

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the August 25, 2020 Meeting

Members Present

Stephanie Jirard
Brandon Neuman
Wayne E. Nothstein
Jody S. Smith
Ed Walker
Eric Weaknecht

Members Absent

Isaac Caraway
Kenneth L. Klakamp Jr.

Commission Staff Present

Doug Hummel
Don Numer
Mike Pennington
John Pfau
Beth Romero
Megan Staub
Sally Barry
Yvonne Murray
Debra Sandifer

Others Present

Penn State University
Mike Ecker
Steve Sheelow

Temple University
Anthony Luongo

PA Sheriffs' Association
Tom Maioli

Westmoreland County Sheriff's Office
Sheriff James Albert
Roger Eckles
Jen Shipley

Fayette County Sheriff's Office
Sheriff James Custer

Philadelphia Office of the Sheriff
Sheriff Rochelle Bilal
Angelinel Brown
Vernon Muse

The August 25, 2020 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Chairman Eric Weaknecht, at 9:04 a.m. Due to the COVID-19 pandemic, the meeting was being held via Skype conference call. Mr. Don Numer, Pennsylvania Commission on Crime and Delinquency (PCCD), informed everyone that the meeting was going to be audio recorded.

Mr. Numer informed the SDSETB that protocol for voting on action items would require a roll call vote in which each member would verbally announce their vote as yea, nay, or abstain.

Mr. Numer introduced the Honorable Judge Brandon Neuman, Washington County. Judge Neuman was recently appointed to serve on the SDSETB. Judge Neuman stated that it was a pleasure to serve on the Board and that he looked forward to the working with everyone.

Chairman Weaknecht asked if everyone had an opportunity to review the minutes from the June 25, 2020 Board meeting. He stated that if there was no discussion, then he would entertain a motion to approve the minutes.

Commissioner Wayne Nothstein made a motion to approve the meeting minutes from June 25, 2020. Chief Deputy Jody S. Smith seconded the motion. Chairman Weaknecht 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 Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Ms. Yvonne Murray, PCCD, reviewed the year end fiscal report for state fiscal year 2019-2020, as of June 30, 2020. The balance from the previous year was \$1,933,049.59. The fee collections as of June 30, 2020 was \$3,418,306.96. The total available funds were \$5,351,356.55. The total expenditures as of June 30, 2020 was \$2,230,628.62. The total expenditures and commitments were \$5,541,104.20 which included \$549,663.46 in administrative expenses. The details of the administrative expenses were included on page 12 of the meeting packet. The uncommitted balance as of June 30, 2020 was negative \$189,751.65.

Chairman Weaknecht asked if anyone had any questions or concerns regarding the fiscal report. He asked for a motion to approve the fiscal report.

Chief Deputy Smith made a motion to approve the year end fiscal report for state fiscal year 2019-2020, ending June 30, 2020. Commissioner Nothstein seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment regarding the fiscal report. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Numer reviewed the Budget Projection Report, Fee Collection Report, Administrative Expenses Report, and the Purchase Order Analysis Report. These reports were for information purposes and did not require Board action. Mr. Numer stated that the projection report is good, but noted that we would be in a deficit when the reimbursement obligation is taken into account. He noted that the fee collections have been decreasing and that impacts our ability to provide training.

Commissioner Nothstein asked if we had a report indicating the amounts each county remits to the training account. Mr. Numer explained that the Commonwealth's Comptroller and Treasurer monitors the fee submissions. He stated that each county remits their fees twice per year. Counties are staggered on which months they are required to remit the fees. This keeps a constant flow of revenue being deposited into the training account. Mr. Numer explained that the Auditor General audits approximately eight counties per year. They prepare reports on each county. We don't have access to the amount of fees that are being ordered by the Courts. Some Courts waive our fees. Commissioner Nothstein suggested that maybe some judges do not understand the impact of not requiring defendants to pay the fees. Mr. John Pfau, PCCD, stated that we only know what money is submitted. We have no way of knowing the amount that is assessed or waived. It takes time for defendants to pay the fees in addition to when the fees are remitted to our account. Commissioner Nothstein stated that some people never pay.

Chief Deputy Smith stated that it is the sheriff's responsibility to file for the fees with the Prothonotary's Office in civil process cases. She said it is a complex system. Chief Deputy Smith stated that real estate writs can be served by a "service processor." Some sheriff's offices are not providing this service.

Mr. Tom Maioli, PA Sheriff's Association, stated that their solicitor, Mr. Tom King submitted a brief to Judge Saylor of the Pennsylvania State Supreme Court regarding the role of the sheriff and process servers. Philadelphia uses process servers and, which negatively impacts the training account.

Mr. Numer reviewed his supervisor's report that was distributed to the SDSETB prior to the meeting.

Mr. Numer stated that reimbursements owed to the counties total 3.6 million dollars. Invoices that are pending submission are estimated at \$939,000.00 and an additional \$700,000.00 is estimated for the remaining classes to be completed in 2020. The reimbursement liability is estimated at 5.2 million dollars at the end of 2020.

Mr. Numer announced that Senate Bill 1193, that addresses the increase in fees for the training account, was approved by the Senate and is being reviewed by the House of

Representatives. Mr. Maioli stated that the PA Sheriffs' Association has a meeting scheduled in early September with Representative Kaufman, House Judiciary Committee Chairman. He stated the House will be coming back to session soon and is hopeful they will address the Bill. Mr. Numer previously prepared a report for Mr. Maioli to share with the Legislature. Mr. Maioli asked Mr. Numer to provide any updates to that original report.

Mr. Numer stated that if Senate Bill 1193 would be enacted, fee collections would be projected at 5.4 million for 2021, 6.1 million in 2022, and 6.8 million in 2023. He cautioned that the SDSETB could not control the collections. It will take time to see the increase in fees. Mr. Numer stated that despite the potential increase in fees, we continue to increase our liability for reimbursements. He stated that in a perfect scenario, we could have all the reimbursement liability paid off by the end of 2023.

Mr. Numer informed the SDSETB that the Board's Statement addressing law enforcement reform and accountability was approved by the PCCD and posted to the web site. He thanked Sheriff Weaknecht and Deputy Ed Walker for helping draft the statement. Mr. Numer stated that all curriculum is being reviewed to identify any potential implicit bias. This includes a review of all videos, laser-shot scenarios, and live training scenarios. He stated that student evaluations of the training have been helpful in this process. Mr. Numer stated that the Governor's Office and/or the Legislature may enact legislation and policies that would require changes to our curriculum and training.

Mr. Numer informed the SDSETB that 80 percent of the active sheriffs and deputies created their access to the Sheriff and Deputy Sheriff Information System (SDSIS). He stated that 75 percent completed the required on-line continuing education training. Approximately 500 sheriffs and deputies need to complete the training for re-certification. Staff will be issuing a reminder to all sheriff offices.

Mr. Numer reported that a virtual graduation ceremony was held for Basic Training Class B-20-01, on July 18, 2020. The graduation was attended by PCCD staff, Academy Staff, and the graduating deputies. The event was live streamed by Mr. Maioli and shown on the PA Sheriffs' Association web site. Mr. Maioli stated that the ceremony had over 10,000 views.

Mr. Numer informed the SDSETB that Basic Training Class B-20-02 began on August 3, 2020. The training schedule was compressed to include several weekend training sessions. This was done to allow for graduation to be held on November 2020, prior to the Thanksgiving holiday. Mr. Numer stated that the current class has 43 deputies attending. Our maximum enrollment has been 40 deputies per class. Since we had 43 deputies pass the entrance physical fitness test, the decision was made to accommodate increasing the class size.

Mr. Numer stated that seven deputies attended the Firearms Instructor Re-Certification class in July. Eight deputies attended the Patrol Rifle Instructor Re-Certification class in July. One deputy failed both re-certification classes and was dismissed. Mr. Numer

stated that he will propose some changes to the Train-the-Trainer Program at the next workgroup meeting for potential action at the November Board meeting.

Mr. Numer stated that Waiver Training Class W-20-03 is currently in session. The class was divided into two smaller groups, to allow for increased social distancing. Mr. Numer stated that a survey was conducted to determine the need to host the three remaining Waiver Training classes (to include the current class) for 2020. He stated the survey supported the need for all three classes, but at the present time, the enrollment numbers do not justify hosting all the classes. Mr. Numer stated that it was too late in the process to cancel the last class.

The 2021 training schedule will be released soon. Three basic training classes and four waiver classes will be scheduled. Mr. Numer stated that staff will monitor class enrollment numbers and classes may be cancelled if enrollment is low. He stated that we want flexibility, but we can not waste money hosting classes with low enrollments.

Mr. Numer stated that COVID – 19 testing protocols remain for academy attendance. Sheriffs and deputies must have a negative test within 30 days of the start of training. This was increased from ten days due to the difficulties in getting tested and receiving the results.

Mr. Numer informed the SDSETB that Penn State Fayette could no longer provide the requirements of their curriculum development contract. The contract is being closed and a new contract is being entered into with another organization. Mr. Maioli asked if some sheriffs and deputies would be used to review the curriculum as a “one last look.” Mr. Numer agreed, but stated that timing could be an issue. He stated that he has several deputies interested. Mr. Maioli asked if any sheriffs and chief deputies were included and that he could identify those that would be interested. Mr. Numer stated that this would be a good topic to discuss at the next workgroup meeting.

Mr. Numer reported on the request from the Philadelphia Office of the Sheriff, regarding regional training. He stated that in 2015 staff researched the potential option of Philadelphia hosting a basic training class. Issues that were not resolved included procurement issues in having the Philadelphia Municipal Police Academy instruct our curriculum. Mr. Numer stated that the current enrollment/employment numbers do not support hosting a class in Philadelphia. We could consider hosting a class in the surrounding counties. Mr. Numer stated that we need a commitment of the hiring numbers from Philadelphia.

Mr. Numer informed the SDSETB that the Waiver Training Program is being revised to include one week of on-line training and one week of residential training. This change is scheduled to occur in 2022. This was previously scheduled for 2021, but due to curriculum development contract issues and COVID – 19, it was extended to 2022.

Mr. Numer stated that the Train-the-Trainer Program is being reviewed for changes and the possibility of conducting regionalized training.

Mr. Numer addressed the concern for a contingency plan to conduct training due to ongoing concerns with COVID – 19 and/or other potential issues. Mr. Numer stated that conversations with Major George Bivens of the Pennsylvania State Police (PSP) have occurred to discuss to possibility of conducting training at the PSP Academy. Mr. Maioli stated that this could be a cost savings. He suggested that SDSETB direct Mr. Numer to meet with Major Bivens. Mr. Numer stated that he will pursue the issue with PSP. Mr. Numer stated that the SDSETB needs to define a plan of what they want. We can not just keep “throwing” out new ideas. Chief Deputy Smith stated a contingency plan committee should be created to discuss this topic. Mr. Numer stated that staff is currently working with Penn State on this issue. He said that this is an issue for the workgroup, not a new committee. Chief Deputy Smith agreed that the workgroup should address this issue and that we should have an alternative training location.

Mr. Numer stated that the Request for Proposal (RFP) process could take up to one year to engage a new contract. Contracts between state agencies maybe different. He said the master agreement process with Penn State is faster. Penn State can look at alternative locations to conduct the training.

Mr. Numer reviewed the SDSETB Policy concerning time extension requests. He stated the Board’s consensus has been that they do not support pre-certification extensions beyond the year provided by the Act. Mr. Numer stated that in some cases deputies are not working due to medical issues or other issues. They are not available to work, but the counties must keep them as employees depending on the situation. The concern is for the deputies that exhausted their year and have not attended training but are working. The SDSETB has been supportive of granting extensions, provided these deputies serve in a “civilian” capacity, non-uniformed and un-armed. Mr. Numer asked if the SDSETB wanted to change the Policy regarding the pre-certification time extensions.

Chief Deputy Smith made a motion to change the SDSETB Policy regarding pre-certification time extension requests. Pre-Certification time extension requests for deputies that a request is made to continue to work, will be required to serve in an administrative capacity, un-armed and non-uniformed. Commissioner Nothstein seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Numer stated that the next Workgroup meeting would be scheduled for September. Chief Deputy Smith asked if quarterly meetings could be scheduled in advance. Chairman Weaknecht agreed with the suggestion. Mr. Numer stated that he would schedule the Workgroup meetings.

Mr. Hummel reviewed the time extension request submitted by Sheriff James Ott, Blair County, for Deputy Daniel Benson. Since the July 2020 Basic Training Class was full, the request was for Deputy Benson to attend the January 2021 Basic Training Academy. Deputy Benson is on the waiting list for class B-20-02, beginning August 3, 2020.

Mr. Hummel reviewed the time extension requests submitted by Sheriff Rochelle Bilal, Philadelphia Office of the Sheriff, for deputies Quinton Kent, Gonzalo Garcia, and Gianna Pellicane. All three deputies were enrolled in class B-20-02, to start August 3, 2020. They did not receive their COVID – 19 test results in time to attend the academy. The request is for the deputies to attend class B-21-01, beginning in January 2021.

Mr. Hummel reviewed the time extension request submitted by Sheriff Richard Keulerleber, York County, for Deputy Amber Smith. Due to class enrollments being full, the request was to allow Deputy Smith to attend class B-21-01, beginning January 2021.

Commissioner Nothstein made a motion to approve the time extension requests for deputies: Daniel Benson, Quinton Kent, Gonzalo Garcia, Gianna Pellicane, and Amber Smith. Deputy Walker seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Hummel, PCCD, presented the time extension request submitted by Sheriff Brian Szumski, Luzerne County, for Deputy Samantha Harris. On June 25, 2020, the SDSETB granted Deputy Harris a Time Extension to allow her attendance with Basic Training class B-20-02, beginning August 3, 2020. The extension was to be revoked if Deputy Harris would fail the Physical Fitness Entrance Test and fail to be admitted into the Academy. Deputy Harris's enrollment in class B-20-02 was removed due to her being on Family Medical Leave until December 29, 2020. She continues to work in a reduced hours capacity. The previous time extension was revoked. Sheriff Bryan Szumski is requesting a time extension to allow Deputy Harris to enroll in the January 2021 Basic Training class.

Chief Deputy Smith made a motion to approve the time extension for Deputy Harris, with the stipulation that she serve in an "administrative" capacity, un-armed and non-uniformed. Deputy Walker seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Hummel reviewed the time extension request submitted by Sheriff Sean Kilkenny, Montgomery County, for Deputy Victoria Hagel. Deputy Hagel attended Basic Training class B-20-01 that ended July 18, 2020. She was not certified due to her failure of the Firearms module. In accordance with Policy, Sheriff Kilkenny is supporting her return to the academy to repeat the Firearms module. The sheriff requested an extension to allow her to work until she completes the required training for certification.

Chief Deputy Smith made a motion to approve the time extension for Deputy Hagel, with the stipulation that she serve in an “administrative” capacity, un-armed and non-uniformed. Chairman Weaknecht seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, and Weaknecht

Voting Nay: None

Abstained: Walker

Mr. Hummel reviewed the time extension requests submitted by Sheriff Sean Kilkenny, Montgomery County, for deputies Alex Cucciarre, Ryan Glenn, Miranda Kapusta, and Scott Sloss. All the deputies were enrolled full time in an Act 120 program and were not available to work. Deputy Sloss was attending W-20-03 and deputies Cucciarre, Glenn, and Kapusta were scheduled to attend class W-20-04, beginning September 24, 2020.

Commissioner Nothstein made a motion to approve the time extensions for Deputy Cucciarre, Deputy Glenn, Deputy Kapusta, and Deputy Sloss. Chief Deputy Smith seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, and Weaknecht

Voting Nay: None

Abstained: Walker

Mr. Hummel reviewed the time extension requests submitted by Sheriff Sean Kilkenny, Montgomery County, for deputies Rebecca Dolenti, Karissa Rivera, Colleen McCrane, Bryce McMichael, and Christian Whyte. All five deputies were currently attending Act

120 training and not available to work. Their academy class was postponed due to COVID – 19.

Chief Deputy Smith made a motion to approve the time extensions for Deputy Dolenti, Deputy Rivera, Deputy McCrane, Deputy McMichael, and Deputy Whyte. Commissioner Nothstein seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, and Weaknecht

Voting Nay: None

Abstained: Walker

Mr. Hummel reviewed the time extension requests submitted by Sheriff James Albert, Westmoreland County Sheriff, for deputies Cynthia Price and Tyler Shuey. Both deputies are scheduled to attend a part-time Act 120 training program beginning in October 2020 and ending in August 2021. The request was to allow the deputies to continue working while they attend the Act 120 training. Captain Jennifer Shipley, Westmoreland County, stated that they would appreciate any consideration in this matter. Chief Deputy Roger Eckles, Westmoreland County, stated that this situation was created by the previous administration. He explained that they have approximately 15 vacancies and are short staffed. Chief Deputy Smith explained that it is a liability to grant time extensions for deputies that have not been trained.

Commissioner Nothstein made a motion to approve the time extensions for deputies Price and Shuey, with the stipulation that they serve in an “administrative” capacity, un-armed and non-uniformed. Chairman Weaknecht seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Hummel reviewed the time extension requests that were approved by the program supervisor. 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. Numer reviewed the time extension request that was approved at the June 25, 2020 meeting, for Deputy James McCole, Bucks County. Chief Deputy Smith made a motion to

revise the approval to include the stipulation that Deputy McCole serve in an “administrative” capacity, un-armed and non-uniformed. Deputy Walker seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Numer reviewed the time extension request that was approved at the June 25, 2020 meeting, for Deputy Robert O’Donald, Blair County. Deputy Walker made a motion to revise the approval to include the stipulation that Deputy O’Donald serve in an “administrative” capacity, un-armed and non-uniformed. Chief Deputy Smith seconded the motion. Chairman Weaknecht asked if there was any further Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Mike Ecker, Penn State University, provided the basic training delivery report. Mr. Ecker stated that Basic Training Class B-20-01 graduated on July 18, 2020. He thanked Mr. Maioli for live streaming the graduation ceremony. Mr. Ecker stated that all COVID – 19 protocols are being followed. This includes cleaning in accordance with the Department of Health recommendations, social distancing, and the wearing of masks. Class B-20-02 began on August 3, 2020. We admitted 43 deputies in the class. He stated that only two deputies failed the entrance physical fitness test. Mr. Ecker stated that training will be held on weekends to allow for a November 20, 2020 graduation. He stated that classes are being video taped for the potential future use as a contingency measure.

Mr. Anthony Luongo, Temple University, provided the report on continuing education training. Mr. Luongo reported that over 75 percent completed the required on-line continuing education training. Temple staff responded to over 500 technical support inquiries.

Mr. Numer stated that a reminder will be sent to all sheriff offices regarding the need to complete the required on-line training.

Chairman Weaknecht asked if anyone had any additional comments for the good of the order. Chairman Weaknecht announced that the next Board meeting was scheduled for November 17, 2020, at the PCCD or via video conferencing. The meeting will begin at 9:00 a.m.

Mr. Maioli stated that he and Sheriff James Custer will be providing testimony before the Republican House Committee meeting. He stated that the PSA will be providing leadership training beginning in October 2020. There will be four, one day sessions conducted throughout the Commonwealth.

Chief Deputy Smith made a motion to adjourn the meeting. Deputy Walker seconded the motion and the meeting was adjourned at 10:45 a.m., with the following votes:

Voting Aye: Board Members Jirard, Neuman, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None