

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the August 29, 2017 Meeting

Members Present

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

Commission Staff Present

Doug Hummel
Bob Merwine
Don Numer
John Pfau
Deb Sandifer
Beth Romero
Derin Myers
Theresa Ford
Diane Morgan

Others Present

Penn State University – Fayette Campus
Ted Mellors
Tony Mucha

Penn State University
Steve Shelow
Michael Ecker

Temple University
Tony Luongo
Christie Willard

PA Sheriffs' Association
Tom Maioli

Sheriffs
Anthony Harvilla, Carbon Co.

Others
Marcus Brown
Parris Washington
Angie Sharmetew

The August 29, 2017 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Chairman Carmen DeLuca, at 9:00 a.m., at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North Front Street, Harrisburg, Pennsylvania 17110.

Chairman DeLuca asked if everyone had an opportunity to review the minutes from the May 19, 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 meeting minutes from May 19, 2017. Ms. Amy Withrow seconded the motion. Chairman DeLuca 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, Martin, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Ms. Beth Romero, PCCD, reviewed the SDSETB fiscal report for state fiscal year 2016-2017, period ending June 30, 2017.

The balance carried forward from the previous fiscal year was \$4,142,258.97. The total fee collections for the fiscal year was \$3,857,692.17. The total available funds as of June 30, 2017 were \$7,999,951.14. The total expenditures were \$6,279,299.02. The total expenditures and commitments were \$10,484,926.83, which included \$668,847.83 in administrative expenses. Ms. Romero stated that the administrative expenses were detailed on page eleven of the meeting packet. The uncommitted balance at June 30, 2017 was a negative \$2,484,975.69.

Chairman DeLuca asked for a motion regarding the fiscal report. Commissioner Nothstein made a motion to approve the fiscal report. Ms. Withrow seconded the motion. Chairman DeLuca 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, Martin, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Doug Hummel, PCCD, reviewed the Time Extension Request submitted by Sheriff Walter Hoke, Crawford County. The request was for additional time for Deputy Jeffrey A. Leguard to attend continuing education training when held in their region. Deputy Leguard was previously granted an extension from April 2017 to October 2017 due to an agency manpower issue. Mr. Hummel stated that he spoke with Sheriff Hoke regarding the request. Sheriff Hoke was hopeful the SDSETB would support his request. The first

extension was granted since training was not being offered in their region in the spring of 2017. The extension was limited to six months in accordance with policy. The current request was for an additional six month extension so Deputy Leguard could attend training when offered in their region in the spring of 2018. Without an extension, Deputy Leguard would be required to attend training in Bethlehem, PA, which would be a funding hardship for the Sheriff's Office. In addition, there was a scheduling conflict with Deputy Leguard's vacation. The current request did not comply with the SDSETB Policy. Mr. Numer stated that the sheriff's goal was to save money for the county. The first training offered close to Crawford County would be held in March 2018. Sheriff Martin questioned when Deputy Leguard's vacation was scheduled. Mr. Hummel stated that he did not know, but that multiple classes were being offered in Bethlehem. He said the main issue was the costs associated to travel, lodging, and meals. Sheriff Todd A. Martin stated that a similar situation was denied.

Commissioner Nothstein made a motion to deny the time extension request. Sheriff Martin seconded the motion. Chairman DeLuca asked if there was any Board discussion or public comment regarding the time extension request. No discussion ensued and the motion to deny the time extension was passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the Time Extension Request submitted by Sheriff Sean Kilkenny, Montgomery County. The request was for additional time for Deputy Broades Sample to return and complete the Basic Training Academy. Deputy Sample was unable to complete the academy with class B-17-02 and graduate in September 2017, due to a medical issue. Due to not hosting the third Basic Training class in the fall of 2017, Deputy Sample would have to wait until the January 2018 class to return. The policy allows an extension for a deputy on medical leave, upon return to duty, to return at the next class offered. The request complied with the SDSETB Policy.

Sheriff Martin made a motion to approve the time extension request for Deputy Broades Sample. Mr. Kevin Wevodau seconded the motion. Chairman DeLuca asked if there was any Board discussion or public comment regarding the request. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the Time Extension Request submitted by Sheriff Samuel Romano, Washington County. The request was for additional time to allow Deputy Ryan Brand to ability to attend continuing education training when offered in their region.

Deputy Brand was scheduled to attend class beginning March 19, 2018, which complied with the SDSETB Policy.

Commissioner Nothstein made a motion to approve the time extension request for Deputy Ryan Brand. Sheriff Martin seconded the motion. Chairman DeLuca asked if there was any Board discussion or public comment regarding the request. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the Time Extension Request submitted by Sheriff Samuel Romano, Washington County. The request was for additional time to allow Deputy Edward E. Cochran the ability to attend continuing education training when offered in their region. The request did not comply with the SDSETB Policy.

Commissioner Nothstein made a motion to deny the time extension request for Deputy Edward E. Cochran. Mr. Wevodau seconded the motion. Chairman DeLuca asked if there was any Board discussion or public comment regarding the request. No discussion ensued and the motion to deny the time extension request passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the Time Extension Request submitted by Sheriff Mark Steelman, Wayne County. The request was for additional time to allow Deputy Nicholas Sanseverino to attend continuing education training when offered in their region. Deputy Sanseverino was scheduled to attend class beginning October 4, 2017, which complied with the SDSETB Policy.

Sheriff Martin made a motion to approve the time extension request for Deputy Nicholas Sanseverino. Ms. Withrow seconded the motion. Chairman DeLuca asked if there was any Board discussion or public comment regarding the request. No discussion ensued and the motion passed with the following votes:

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

Voting Nay: None

Mr. Numer reviewed the list of Time Extensions approved by the Training Supervisor. Time extensions were approved for Deputies Christopher Barnhardt, Herbert Carter III., Ethan Darion, Brian Noecker, Kenneth Rice, Christopher Smith, Steven Walls, Edward Winters, Troy Wolf, Jason Wolfe, Berks County; Deputy Brock Fasnacht, Dauphin County; Deputy Bryan Kuster, Lancaster County; Deputy Gregory Lee, Philadelphia County; Deputy Nicholas Rock, Wyoming County; and Deputy Michael Lutz, York County. This was for informational purposes and did not require SDSETB action.

Mr. Numer 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 Certification Revocation for Mr. Joseph Rafferty, III. Mr. Rafferty is currently certified as a deputy sheriff by the Board, #B002172. On March 3, 2, 2017 he was convicted of a Misdemeanor 1, DUI, General Impaired/Incapable of Driving Safely. He was notified of the Board's intent to revoke his certification on April 26, 2017 and given an opportunity to show cause as to why the Board should not take this action in accordance with Board policy. He did not respond. Mr. Rafferty is no longer employed as a deputy sheriff in Pennsylvania.

Sheriff Martin made a motion to revoke the certification of Mr. Joseph Rafferty, III. Commissioner Nothstein seconded the motion. Chairman DeLuca 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, Martin, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Numer reviewed the Certification Revocation for Mr. John Conte. Mr. Conte is currently certified as a deputy sheriff by the Board, #W004748. On March 24, 2017 he was convicted of a Misdemeanor 1, Endangering Welfare Of Children. He was notified of the Board's intent to revoke his certification on April 26, 2017 and given an opportunity to show cause as to why the Board should not take this action in accordance with Board policy. He did not respond. Mr. Conte is no longer employed as a deputy sheriff in Pennsylvania.

Commissioner Nothstein made a motion to revoke the certification of Mr. John Conte. Sheriff Martin seconded the motion. Chairman DeLuca 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, Martin, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Hummel reviewed the instructor applications submitted by Temple University for Mr. Arnold Berman for Law, Professional Development, Firearms, Defensive Tactics, Security, Deputy Safety, Investigations, Supervisory, and Emergency Vehicle Operations; Mr. Harry Burke for Professional Development, Defensive Tactics, Security, Deputy Safety, Investigations, and Supervisory; Mr. James Coughlin for Law, Professional Development, Security, Deputy Safety, Investigations, and Supervisory; and Sheriff Brian Tennant for Law, Professional Development, Security, Deputy Safety, Investigations, and Supervisory.

Mr. Hummel reviewed the instructor applications submitted by the Pennsylvania State University for Mr. Tyler Jolley for Firearms and Deputy Safety; and Mr. Mark Mayberry for Firearms and Deputy Safety.

Sheriff Martin made a motion to approve the instructor applications for Mr. Arnold Berman, Mr. Harry Burke, Mr. James Coughlin, Sheriff Brian Tennant, Mr. Tyler Jolley, and Mr. Mark Mayberry. Commissioner Nothstein seconded the motion. Chairman DeLuca 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, Martin, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Numer informed the SDSETB that the PCCD, at their June 13, 2017 meeting, approved the Board's decision to suspend reimbursements effective for classes that begin on or after July 1, 2017. Counties are required to submit the reimbursement forms, but the forms will not be processed. The reimbursement suspensions impact 17 deputies that recently completed instructor training. It will affect 40 deputies scheduled for the September 2017 Waiver class and an additional 400 scheduled for continuing education in the fall of 2017. It is anticipated that the reimbursement suspension will continue in 2018.

Mr. Numer reviewed the SDSETB Training Fund Projection Report found on page nine of the meeting packet. All expenditures are projected, including the paying of reimbursements. Mr. Numer explained that the suspension of reimbursements would

reduce yearly expenditures by approximately two million to two and a half million, which would support the continued operations of the training programs. However, the liability would continue to increase due to the suspension of reimbursements. Mr. Numer stated that if legislation is approved that increases the fee collections to support the program, then the SDSETB could consider removing the reimbursement suspension. Mr. Numer stated that suspending reimbursements only increases future liabilities. The SDSETB is still responsible for providing reimbursements but is delaying this process by the suspension. Mr. Numer explained that if the suspension period continues for two years, it could take six or seven years to catch up with the reimbursement liability, once the suspension is removed. Time frames depend on if the fees are increased and how long the suspension is in place.

Mr. Numer stated that fee collections have decreased over the last two fiscal years. This was reflected on the report provided on page ten of the meeting packet. He stated that collections decreased by \$250,000.00 from fiscal year 2015-2016 to fiscal year 2016-2017. Mr. Numer stated that it is not known if this would be a continuing trend or an anomaly.

Mr. Numer reported that a new contract with Temple University, to provide Continuing Education Training, is being developed for implementation starting October 1, 2017. This will be under the Master Agreement process. Temple's draft budget is approximately \$200,000.00 less than the previous budget.

Mr. Numer reported that a new contract is being developed with Penn State University for the delivery of Basic Training for the calendar year 2018. This contract will be completed through the Master Agreement process. Mr. Numer stated that only two Basic Training classes will be offered and five Waiver Training classes would be included in the budget. The plan is to host four Waiver classes and only host the fifth class if necessary. The reduction in classes offered will reduce expenditures and commitments.

Mr. Numer reported that the Work Group that was formed to discuss cost saving measures related to funding issues conducted their first meeting on July 20, 2017. The group consisted of Board members and representatives from the PA Sheriffs' Association and Deputy Sheriffs' Association. The meeting primarily was a "brainstorming" session. Mr. Numer stated that the next Work Group meeting was scheduled for September 28, 2017. The purpose of the second meeting is to set goals and formulate possible measures to be proposed at the December 6, 2017 SDSETB meeting. Mr. Numer stated that the group discussed the potential for implementing on-line training aspects within the Basic Training and Continuing Education Training programs. He stated that having ten hours of continuing education every year was discussed instead of the current process of attending 20 hours every two years, some or all of which could be on-line instruction. Implementing a pre-academy physical fitness test was also discussed. Mr. Numer stated that the cost to train a deputy, including providing reimbursement for attendance totals approximately \$30,000 per deputy. It is possible that the current class will have seven failures due to the inability to pass the physical fitness requirements. This would be a waste of approximately \$210,000.00. Mr. Numer stated that the Municipal Police

Officers' Education and Training Commission has a pre-academy physical fitness requirement. Mr. Numer informed the SDSETB that some of the Work Group's suggestions could be implemented immediately and other suggestions would require changes to Policy, Regulation, and/or the Training Act. In addition, training contracts may need adjusted to allow for any potential changes. He said the more information would be provided for discussion at the next SDSETB meeting.

Mr. Numer reviewed the proposed Instructor Policy that was recently distributed to all members and stated that the policy would be an agenda item for the December 6, 2017 meeting. He asked that members review the policy. The policy defines the instructor requirements, qualification standards, discipline, de-certification, and revocation processes. The policy also includes a training monitoring form for staff use. Mr. Numer stated that the other policy that was distributed addressed the Train-the-Trainer Instructor Program.

Mr. Numer reviewed the revised Sheriff and Deputy Sheriff Training Code of Conduct. He recommended that the Code of Conduct, Section VII. Disciplinary Action, Subsection B. be amended to read, "All violations of the Code of Conduct will be documented in trainee's record and actions included in Section VII. B. 2-6 will be reported to the Board and the sheriff's office employing the trainee violating the Code." This language eliminates the requirement to report to the Board and contacting the employing sheriff's office for instances that result in an oral reprimand. Mr. Numer stated that it has not been common practice to notify the SDSETB or the employing Sheriff if a deputy is given an oral reprimand for issues such as not wearing their name tag.

Ms. Withrow made a motion to adopt the recommended change to the Training Code of Conduct. Sheriff Martin seconded the motion. Chairman DeLuca 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, Martin, Nothstein, Weaknecht, Wevodau, and Withrow

Voting Nay: None

Mr. Michael Ecker, Penn State University, informed the SDSETB that 39 deputies are attending the current Basic Training Academy. Six deputies are required to pass the physical fitness test on September 7, 2017 to be eligible for graduation on September 8, 2017. He stated that graduation is scheduled to begin at 11:00 a.m. at the Hetzel Union Building (HUB). Mr. Ecker stated that the final Waiver Training class for 2017 will begin September 18, 2017. He informed the SDSETB that all the Instructor Train-the-Trainer classes for 2017 were completed and that some failures occurred in the firearms and patrol rifle instructor classes. Mr. Numer mentioned that the Work Group suggested the possibility of offering the un-filled slots to other law enforcement agencies for a fee to assist in being more cost effective.

Mr. Anthony Luongo, Temple University, stated that the 2015-2017 Continuing Education Training Cycle concluded in June 2017, with classes in Reading and Grantville. The next training cycle is scheduled to begin in October 2017 and continue through June 2019. Classes will begin in the Lehigh Valley region. Ms. Christie Willard, Temple University, stated that some of the training location names have changed, but the addresses have not changed. She stated that some locations that were free of charge are now charging a fee.

Mr. Ted Mellors, Penn State Fayette, informed the SDSETB that the changes to the Cultural Diversity, Motor Vehicle Code, and Defensive Tactics curriculum for Basic Training were being finalized. In addition, the 2017-2019 Continuing Education curriculum and 2018 on-line courses were complete and sent to Temple for implementation. Mr. Mellors stated that his staff have been reviewing Act 22 of 2017 (Body Camera Legislation) for needed changes to curriculum.

Chief Deputy Paris Washington, Philadelphia Office of the Sheriff, thanked the SDSETB for his invitation to participate in the Work Group.

Mr. Numer stated that the next SDSETB meeting is scheduled for Wednesday, December 6, 2017 at 9:00 a.m., at the PCCD.

Commissioner Nothstein made a motion to adjourn the meeting at 10:10 a.m. Sheriff Martin seconded the motion and the meeting was adjourned with the following votes:

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

Voting Nay: None