

**DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD**

**Minutes of the March 18, 2010 Meeting**

Members Present

Carmen C. DeLuca  
Harry E. Forbes  
Roger S. Gunesch  
Chester A. Hawkins  
Kurt E. Montz  
Dr. William G. Pettigrew, Jr.  
Jody S. Smith

Members Absent

Judge Michael J. Barrassé  
Judge D. Webster Keogh  
William H. Romine, Jr.

Commission Staff Present

Norma Hartman  
Doug Hummel  
Don Numer  
John Pfau  
Alison Taylor

Others Present

Pennsylvania State University  
Paul Banach  
Bob Stonis

Penn State, Fayette Campus  
Ted Mellors

Temple University

Tony Luongo  
Christie Willard

Erie County  
Sheriff Robert Merski

Cumberland County  
Sheriff Ronny Anderson

Montgomery County  
Thomas Speers, Sheriff's Solicitor

Chester County  
John Freas  
Harry McKinney

Beaver County  
James McGeehan

PA Sheriffs' Association  
Beth Appleby

The March 18, 2010 meeting of the Deputy Sheriffs' Education and Training Board (DSETB) was called to order at 9:00 a.m., in the West Commission Room, Pennsylvania Commission on Crime and Delinquency (PCCD), Harrisburg, Pennsylvania.

The meeting began with introductions of those in attendance.

Chairman Harry Forbes introduced the first agenda item. He asked if the Board had an opportunity to review the minutes of the December 10, 2009 meeting and asked for a motion.

Dr. William G. Pettigrew, Jr. made a motion to approve the December 10, 2009 DSETB minutes. Mr. Carmen DeLuca seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz, Pettigrew and Smith

Voting Nay: None

Ms. Norma Hartman reviewed the DSETB fiscal report for state fiscal year 2009-2010, ending December 31, 2009. The balance from the previous year was \$10,027,862.63. Fee collections from July 1, 2009 through December 31, 2009 was \$2,568,498.04. The estimated fee collections from January 10, 2010 through June 30, 2010 is \$2,431,501.96. The total estimated funds available at December 31, 2009 is \$15,027,862.63. The expenditures and commitments at December 31, 2009 is \$11,684,702.34. The balance as of December 31, 2009 is \$3,343,160.29. Mr. Don Numer explained that the fiscal report included commitments for all contracts. Some of the contracts listed extend beyond the 2009-2010 fiscal year. The fee collections are only for the current fiscal year. This report method is required by the Comptroller's Office.

Mr. Kurt Montz made a motion to approve the fiscal report. Dr. Pettigrew seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz, Pettigrew and Smith

Voting Nay: None

Mr. Numer provided the supervisor's report. Mr. Numer congratulated board member Ms. Jody Smith on her promotion to Chief Deputy for the Cumberland County Sheriff's Office. Mr. Numer explained that Chief Deputy Smith's status as a board member is being reviewed. The Training Act is specific regarding positions of board members. Mr. Numer explained that staff is waiting for the Governor's Office to render a decision as to Chief Deputy Smith's eligibility to continue serving as a board member. Mr. Numer recommended that Chief Smith abstain from voting due to the review of her status. Chief Deputy Smith agreed to abstain from voting.

Mr. Numer announced that Penn State Fayette received the new curriculum development contract. He explained that a task analysis is being conducted on the basic training curriculum. Mr. Numer explained that a sub-contractor that is conducting the survey mailed the survey prior to its final review. The survey is very lengthy and caused much concern amongst sheriffs. Mr. Numer spoke with the Sheriffs' Association and Sheriff Carolyn Welsh, (Chester County and Sheriff Associations' President) to discuss the survey and intent. An on-line survey is being sent to all sheriff offices to replace the paper survey previously sent. A training bulletin was mailed explaining the on-line survey. Mr. Numer stated that Sheriff Welsh posed the question as to what would be done if the survey results are not valid. Mr. Numer explained that regardless of the responses received, Penn State Fayette will conduct regional focus group meetings to assist in the validation process.

Deputy Roger Gunesch expressed his concern for obtaining an appropriate cross-section of results. Mr. Numer agreed and stated that the focus group process worked well when used in the development of the Train the Trainer Program. Mr. Montz stated that the Sheriffs' Association Conference being held in July 2010 would be a good opportunity to solicit feedback regarding the survey results. Sheriff Ronny Anderson, Cumberland County, stated that his county has conducted many surveys in the past and nothing ever seems to benefit his office. Sheriff Anderson expressed his concern for obtaining accurate results due to the length of the survey and the willingness of his deputies to complete the survey. Sheriff Anderson called the sub-contractor (Major Ben's Consulting) and suggested that they come and interview his deputies. Mr. Ted Mellors, Penn State Fayette, stated that the sub-contractor did not follow procedure and said that all the "stake holders" were not able to finalize the survey prior to being mailed. Mr. Mellors accepted Sheriff Anderson's offer to meet and interview his deputies.

Sheriff Robert Merski, Erie County, asked if they should wait for a revised survey or complete the original paper survey. Mr. Numer stated that sheriffs and deputies should complete the on-line survey. Mr. Numer completed the survey and stated that it takes approximately one half hour to complete the survey. Mr. Numer stated that he was concerned of an increase in confusion if a new survey was created. He stressed that the focus groups would help guide the project. Mr. Montz asked who is the target population of the survey. Mr. Numer stated that all sheriffs and deputies are encouraged to complete the survey. Mr. Numer stated that Penn State Fayette has access to the climate surveys completed for each basic training academy class. Dr. Pettigrew asked how many questions the survey contained. Mr. Mellors stated that the survey reviews twenty-five (25) training modules with sub-courses and is 105 pages. Dr. Pettigrew stated that the survey should be shortened. Mr. Mellors stated that the survey for the continuing education program is five pages and the waiver program is a little longer. Mr. Mellors agreed with Mr. Numer regarding the potential confusion a new survey could create and stressed the value of the focus group process. Sheriff Anderson stated that the continuing education program should have separate surveys for supervisors training and line staff training.

Mr. Numer introduced the Training Request submitted by the Montgomery County Sheriff's Office. Attorney Thomas Speers, solicitor for the Montgomery County Sheriff's Office was in attendance. The training request was seeking DSETB approval to grant Deputy Christopher Gaughen an additional opportunity to retest the Physical Fitness Standards. Mr. Numer explained that Deputy Gaughen attended the basic training academy with class B-09-03, which graduated on December 18, 2009. Deputy Gaughen failed to pass the physical fitness standards and was not eligible for certification. He had consistent problems with the 1.5 mile run and intermediate problems with the sit-ups. Mr. Numer stated that during his last fitness test, he improved his 1.5 mile run time by over one minute from his previous test. Deputy Gaughen failed the 1.5 mile run by 19 seconds. Mr. Numer explained that the DSETB policy required that Deputy Gaughen be dismissed from the academy. The policy allows a sheriff to request the opportunity for a deputy to repeat the academy, with associated costs to be the responsibility of the sheriff's office or deputy.

After Deputy Gaughen was dismissal from the academy, Mr. Numer recommended that prior to the board meeting that the sheriff test Deputy Gaughen on the physical fitness standards and provide the results to the board. Mr. Numer suggested that if he passed the test administered by the sheriff's office, he would support a request to grant Deputy Gaughen one additional opportunity to return and complete the fitness test. Mr. Numer recommended to the DSETB to grant Deputy Gaughen an additional physical fitness test. Mr. Numer based his recommendation on the expense of having a deputy trained. Mr. Numer explained that the board has invested a minimum of \$3,000 to \$4,000 in direct costs for training. This does not include the indirect costs. Also, the board provides salary reimbursement to the county regardless if a deputy passes or fails the academy. Mr. Numer stated that it is a minimal cost to have Deputy Gaughen retest.

Mr. Numer stated that the sheriff's office verified that Deputy Gaughen passed the fitness test administered by the sheriff's office. Ms. Smith asked for the training due date for Deputy Gaughen. Attorney Speers stated that Deputy Gaughen was still within his initial year to obtain certification. He claimed Deputy Gaughen was a good deputy and he spent time in the United States Air Force. Attorney Speers stated that the sheriff's office administers a physical fitness test as part of the hiring process. Attorney Speers stated that Deputy Gaughen passed the fitness test for hiring, but was not sure of his fitness training since he was hired. Attorney Speers stated that he had good grades with all the other subjects at the academy. Attorney Speers stated that the sheriff's office recently tested Deputy Gaughen and verbally verified that he passed the fitness standards. Attorney Speers stated that they tested him on an indoor track. Attorney Speers stated that the academy uses two different tracks. He stated that one track is in the I.M. Building, which is a square track. The other track is the track used by the college athletes. Attorney Speers stated that Deputy Gaughen failed while running on the square track. Attorney Speers stated that the sheriff's office tested Deputy Gaughen on a track similar to the track used by the athletes. Attorney Speers stated that the Cooper Institute recommends that the test be completed on a 400 yard or 400 meter track. Attorney Speers stated that the academy has more laps because the lap distance is shorter than the 400 yard or 400 meter track. Mr. Bob Stonis, Penn State, stated the track used for testing

requires 12 laps. Attorney Speers stated that the shorter lap distance and more laps requirement has more sharp turns at the I.M. Building. Deputy Gunesch recommended that the Board grant Deputy Guaghen the retest. Deputy Gunesch expressed his concern if Deputy Gaughen failed the additional retest. Deputy Gunesch stated that he would only approve one retest due to Deputy Gaughen being within the one year training requirement provided by the Training Act. Chief Deputy Smith asked for the opinions of the representatives of the various sheriff's offices in attendance. Sheriff Chester Hawkins stated that he only uses the waiver training program. He stated that his deputies get one opportunity to attending training. Sheriff Anderson explained that he had a deputy that had to return to the academy for a fitness retest and failed the sit-ups. In previous tests, the deputy failed the 1.5 mile run. Sheriff Anderson attended the final retest and realized that he was not going to pass. He terminated the deputy and did not request the board to grant an additional test.

Sheriff Anderson stated that he has been attending the board meetings for the past two years. He stated that at the Sheriffs' Association Conference, last July, things were said, giving the board a "bad-rap." He stated that the comments were not fair. Sheriff Anderson stated that the board has a lot of responsibility and makes tough decisions based on written information submitted. He stated there is a lack of support of the sheriffs in their attendance at meetings to address board concerns regarding the requests they submit. He applauded Montgomery County for sending a representative to address the board. Sheriff Anderson stated that he did not have an issue, should the board grant the training request. Chief Deputy Smith stated that she did not agree and that deputies have been dismissed for less. Sheriff Merski stated that he supported granting Deputy Gaughen an additional retest because he is within the one year time period for training. Sheriff Merski recommended that the academy review the style of track used for testing. Mr. Montz clarified that the waiver candidates are not required to complete an academy physical fitness test. Mr. Numer explained that the waiver candidates had to have previously passed a fitness test through their Act 120 training or state police training. Deputy Freas, Chester County, stated that his sheriff only hires individuals that are Act 120 trained and are permitted to attend the waiver training. He stated that his office has a physical fitness test administered during the probationary period. He stated that he would grant the request due to the deputy being within the one year training requirement. Mr. Montz stated that he would agree to granting one retest.

Commissioner Forbes stated that the square track could have affected the deputy's ability to maintain a steady speed. The corners would cause a person to slow down. Mr. DeLuca asked if the square track had marked lanes. He explained that the facility he trains at requires 13 laps for a mile. Mr. DeLuca stated that the track is square but you run in lanes that "cut the corners." Mr. Numer stated that the facilities used for the physical fitness test will be reviewed.

Mr. Kurt Montz made a motion to grant Deputy Christopher Gaughen one final opportunity to attempt the physical fitness test, provided it occurs prior to the one year training due date. Deputy Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins and Montz

Voting Nay: Pettigrew

Abstained: Smith

Mr. Numer reviewed the training request from the Philadelphia Office of the Sheriff. The request was for Deputy Ernestine Wiggs to be granted an additional opportunity to repeat the firearms course at the basic training academy. Deputy Wiggs attended basic training with class B-09-02. She failed the firearms course and returned to repeat the course with class B-09-03 as provided by the DSETB policy. Deputy Wiggs failed the firearms course for the second time and was dismissed from the academy.

Mr. Montz made a motion to grant Deputy Wiggs the opportunity to repeat the entire basic training academy in accordance with DSETB policy. Dr. Pettigrew seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz and Pettigrew

Voting Nay: None

Abstained: Smith

Mr. Doug Hummel reviewed the instructor application. The Pennsylvania State University requested the certification of Mr. Jeffrey M. Kuleck as an instructor for the Basic Training Academy, for Emergency Medical Services.

Mr. Montz made a motion to approve the instructor application of Mr. Jeffrey M. Kuleck, for Emergency Medical Services. Deputy Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz and Pettigrew

Voting Nay: None

Abstained: Smith

Mr. Numer reviewed the instructor application from Temple University. The certification request was for Mr. Steven Todoric to serve as an instructor for the continuing education training program.

Dr. Pettigrew made a motion to approve the instructor application of Steven Todoric. Sheriff Hawkins seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins and Pettigrew

Voting Nay: None

Abstained: Montz and Smith

Mr. Hummel reviewed the time waiver requests.

Sheriff Jeffrey Krieg, Elk County, submitted a time waiver request for Deputy Roger Hull. Deputy Hull's training due date was April 15, 2010. The request was made due to Deputy Hull's inability to attend Basic Training because of his commitment to his employment with the Federal Emergency Management Agency (FEMA). The request did not comply with the DSETB policy.

Mr. Montz made a motion to deny the time waiver request. Deputy Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz and Pettigrew

Voting Nay: None

Abstained: Smith

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Lieutenant Karen Kovacs. Lt. Kovacs's training due date was March 12, 2010. Lt. Kovacs is scheduled to attend the Advanced Supervisors training from September 13, 2010 through September 15, 2010, in Fort Washington, PA. This was the first Advanced Supervisors Training offered during the current training cycle. The request was to extend her training due date until September 15, 2010.

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Captain Kenneth Coia. Cpt. Coia's training due date was February 2, 2010. Cpt. Coia is scheduled to attend the Advanced Supervisors training from September 13, 2010 through September 15, 2010, in Fort Washington, PA. This was the first Advanced Supervisors Training offered during the current training cycle. The request was to extend his training due date until September 15, 2010.

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Lieutenant Paul Maley. Lt. Maley's training due date was October 31, 2009. Lt. Maley is scheduled to attend the Basic Supervisors training from March 22, 2010 through March 24, 2010, in Bethlehem, PA. This was the first Basic Supervisors Training offered during the current training cycle. The request was to extend his training due date until March 24, 2010.

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Sergeant Elwood Buchman. Sgt. Buchman's training due date is March 12, 2010. Sgt. Buchman is scheduled to attend the Basic Supervisors training from March 22, 2010 through March 24, 2010, in Bethlehem, PA. This was the first Basic Supervisors Training offered during the current training cycle. The request was to extend his training due date until March 24, 2010.

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Sergeant Edward Hudak. Sgt. Hudak's training due date was November 9, 2009. Sgt. Hudak is scheduled to attend the Basic Supervisors training from March 22, 2010 through March 24, 2010, in Bethlehem, PA. This was the first Basic Supervisors Training offered during the current training cycle. The request was to extend his training due date until March 24, 2010.

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Sergeant Mouner Younes. Sgt. Younes's training due date was November 9, 2009. Sgt. Younes is scheduled to attend the Basic Supervisors training from March 22, 2010 through March 24, 2010, in Bethlehem, PA. This was the first Basic Supervisors Training offered during the current training cycle. The request was to extend his training due date until March 24, 2010.

Sheriff Ronald W. Rossi, Lehigh County, submitted a time waiver request for Sergeant Mark Moyer. Sgt. Moyer's training due date is March 12, 2010. Sgt. Moyer is scheduled to attend the Basic Supervisors training from March 22, 2010 through March 24, 2010, in Bethlehem, PA. This was the first Basic Supervisors Training offered during the current training cycle. The request was to extend his training due date until March 24, 2010.

Dr. Pettigrew made a motion to approve the time waivers for Lt. Kovacs, Capt. Coia, Lt. Maley, Sgt. Buchman, Sgt. Hudak, Sgt. Younes and Sgt. Moyer. Mr. Montz seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz and Pettigrew

Voting Nay: None

Abstained: Smith

Mr. Numer reviewed the list of Time Waivers approved by the Training Supervisor. This was for informational purposes and did not require DSETB action.

Sheriff John Lotwick submitted a time waiver request for Chief Deputy Charles Sheaffer. Chief Deputy Sheaffer's training due date was March 12, 2010. Due to a manpower shortage, he was removed from the March 2010 supervisors training. The request was made to allow Chief Deputy Sheaffer to attend the advanced supervisors training in June 2010. The request is in compliance with the DSETB policy.

Sheriff Hawkins made a motion to approve the time waiver for Chief Deputy Sheaffer. Dr. Pettigrew seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz and Pettigrew

Voting Nay: None

Abstained: Smith

Mr. Numer reviewed the list of Training Waivers applications approved by the Training Supervisor. This was for informational purposes and did not require DSETB action.

Chairman introduced the next agenda item submitted by the Chester County Sheriff's Office, through the PA Sheriffs' Association. Mr. Numer explained that Sheriff Welsh is hosting the 2010 PA Sheriffs' Association Conference in July. Mr. Numer stated that the Association is planning to expand their traditional Conference to include more training sessions and to include deputies. The request is for the board's support in partially funding a K-9 training for deputies. The training would be held during the Conference and all deputies in Pennsylvania would be eligible to attend. Mr. Numer stated that K-9 training has never been provided by the DSETB. Mr. Numer referred to the written request provided to the DSETB. Mr. Numer explored the ability of the DSETB to provide funding for other training programs. Mr. Numer stated that funding this program is permissible, provided that the cost is less than \$5,000. Mr. Numer noted that the request is for funding less than the limit of \$5,000. Captain Harry McKinney, Chester County, explained that the training is not limited to K-9 handlers. The training also teaches all law enforcement personnel how to support a K-9 handler and team. Deputy Gunesch stated that this is training that the DSETB has not offer and he commended Chester County for their efforts. Mr. Numer explained that the course would be treated as a merit course.

Mr. Montz requested a report on the number of deputies and sheriff's offices that utilize this training program. Deputy Gunesch asked if other law enforcement entities would be invited to attend the training. Captain McKinney stated that other agencies would be able to attend, with priority given to deputies. Mr. DeLuca asked how much does it cost to train a person. Captain Mckinney stated the cost of training would be \$200 dollars per deputy plus, an additional \$100 per night for lodging.

Sheriff Hawkins made a motion to provide funding for the proposed training, to be less than the \$5,000 limit. Mr. Montz seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, Hawkins, Montz and Pettigrew

Voting Nay: None

Abstained: Smith

Mr. Stonis provided the report for the Basic Training delivery contract. Mr. Stonis stated that the current basic training class is in week 10. He announced the academy will host the first Firearms Instructor Certification Course from May 17, 2010 through May 21, 2010. This course is part of the Train the Trainer Program.

Ms. Christine Willard provided the report on the Continuing Education delivery contract. Twenty training sessions have been completed since the start of the training cycle in October 2009. Currently, continuing education training is being held in western Pennsylvania. The first Basic Supervisors Course will be held next week (March 22, 23, 24, 2010).

Mr. Ted Mellors provided the report on the Curriculum Development contract. Mr. Mellors stated that in addition to the three training analysis surveys being conducted, the development team is reviewing the current curriculum for Basic Training. Also, the on-line training courses for 2010 are being developed.

Mr. Montz commended the training delivery contractors and instructors. Chairman Forbes stated that he agreed. Sheriff Hawkins also agreed.

Deputy James McGeehan, Beaver County, stated that he believes that Act 2 continuing education training for legal updates is repetitive. He requested the offering of more subjects. Mr. Numer stated that the current continuing education training cycle is different from the previous training cycle. Mr. Numer explained that the Training Act specifies that continuing education is for 20 hours every two years. Mr. Tony Luongo, Temple University, stated that legal updates is offered as an on-line course that is updated and offered every year. Chairman Forbes asked if legal updates could be updated every six months. Mr. Luongo explained that the development process often takes at least six months. Mr. Numer stated that to increase the requirements of training would require a change in Legislation.

Sheriff Hawkins requested that the training evaluation sheets be completed at the sheriff's offices, reviewed by the sheriff and returned to the contractor. Mr. Numer stated that if that process would be implemented, the contractors would probably not get the evaluations returned to them. Mr. Numer stated that the return rate on most surveys is approximately 30%. Ms. Beth Appleby, PA Sheriffs' Association, asked if the evaluation results could be reported to the sheriffs. Mr. John Pfau, PCCD, stated that there might be a method to make the information available. Mr. Montz asked why this information is being requested. He stated that it appears that some sheriffs may want to complain about certain instructors. He stated that he is reluctant to have sheriffs dictate who instructs for our programs. Mr. Montz stated that instructors have different personalities. The Board and Penn State should be reviewing instructor evaluations. Mr. Numer explained that the issue was mentioned regarding, "How do we know an instructor isn't pulling out those

three or four bad evaluations.” Mr. Numer stated that there is a level of trust. Mr. Numer stated that a possible solution would be to have the contractors visit the sheriff’s offices after training is held in their region to solicit input. Sheriff Merski stated, “you are beating a dead horse.” There are 67 sheriffs and 67 different personalities. Sheriff Merski stated that the sheriffs need to be like parents and support the teachers. He stated that if a major problem exists, then the issue needs to be addressed with the DSETB. Mr. Pfau stated that a grievance form could be posted on the web site. Sheriff Hawkins stated that he has informed the sheriffs to bring issues to PCCD to be put on the DSETB agenda. Mr. Numer stated that we would appreciate any positive or negative comments.

Captain Mckinney thanked the DSETB for their support for the K-9 training and welcomed the DSETB to attend.

Mr. Numer stated that the next DSETB meeting will be held on May 21, 2010, at 8:00 a.m. in State College, PA.

Chairman Forbes adjourned the meeting and requested the DSETB to remain for a brief executive session.