

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the May 19, 2017 Meeting

Members Present

Carmen DeLuca (via phone)
David Godfrey (via phone)
Wayne E. Nothstein
Eric Weaknecht (via phone)
Kevin Wevodau
Amy Withrow (via phone)

Commission Staff Present

Doug Hummel
Bob Merwine
Don Numer
John Pfau
Deb Williams

Members Absent

Todd A. Martin

Others Present

Penn State University – Fayette Campus
Ted Mellors
Tony Mucha

Temple University
Joe DelMastro

PA Sheriffs' Association
Tom Maioli

Sheriffs
Anthony Harvilla, Carbon Co.
Michael Slupe, Butler Co.

Others
Capt. Brian Karenbauer, Butler Co.

The May 19, 2017 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Mr. Don Numer, at 8:03 a.m., at the Days Inn State College, 240 South Pugh Street, State College, Pennsylvania 16801.

Mr. Numer, PA Commission on Crime and Delinquency (PCCD), conducted the meeting as the result of Chairman Carmen DeLuca participating via telephone and in the absence of Vice-Chairman Todd A. Martin.

Mr. Numer asked if everyone had an opportunity to review the minutes from the February 28, 2017 Board meeting. He stated that if there were no questions, then he would entertain a motion to approve the minutes.

Commissioner Wayne E. Nothstein made a motion to approve the minutes from the February 28, 2017 meeting. Mr. Kevin Wevodau seconded the motion. Mr. Numer 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 DeLuca, Godfrey, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Numer asked if everyone had an opportunity to review the minutes from the March 23, 2017 Board meeting. He stated that if there were no questions, then he would entertain a motion to approve the minutes.

Mr. Wevodau made a motion to approve the minutes from the March 23, 2017 meeting. Commissioner Nothstein seconded the motion. Mr. Numer 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 DeLuca, Godfrey, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Numer reviewed the SDSETB fiscal report for state fiscal year 2016-2017, period ending March 31, 2017.

The balance carried forward from the previous fiscal year was \$4,142,258.97. The total available funds as of June 30, 2017 were \$8,336,877.97. This total included both actual and the estimated fee collections for the fiscal year, through June 30, 2017.

The total cumulative expenditures and commitments as of March 31, 2017 were \$10,776,182.51. The total uncommitted fund balance as of March 31, 2017 was negative \$2,439,304.54.

Mr. Numer explained that the fiscal report is a “snap shot” in time. He stated that contracts that have ended are in the process of being closed and the unspent money will be returned to the Training Account. The report reflects commitments beyond the current fiscal year, while revenue projections are only included for the current fiscal year.

Commissioner Nothstein made a motion to approve the SDSETB fiscal report for state fiscal year 2016-2017, period ending March 31, 2017. Mr. Wevodau seconded the motion. Mr. Numer asked if there was any Board discussion or public comment regarding the fiscal report. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Numer reviewed the SDSETB Training Fund Projection Report found on page 17 of the meeting packet. He stated that the projected beginning fund balance for fiscal year 2017-2018 would be \$580,000.00. Mr. Numer stated that we would experience a negative fund balance during the 2018-2019 fiscal year. He explained that the PCCD fiscal staff are continuing to monitor the account to provide a more accurate projection of when the account would have a zero balance.

Mr. Numer informed the SDSETB that the previous motion to suspend reimbursements effective July 1, 2017 would be voted on at the June 2017 meeting of the PCCD.

Mr. Numer reviewed the Fee Collection Report provided on page 18 of the meeting packet and the Administrative Expenses Report provided on page 19. Page 20 of the meeting packet included the Purchase Order Report which included the expenditures and commitments for training delivery and development. Mr. Numer stated the reports were provided for review and did not require any SDSETB action.

Mr. Numer stated that a new contract is being negotiated with Temple University to provide continuing education training for the 2017-2019 training cycle, which begins in October 2017. Staff worked with Temple to reduce the number of classes that will be offered and have identified a number of classes that could be suspended if enrollments do not justify conducting.

Mr. Numer informed the SDSETB that the third Basic Training Class (B-17-03) for 2017 and the fifth Wavier Training Class (W-17-05) for 2017 have been cancelled. He explained that this decision was based a lack of need to host the classes. In addition, cancelling the classes was a cost savings measure. Mr. Numer stated that it is likely that only two Basic Training Classes and four Waiver Training Classes will be conducted in 2018. He explained that the current training population did not support the need for additional classes and that available funding would be an issue.

Mr. Numer informed the SDSETB of two certification revocation requests that should be ready for consideration at the August 29, 2017 meeting. He explained that the PCCD legal office is concerned on addressing revocation requests based on a deputy being considered to be “physically unfit” and/or “psychologically unfit” by the office making the request. In addition, revocation requests based on “misconduct” raises concern. Little information is submitted with these types of requests and staff needs to obtain more detailed information to present to the SDSETB. Mr. Numer stated that Sheriffs/Counties are reluctant to provide detailed information due to confidentiality and information sharing concerns. Mr. Numer stated that some revocation requests submitted based on legislatively required criminal convictions may take additional time to process due to courts offering defendants an Accelerated Rehabilitative Disposition (ARD). If an ARD sentence is successfully completed then the charges are expunged, thus cancelling the qualifying reason for certification revocation.

Mr. Numer informed the SDSETB that Mr. Charles Ramsey, PCCD Chairman, recently toured the Basic Training Academy at Penn State. He stated that the Chairman appeared impressed with the program and facilities.

Mr. Robert Merwine, PCCD, addressed concerns resulting from the recent PA House of Representatives, House Judiciary Committee Hearing. The hearing was conducted regarding House Bill 466, which is a proposal to provide sheriffs and deputies with full law enforcement authority. The PA Sheriffs’ Association (PSA) expressed concerns regarding who from PCCD provided the House Judiciary Committee with a projected 30 percent increase in costs of training if the proposed Bill would be enacted. In addition, concern existed on how the 30 percent increase was calculated. Mr. Merwine stated that he provided general information to a “legislative staffer” indicating a 30 percent increase in costs if we were legislatively required to increase our training hours to the training standards of the Municipal Police Officers’ Education and Training Commission (MPOETC). Mr. Tom Maioli, Executive Director of the PSA, had a meeting with Mr. Merwine and Mr. Derin Myers, Acting Executive Director of the PCCD, prior to the SDSETB meeting. Mr. Myers apologized to the association for the manner and how the information was provided to the House Judiciary Committee. Mr. Merwine stated that a letter is being sent to Representative Metcalf to further clarify how the 30 percent calculation was derived and what it actually represents and to address other concerns. Mr. Merwine stated that he apologized for the miscommunication and he confirmed that a letter will be sent to clarify the issues.

Mr. Maioli stated that he and others from the PSA had a good meeting with Mr. Myers and Mr. Merwine. He said that both the PSA and PCCD understand each organizations position and role. Mr. Maioli stated that the PSA is planning to schedule a meeting with Representative Metcalf to discuss House Bill 466. Sheriff Michael Slupe, President of the PSA asked if the letter from Mr. Myers could be completed prior to the end of May. Sheriff Slupe stated that the House Judiciary Committee was scheduled to meet in early June 2017 to discuss House Bill 466. Mr. Merwine stated that the letter would be sent prior to the end of May and that the SDSETB would receive a copy of the letter.

Sheriff Slupe stated that the sheriffs do not want to match the MPOETC training. He said that annual continuing education is desired. Mr. Maioli stated that we currently have the “same type” of training as MPOETC, not the same training. He stated that draft legislative language included similar training, not exact training. Sheriff Slupe believes that the SDSETB training exceeds the quality of training provided by the MPOETC.

Mr. Merwine addressed the previous SDSETB decision at the February 28, 2017 meeting to suspend reimbursements for training, effective July 2017. He stated that the PCCD is scheduled to review and consider ratification of the SDSETB decision, at its’ June meeting. Mr. Merwine informed the SDSETB that the PCCD legal office and budget office expressed concern of potential legal issues if reimbursements are suspended effective July 2017. The concern is that sheriffs scheduled and sent deputies to classes based on the knowledge that reimbursement would be provided. Mr. Merwine suggested that the SDSETB amend their original approved motion to suspend reimbursements for any person that attends a training class in which the class begins after July 1, 2017. This amended motion would provide reimbursement for attendance at classes that began prior to July 1st but would end after, such as the Basic Training Class that began May 1, 2017 and will graduate September 8, 2017. Approximately \$600,000.00 is needed for reimbursement expenses for the two Basic Training classes held in 2017. Mr. Merwine stated that the PCCD could better defend the suspension of reimbursements if adopted with the proposed amended language. Sheriff Eric Weaknecht stated that quality of training should not change for the sake of providing reimbursements.

Commissioner Nothstein made a motion to amend the previous motion to suspend reimbursements effective July 1, 2017. The new motion is to suspend reimbursements for any training attendance in which classes begin after July 1, 2017. Mr. Wevodau seconded the motion. Mr. Numer asked if there was any Board discussion or public comment regarding the motion. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Merwine asked if any SDSETB member would be available to attend the June 2017 PCCD meeting. Sheriff Weaknecht stated that he would attend the meeting.

Mr. Douglas Hummel, PCCD, reviewed the time extension request submitted by Sheriff Jonathan Held, Westmoreland County, for Deputy Brandon Stephenson. Deputy Stephenson’s training due date was May 22, 2017. The request was to allow Deputy Stephenson to attend training at a location closer to Westmoreland County, in March 2018. The request did not comply with the SDSETB Policy.

In accordance with the SDSETB Policy, Sheriff Weaknecht made a motion to grant a six month time extension requiring Deputy Stephenson's completion of continuing education prior to November 22, 2017. Mr. Wevodau seconded the motion. Mr. Numer asked if there was any Board discussion or public comment regarding the motion. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the time extension request submitted by Sheriff William Rupert, Armstrong County, for Deputy Mark Brice. Deputy Brice's training due date was April 27, 2017. The request was to allow Deputy Stephenson to attend the waiver training program, beginning June 5, 2017. The request was due to a personal emergency. The request complied with the SDSETB Policy.

Sheriff Weaknecht made a motion to grant the time extension for Deputy Brice to attend the June 5, 2017 Waiver Training class. Commissioner Nothstein seconded the motion. Mr. Numer asked if there was any Board discussion or public comment regarding the motion. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the list of Time Extensions approved by the Training Supervisor. A time extension was approved for Deputy Joshua E. Heckmand, Wyoming 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. Hummel reviewed the instructor applications submitted by the Pennsylvania State University for Mr. Shawn Fix for Physical Fitness; Mr. Michael Miltenberger for Physical Fitness; and Deputy Ryan Williams for Firearms, Law, and Security.

Mr. Wevodau made a motion to approve the instructor applications for Mr. Shawn Fix, Mr. Michael Miltenberger, and Deputy Ryan Williams. Commissioner Nothstein seconded the motion. Mr. Numer asked if there was any additional Board discussion or public comment. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Numer informed the SDSETB that graduation was being held for the current Basic Training Class following the meeting at 11:00 a.m., at the Law School Building. He encouraged all to attend.

Mr. Joe DelMastro, Temple University, reported on the Continuing Education Training Contract. He stated that five courses remain to conclude the current 2015-2017 training cycle. These classes were being held in Grantville and Reading. The 2017-2019 continuing education training cycle will begin in October 2017. Mr. DelMastro stated that the Train-the-Trainer Court Security class was concluding today in Monroeville, PA.

Mr. Ted Mellors, Penn State Fayette, reported an Instructor Curriculum Review session was held in March 2017, in State College, PA. All instructors scheduled to teach the continuing education for the 2017-2019 cycle reviewed the curriculum.

Sheriff Slupe reported that Deputy Keith Klymer, Bucks County, was recently killed in a auto accident.

Mr. Numer stated that the next SDSETB meeting was scheduled for Tuesday, August 29, 2017, at 9:00 a.m., at the PCCD.

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

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

Voting Nay: None