

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the December 5, 2018 Meeting

Members Present

James P. Goodman
Stephanie Jirard
Todd A. Martin
Jon McEnroe
Wayne Nothstein
Anthony Sassano
Jody Smith
Farley Toothman
Ed Walker
Eric Weaknecht

Commission Staff Present

Doug Hummel
Don Numer
John Pfau
Debra Sandifer
Deb Williams

Others Present

Penn State University
Mike Ecker
Steve Shelow

Temple University
Tony Luongo
Kevin Myers

Penn State – Fayette
Rob Harford

PA Sheriffs' Association
Tom Maioli
Beth Appleby

Sheriffs
Anthony Harvilla, Carbon Co.

The December 5, 2018 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Chairman Todd Martin, at 9:00 a.m., at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North Front Street, Harrisburg, Pennsylvania 17110.

Mr. Don Numer, PCCD, stated that the SDSETB needed to conduct elections for the positions of Board Chair and Vice Chair for 2019. Mr. Numer explained that the chair conducts the Board meetings and the vice chair assumes the duties when the chair is absent. Any Board member can be nominated and can choose to decline the nomination.

Mr. Numer asked for nominations for the position of Board Chair. Commissioner Nothstein nominated Sheriff Todd Martin to continue as Board Chairman. Sheriff Eric Weaknecht seconded the nomination. No other nominations were made and Chief Deputy Jody Smith made a motion to close the nominations for Board Chair. Sheriff Weaknecht seconded the motion.

Sheriff Martin was re-elected the SDSETB Chairman with the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Walker, and Weaknecht

Voting Nay: None

Chairman Martin thanked the Board for their continued support and their dedication to the mission of the Board.

Chairman Martin asked for nominations for the position of Board Vice Chair. Chief Deputy Smith nominated Sheriff Weaknecht. Deputy Ed Walker seconded the nomination. No other nominations were made and Commissioner Nothstein made a motion to close the nominations for Vice Chair. Judge James Goodman seconded the motion.

Sheriff Weaknecht was re-elected the SDSETB Vice Chairman with the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Walker, and Weaknecht

Voting Nay: None

Chairman Martin asked if everyone had an opportunity to review the minutes from the October 5, 2018 Board meeting. He stated that if there was no discussion, then he would entertain a motion to approve the minutes.

Judge Goodman made a motion to approve the meeting minutes from October 5, 2018. Commissioner Nothstein seconded the motion. Sheriff Martin asked if there was any

Board discussion or public comment regarding the minutes. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Numer reviewed the first quarter fiscal report for the period ending September 30, 2018 for state fiscal year 2018-2019. The total available funds as of September 30, 2018 was \$4,669,237.86. The total expenditures and commitments were \$3,491,704.71. The uncommitted balance as of September 30, 2018 was \$1,177,533.15. Mr. Numer explained that approximately two million dollars in reimbursements is owed to the counties, since the reimbursements were suspended for all classes that began after July 1, 2017. If the reimbursement suspension did not occur, we would have expended the funds and would not be able to continue providing the required training.

Chief Deputy Smith asked when the funds committed to Temple University's contract would pay out, since the contract ended September 30, 2018. The report indicated that \$84,970.96 is still committed to Temple. Mr. Numer stated that Temple's last invoice for the contract period was recently received after the fiscal report was completed. Mr. Numer explained that once the invoice is reviewed and approved for payment, any unexpended funds from the contract would remain in the Board's Training Account. It could take a couple of months to close out the purchase order for the contract. Mr. John Pfau, PCCD, stated that based on the previous actions of the Board and staff working with Penn State University, commitments have been reduced by approximately \$400,000.00.

Sheriff Weaknecht made a motion to approve the first quarter fiscal report for the period ending September 30, 2018 for state fiscal year 2018-2019. Commissioner Nothstein seconded the motion and the motion passed with the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Numer reviewed the Fiscal Projection Report that was provided on page ten of the meeting packet. He explained that previous projection reports were calculated using data from the previous ten years. This data did not account for the cost reduction changes authorized by the Board. Mr. Numer stated the new report is more realistic in projecting future revenue and expenditures. The projection report did not include the reimbursements owed to the counties. Mr. Pfau stated that staff and the contractors continue to work to identify and reduce costs. Training costs are projected to increase and revenue is projected to decrease. The debt obligation for the training reimbursements continues to increase.

Judge Farley Toothman entered the meeting at 9:15 a.m.

Mr. Numer reviewed the Fee Collection Report (page 11), Administrative Expenses Report (page 12), and the Purchase Order Report (page 13) that were included in the meeting packet.

Mr. Numer informed the Board that Ms. Heather Hewitt, PCCD, will be handling any reimbursements to Board members for travel expenses.

Mr. Numer reported that the PCCD informational technology staff were able to create a report regarding training and employment turnover statistics. Statistics indicate that four out of five deputies that complete the Basic Training Academy will remain employed as a deputy after two years. One out of three deputies that complete the Waiver Training Program will leave employment prior to two years of service. Mr. Numer stated that “older” deputies that attend the waiver training are typically retired police officers that may remain employed longer than two years. The younger population of waiver class attendees often leave employment as a deputy as soon as they secure a hirer paying police officer job.

Deputy Jon McEnroe asked if there were any regional trends. Mr. Numer stated that regional reports may be difficult to compile and could take time to produce.

Mr. Numer reported that in the past, the Board had contracts totaling approximately four million dollars. Based largely on the Board’s cuts in training, the commitments have been reduced to approximately three million. Some of the reduction is the result of cuts in Penn State University’s contract for Basic Training Delivery, but most of the reduction is the result of the Board’s decisions. Mr. Numer stated that the reductions identified by staff and Penn State is not just “finding fat.” Most of the instructor development training was eliminated. No instructor update trainings will be conducted in 2019. Mr. Numer stated that it is harder to find areas to reduce spending. It is getting to the point in which further reductions will affect the quality of training. Commissioner Nothstein stated that not all decisions resulted in a cost savings. Some of the costs was being put on the counties.

Deputy Walker asked if instructor development classes were conducted every year. Mr. Numer stated that updates occur yearly for areas of instruction in which new curriculum was created. Deputy Walker asked if instructor updates could be spaced-out over time. Mr. Pfau stated that it is driven by the development and implementation of new curriculum. We eliminated instructor training for 2019, but continued years without providing training to the instructors could reduce the quality of our programs.

Chief Deputy Smith asked is we could change the lodging location for the instructors. She mentioned that the Penn Stater is an expensive hotel. Mr. Doug Hummel, PCCD, explained that the Academy is getting a lodging rate that is similar to other hotels in the State College area.

Chief Deputy Smith asked about the utilization and costs associated with the Lasor Shot System. Mr. Numer explained that both the Board and Penn State contributed to the equipment and facility development. He stated the system is being used in both basic and waiver training. Mr. Pfau stated that a plan is being developed to allow the use of the Lasor Shot System and facility to other law enforcement entities. Charging a reasonable fee will help reduce the costs to maintain the system. Chief Deputy Smith stated that her deputies that returned from the academy claimed they did not use the system. Sheriff Martin said that his deputies reported not using the system. Mr. Numer stated that the system has been used, but additional time needs to be dedicated to integrating it into the academy.

Mr. Numer reported that since the reimbursement suspension was enacted on July 1, 2017, as of December 31, 2018 it is estimated that \$2,086,342.72 is owed to counties. Mr. Numer said that 1.3 million was submitted by the counties and the remaining amount is estimated based on the invoices that need to be submitted. Don said that he is drafting a report for Commissioner Nothstein to provide to the County Commissioners' Association.

Mr. Numer provided a status report on the progress in implementing the Board's training decisions as recommended by the Work Group. Penn State – Fayette is developing the curriculum for the tactical first aid class that will replace the current Emergency Medical Services curriculum that is taught at basic training. The target date for implementing the tactical first aid class is with the January 2020 basic training class. Staff is working with the PCCD information technology staff at implementing the necessary changes to the Sheriff and Deputy Sheriff Information System (SDSIS) to require sheriffs to input proof of First Aid and CPR certification prior to enrolling in basic training. This is the same process required to register a deputy for the waiver training program. Mr. Numer stated that Penn State – Fayette will begin to develop the new curriculum for the waiver training program in July 2019, under their next contract. The new waiver training program is being reduced to one week at the academy and another one week of on-line instruction to be completed prior to attending the residential portion. No time schedule has been determined for implementation. In addition, all the Train the Trainer classes have been cancelled. The Board will only sponsor one Firearms Instructor Re-Certification and one Patrol Rifle Instructor Re-Certification class in 2019.

Mr. Numer reported that beginning in January 2020, all continuing education will be conducted in an on-line learning format through a learning management system (LMS). All sheriffs and deputies will be required to complete ten hours of on-line training every year to maintain their certification. Staff have been coordinating this project with Temple University and PCCD informational technology staff. The goal is to link the LMS with the SDSIS to allow for the course enrollments, completion, and electronic transfer of grades and other pertinent information. Mr. Numer stated that a Training Bulletin will be issued to inform all sheriffs and deputies of the changes to the continuing education program. Mr. Numer stated the Workgroup was supportive of continuing to work with Penn State – Fayette to develop the on-line trainings. This was due to cost effectiveness and timely development. Mr. Numer stated the Invitation To Quote (ITQ) process could

be a costly and lengthy process to identify a curriculum developer for our needs. He stated that if an “off the shelf” class exists that meets our needs, then we could utilize the process to implement a specific class subject. Mr. Numer stated that the 2020 on-line continuing education training will consist of two hours of legal updates, four hours of social media for law enforcement, and four hours to be determined by the Workgroup. Mr. Numer explained that the first year of on-line training will be limited. We don’t plan to offer multiple subject choices.

Mr. Numer reported that Chester Hawkins, former sheriff of Clearfield County and former member of the SDSETB, submitted an email request yesterday. He retired as sheriff prior to the legislative requirement mandating sheriffs to attend training for certification and re-certification. He has recently been hired as a deputy sheriff and is requesting a waiver to exempt him from attending the basis or waiver training. Mr. Numer stated that upon preliminary review, Deputy Hawkins would need to attend waiver training for certification. Mr. Numer stated that the Board could consider the request now, but he recommended that the Board allow staff time to research the situation and report to the Board at the February 26, 2019 meeting. No motion or action was taken. Staff will address the request at the next meeting.

Mr. Hummel reviewed all the time extension requests that complied with the Board Policy. These extension requests were included on pages 14 through 16 of the meeting packet and page 2 of the Addendum. Time extensions were requested for the following individuals: Deputy Lindsey McCarthy, Allegheny County; Deputy John Lubich, Beaver County; Deputy Matthew Liebman, Philadelphia County; and Richard Goldsmith, Forest County.

Sheriff Weaknecht made a motion to approve the time extension requests that complied with the Board Policy. Judge Goodman seconded the motion. Chairman Martin asked if there was any Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Toothman, Walker, and Weaknecht

Voting Nay: None

Mr. Hummel reviewed the list of time extensions that were approved by the Training Supervisor. Extensions were approved for: Deputy James Ring, York County; Lt. William Luchkiw, Butler County; Deputy Eric Nemeth, Northampton County; Deputy Isaiah Jenkins, Westmoreland County; Deputy Brandon Herman, Allegheny County; Deputy Michael Urban, Bucks County; and Deputies Trina Smith, Daniel Gissinger, Shirley Aviles, and Steven Shelle, Philadelphia County. This was for informational purposes and did not require SDSETB action.

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

Mr. Mike Ecker, Penn State University, provided the basic training delivery report. Graduation was held on November 16, 2018 for class B-18-02. Due to inclement weather, the ceremony was held at the Ramada Inn. Sheriff Sean Kilkenny, Montgomery County was the first sheriff to attend basic training and graduate since the change in the Training Act. Hosting future graduations at the hotel could be a cost savings for the Board. Mr. Ecker stated that the next basic training class will begin Monday, January 7, 2019. The entrance physical fitness test will be conducted at the Indoor Sports facility at Penn State. Forty deputies are enrolled and one is on the waiting list.

Mr. Anthony Luongo, Temple University, provided the continuing education delivery report. Training was being held in Philadelphia. Classes will resume in 2019 in Philadelphia, York, and Altoona. The on-line merit training for 2018 will end December 31, 2018 and the 2019 curriculum will be available January 1, 2019.

Mr. Rob Harford, Penn State – Fayette, provided the report on curriculum development. The 2019 basic training curriculum was delivered to the academy. The 2019 waiver training curriculum will be delivered later this week. The 2019 on-line legal updates course will be delivered to Temple for implementation on January 1, 2019.

Chairman Martin asked if there was any public comment.

Mr. Tom Maioli, Executive Director of the PA Sheriffs' Association, expressed that he would like to meet with PCCD and the academy staff to discuss ideas for future graduation ceremonies. He said it is a special event for all involved.

Mr. Numer reviewed the academy dismissal appeal request by Captain Travis Day, that was provided on page 19 of the meeting packet.

Chairman Martin asked for a motion to adjourn for an executive session. Commissioner Nothstein made a motion to adjourn the meeting for an executive session. Deputy Walker seconded the motion. The meeting was adjourned at 10:15 a.m. for an executive session, by the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Toothman, Walker, and Weaknecht

Voting Nay: None

At 10:55 a.m., Commissioner Nothstein made a motion to reconvene the public meeting. Ms. Stephanie Jirard seconded the motion. The motion to reconvene the public meeting was approved by the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Toothman, Walker, and Weaknecht

Voting Nay: None

Chairman Martin stated that no decisions were made during the executive session concerning the appeal by Captain Day.

Commissioner Nothstein made a motion to deny the appeal submitted by Captain Travis Day. Deputy Walker seconded the motion and the appeal was denied by the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Abstained: Sassano and Toothman

Judge Goodman made a motion to adjourn the meeting. Commissioner Nothstein seconded the motion and the meeting was adjourned with the following votes:

Voting Aye: Board Members Goodman, Jirard, Martin, McEnroe, Nothstein, Sassano, Smith, Toothman, Walker, and Weaknecht

Voting Nay: None