and Deputies Jesse Salandro, Shawn McKown, Irvin Shipley, Scott McFeely, and Jason Grecco, Westmoreland County; and Deputies David Wilson and William Carbaugh Jr., Forest County. All the requests were to extend their Firearms Instructor Certification and/or Patrol Rifle Instructor Certification one year, until December 31, 2016. Due to scheduling issues the instructors were unable to attend the required recertification classes during 2015. The SDSETB only sponsored one recertification class during 2015. Ms. Appleby asked how many classes were held prior to the five million dollars being withdrawn from the Training Account. Mr. Numer stated that the SDSETB previously held two recertification classes per year. Sheriff Hoke stated that the instructor program is excellent and needs the continued support of the SDSETB. He stated that one of his deputies that attended the firearms instructor courses reported that the courses were better than the instructor trainings offered by the PA State Police and the National Rifle Association. Mr. Merwine stated that classes could be added. He said that the Training Account has 6.8 million available. Mr. Numer stated that the contract would have to be re-negotiated to find the money in the existing budget. Mr. Merwine stated that the budget could be amended.

Sheriff Martin stated that it is important that the SDSETB continues to support the firearms instructor program. It helps provide uniformity to what is being taught throughout all sheriffs' offices.

Commissioner Nothstein made a motion to approve the time extensions for the instructor certifications for Chief Ulmer, Lieutenant Miller, Deputies Salandro, McKown, Shipley, McFeely, Grecco, Wilson, and Carbaugh. Lieutenant Godfrey seconded the motion and it passed with the following votes:

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

Voting Nay: None

Ms. Amy Withrow added that staff can monitor the class enrollment numbers and project our future class needs.

Ms. Clarke reviewed the list of Time Extensions approved by the Training Supervisor. Time extensions were approved for Deputy Elizabeth Welsh, York County; Deputy Thomas Heisler, Chester County; Deputy Robert Vaughan, Washington County; Deputy Wayne Johnson, Chester County; Deputy Nicholas Marino, Lackawanna County; and Deputy Tyrone Sneeringer, York County. This was for informational purposes and did not require SDSETB action. Mr. Numer explained that these waivers were in accordance with the Training Policy.

Mr. Hummel reviewed the Partial Class Waiver request submitted by Sheriff James Muller, Adams County. The request was for Deputy Timothy Beall to be granted partial credit for his law enforcement training and service with the Baltimore City Police Department. It was recommended that partial credit be granted and that Deputy Beall be required to complete the Law Module and Security Module to be eligible for certification.

Mr. Hummel reviewed the Partial Class Waiver request submitted by Sheriff Mark McAndrew, Lackawanna County. The request was for Deputy Henry Dalgado to be granted partial credit for his law enforcement training through the Hampton Roads Criminal Justice Training Academy and his and service as a Deputy with the Newport News, Virginia Sheriff's Office. It was recommended that partial credit be granted and that Deputy Dalgado be required to complete the Law Module to be eligible for certification.

Lieutenant Godfrey made a motion to approved the Partial Class Waivers for Deputy Timothy Beall and Deputy Henry Dalgado. Sheriff Martin seconded the motion and it passed with the following votes:

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

Voting Nay: None

Mr. Numer reviewed the Partial Training Waiver Applications that were approved by the Training Supervisor. This was for informational purposes and did not require SDSETB action.

Mr. Hummel reviewed the instructor applications submitted by the Pennsylvania State University for Mr. Dan Miltenberger, for Security, Crisis Intervention, and Professional Development; Mr. Jerome Nevling, for the Law Module, Professional Development, Officer Safety, and Security; Mr. Jeffrey Shoemaker, for Emergency Vehicle Operations; Mr. Benjamin Sites, for the Law Module; Mr. Christopher Kaniecki, for Deputy Safety; Mr. Ronnie Millward, for Deputy Safety and Security; Mr. Devin Moran, for Deputy Safety; Mr. Eric Norman, for Security and Deputy Safety; and Mr. Randy Pollick, for Deputy Safety.

Deputy Kellam made a motion to approve the instructor applications. Lieutenant Godfrey seconded the motion and it passed with the following votes:

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

Voting Nay: None

Chairman DeLuca asked Mr. Robert Stonis to provide a report on Basic Training. Mr. Stonis introduced Mr. Stephen Shelow. Mr. Shelow is the new Director of the Penn State Justice and Safety Institute. Mr. Shelow thanked the SDSETB for partnering with Penn State and said that he looked forward to working with the Board. Mr. Stonis stated that Basic Training class B-15-02 recently graduated on September 11th. He acknowledged and thanked the Montgomery County Sheriff's Office for allowing their color guard to attend graduation and present the nations colors. Mr. Stonis also acknowledged Philadelphia Deputy Sheriff Myinda Hopewell for her outstanding singing of the National Anthem. Mr. Stonis stated that the current Basic Training class has 39 deputies enrolled and the Waiver Training class has 30 deputies. He explained that Penn State is in the process of renewing their Master Agreement with the Commonwealth.

Chairman DeLuca asked Mr. Anthony Luongo, Temple University, for the report on Continuing Education. Mr. Luongo stated that the 2015 – 2017 Continuing Education Training Cycle is scheduled to begin in October 2015 in Bethlehem, PA. He reported that 67 continuing education classes are schedule for the cycle that will end June 30, 2017. In addition, five supervisory level continuing education classes will be held during the training cycle. Mr. Luongo stated that eight Active Shooter classes (Merit Training) will be conducted, as well as several Instructor Development classes. Mr. Luongo thanked Penn State Fayette Campus for the development of the curriculum to be taught.

Ms. Christie Willard, Temple University, stated that since the deployment of the SDSIS, Temple would no longer mail course materials, including certificates of completion. Grades and transcripts are available through accessing the SDSIS. All sheriffs' offices have access to the information system.

Chairman DeLuca asked for the report on Curriculum Development. Mr. Ted Mellors, Penn State Fayette, informed the SDSETB that the curriculum for the 2015 – 2017 Continuing Education Training Cycle was developed and delivered to Temple University. An instructor update class was held at PCCD in June 2015. The courses for the next continuing education training cycle included: Legal Updates, Firearms Safety, DUI Patrol, and Court Safety. Mr. Mellors stated that the curriculum for the Advanced Supervisors Continuing Education was almost complete. In addition, the on-line Merit Course for Hazardous Materials and Special Threat Groups was being finalized. Mr. Mellors stated that staff was preparing an instructor guide for the Basic Training Firearms Module, for all the firearms instructors. He reported that more videos were being filmed for use in the Cultural Diversity training. Mr. Numer explained that the on-line Hazardous Materials and Special Threat Groups courses will replace the requirement for

Basic Training attendees to complete the on-line course offered by the Texas Extension. Temple University will host the on-line training as currently done with all SDSETB sponsored on-line trainings.

Chairman DeLuca announced that the next SDSETB meeting was scheduled for December 3, 2015, 9 a.m., at the PCCD. Chairman DeLuca asked if anyone had any public comments.

Mr. Wollyung asked how similar the SDSETB's Basic Training curriculum was to the curriculum taught by the Municipal Police Officers' Education and Training Commission (MPOETC). Mr. Numer stated that the SDSETB curriculum had more Civil Law and Defensive Tactics, due to the duties of deputy sheriffs. Mr. Wollyung stated that part of his job is to influence legislation that would recognize the authority of sheriffs and deputies. Mr. Wollyung stated that our training is similar to that of MPOETC, but if it was the same, then that would help in clarifying the authority issue. Mr. Pfau referenced the PA Supreme Court decision in Commonwealth v. Leet, in which the Court stated "similar" training. Mr. Pfau stated that the mission of the SDSETB is to train Sheriffs and Deputy Sheriffs to statute and case law, not to train with hope to have authority. Mr. Numer stated that in Kopko v. Miller, it was said that training does not impart authority. Mr. Wollyung stated that he was scheduled to speak with members of the PA House of Representatives to garner support for legislation to increase the fee bill from \$10.00 to \$20.00.

Deputy Kellam made a motion to adjourn the meeting. Lieutenant Godfrey seconded the motion and the meeting was adjourned at 10:38 a.m. with the following votes:

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

Voting Nay: None