

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD

Minutes of the May 17, 2019 Meeting

Members Present

James P. Goodman
Jon McEnroe
Wayne Nothstein
Jody Smith (via phone)
Ed Walker
Eric Weaknecht

Members Absent

Stephanie Jirard
Todd A. Martin
Anthony Sassano
Farley D. Toothman

Commission Staff Present

Doug Hummel
Don Numer
John Pfau
Deb Williams

Others Present

Penn State University
Mike Ecker
Steve Shelow

Temple University
Kevin Myers

Penn State – Fayette
Ted Mellors
Rob Harford

PA Sheriffs' Association
Tom Maioli

PA Deputy Sheriffs' Association
Paris Washington, Philadelphia Co

Sheriffs

Anthony Harvilla, Carbon Co.
Timothy Chamberlain, Columbia Co.
Eric Foy, Venango Co.
Kenneth Klakamp, Warren Co.

Others

Chief Deputy Charles Fetzeck
Chief Deputy Merle Giesey
Sgt. Daniel Long

The May 17, 2019 meeting of the Sheriff and Deputy Sheriff Education and Training Board (SDSETB) was called to order by Vice-Chairman Eric Weaknecht, at 8:03 a.m., at the Days Inn – State College, 240 South Pugh Street, State College, Pennsylvania, 16801.

Vice-Chairman Weaknecht asked if everyone had an opportunity to review the minutes from the February 26, 2019 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 February 26, 2019. Judge James Goodman seconded the motion. Vice-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 Goodman, McEnroe, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Donald Numer, PCCD, reviewed the fiscal report for state fiscal year 2018-2019, as of March 31, 2019. The balance from the previous year was \$985,599.86. The fee collections as of March 31, 2019 was \$2,994,624.50. The total available funds was \$4,669,237.86. The total expenditures as of March 31, 2019 was \$1,534,056.38. The total expenditures and commitments was \$5,297,678.65 which included \$379,278.91 in administrative expenses. The details of the administrative expenses was included on page 12 of the meeting packet. The uncommitted balance as of March 31, 2019 was a negative \$628,440.79. Mr. Numer explained that the uncommitted balance did not include the cumulative financial obligation for the reimbursement to the counties. The unpaid county reimbursement amount is projected at \$3,089,917 through June 30, 2019. This was included as a footnote at the bottom of the fiscal report as requested by the SDSETB.

Commissioner Nothstein made a motion to approve the fiscal report for the period ending March 31, 2019 for state fiscal year 2018-2019. Deputy Jon McEnroe seconded the motion and the motion passed with the following votes:

Voting Aye: Board Members Goodman, McEnroe, Nothstein, 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 stated that it is projected that during fiscal year 2022-2023, all available funds would be spent. Mr. Numer stated that this projection does not include the county reimbursement obligations. The financial obligation to the counties by 2022-2023 is projected to be over 12 million dollars. Deputy McEnroe asked for confirmation of the time period that the current outstanding balance of reimbursements owed to the

counties represents. Mr. Numer explained that the projected amount owed in reimbursements includes actual amounts submitted by the counties and a projected amount that is pending submission from July 1, 2017 through June 30, 2019. The Sheriff and Deputy Sheriff Information System (SDSIS) tracks the reimbursement invoices that are generated by the system and the status of the invoices. The SDSIS allows staff to view the actual amounts paid and the invoices that are pending submission. Some sheriff's offices are efficient in submitting the reimbursement invoices and other offices are not. Mr. Numer stated the amount owed is an approximate amount because of the invoices that need to be submitted. Staff estimates the value of the invoices that have not yet been submitted.

Chief Deputy Jody Smith asked if the projected revenue was included on the projection report. Mr. Numer stated that the fiscal report only includes the current fiscal year's revenue. The projection report includes previous years revenue and projected revenue for each year in the future. Chief Deputy Smith asked if this was the same as last year's report. Mr. Numer stated that he did not remember what last year's report illustrated. Chief Deputy Smith asked if the projection report included the cost savings measures enacted by the SDSETB. Mr. Numer stated, "yes" with the exception of the pending changes to the Waiver Training Program that will be implemented in January 2021. Chief Deputy Smith stated that we will need drastic cuts in spending prior to 2022 if the revenue does not increase. Mr. Numer stated that we will experience additional savings once the on-line continuing education program and new waiver training program are implemented.

Mr. Numer reviewed the Fee Collection Report, Administrative Expense Report, and the Purchase Order Report provided on pages 11 through 13 of the meeting packet.

Chief Deputy Smith asked if the next Workgroup meeting was scheduled. Mr. Numer stated that he plans to schedule the Workgroup meeting in June and that we should have a projected cost savings for the on-line continuing education program by the August SDSETB meeting.

Mr. Numer presented a report detailing the reimbursements owed to the counties. This report was also provided to Mr. Tom Maioli, Executive Director of the Pennsylvania Sheriffs' Association (PSA). Mr. Maioli previously requested information to assist in the PSA's lobbying efforts for legislative action to increase the fees that provide the revenue to support the training programs.

Mr. Numer informed the SDSETB that effective for the January 2020 Basic Training Program, the Emergency Medical Services curriculum will be replaced with a Tactical First Aid Program, as previously approved by the SDSETB. With this change, sheriffs will be required to upload documentation that deputies that need to attend Basic Training are currently certified in first aid and CPR.

Mr. Numer informed the SDSETB that staff are in the process of entering into contracts for curriculum development and the on-line continuing education training delivery.

Effective 2020, all deputies will be required to complete ten hours of on-line continuing education training each year. Changes are being implemented in the information system to reflect the changes in training and certification requirements.

Mr. Numer explained that all sheriffs and deputies that need to maintain their certification will have their needs training due date (NTD) set at December 31, 2020. Everyone will need to complete the on-line training by November 30, 2020 to become re-certified. Sheriffs will be notified of those that fail to complete the training. A process to re-enroll those that fail to complete the training will be developed. Anyone failing to complete the training during the re-enrollment period end date of January 31st of the next year will be required to be re-hired and required to complete the on-line comprehensive legal updates course to re-activate their certification.

Mr. Numer provided a status report regarding the pending certification revocation requests. Nine revocations are pending and include: four pending AOPC docket updates, two ARD cases, and three pending criminal trials.

Mr. Doug Hummel, PCCD, reviewed the time extension request submitted by Sheriff James Brown, Franklin County, for Deputy Nathan Goshorn. The extension complied with the SDSETB Policy.

Judge Goodman made a motion to approve the time extension request for Deputy Goshorn. Commissioner Nothstein seconded the motion. Vice-Chairman Weaknecht 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, McEnroe, Nothstein, Smith, Walker, and Weaknecht

Voting Nay: None

Mr. Numer reviewed the time extension requests submitted by Sheriff Bruce Klingler, Lebanon County, for Deputy Christopher Duran and Deputy Bradley Seyfert. The requests were for extensions to their firearms instructor certifications.

Mr. Numer explained that the SDSETB Policy regarding the firearms instructor program originally had a certification period of two years. The SDSETB has granted one-year extension in the past and recently approved a program change to make the certification period three years. Mr. Numer provided options for the SDSETB to consider. The SDSETB could deny the extension request, extend their certification one additional year, or deny the extension, but allow them to recertify in 2020. Mr. Numer reminded the SDSETB of the previous action that eliminated future offerings of the initial firearms instructor courses. Mr. Numer recommended denying the time extension and allowing them to recertify in 2020. Deputy McEnroe supported denying the time extension and allowing their attendance in 2020.

Sheriff Anthony Harvilla, Carbon County, stated that his office only has one firearms instructor. The SDSETB's previous decision to eliminate the entry firearms instructor courses has eliminated the ability of the sheriffs to increase their number of instructors. He asked if consideration could be given to permit existing instructors that have been certified as firearms instructors through other organizations such as the National Rifle Association (NRA) could be granted admission in the SDSETB re-certification classes.

Assistant Chief Deputy Paris Washington, Philadelphia Office of the Sheriff stated that his office has firearms instructors certified through the NRA that could be used to re-certify SDSETB certified instructors regionally, if permitted. That would eliminate the need to have the SDSETB instructors travel to State College for training. Sheriff Eric Foy, Venango County agreed. Currently, only one recertification class is offered each year for the SDSETB firearms instructors and patrol rifle instructors.

Mr. Numer stated that this topic should be discussed further during the Workgroup meeting. Deputy McEnroe stated that staff should explore the option of accepting other firearms instructor certifications for entrance into our re-certification program. More information is needed and the Workgroup should review the options. Sheriff Ken Klakamp, Warren County, stated that regional classes should be considered. Mr. Numer stated regionalization of the existing program is not feasible due to the low number of certified instructors.

Mr. Numer reviewed the time extension request submitted by Sheriff Jonathan Held, Westmoreland County, for Deputy Shawn McKown. The request was to allow Deputy McKown to attend the firearms and patrol rifle instructor courses for recertification. He was previously certified by the SDSETB program and due to department issues, he was unable to maintain the certification. He has current instructor certifications through National Rifle Association (NRA) and the International Association of Law Enforcement Officers.

Mr. Numer recommended that Deputy McKown be permitted to attend the recertification trainings because he was previously certified by the SDSETB.

Deputy Ed Walker made a motion to deny the time extensions for Deputies Duran and Seyfert, but to allow their attendance at the re-certification classes in 2020 and to grant the attendance of Deputy McKown. Deputy McEnroe seconded the motion. No further discussion ensued and the motion passed with the following votes:

Voting Aye: Board Members Goodman, McEnroe, Nothstein, Smith, 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: John Cumberland, Beaver County; Robert Bradby, Philadelphia County; Alex Young, Brian Barrick, Shawn Harrison, Stephen

Bender, Timothy Reitz, Shannon Shertzer, and Jason Vioral, Cumberland County; Diane Nelson, Bedford County; John Wega, Adams County, Eric Nemeth, Northampton County; and Bradley Britton, York 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. Mr. Ecker invited everyone to attend the graduation ceremony for Basic Training, at 11:00 a.m., at the Ramada Inn. He acknowledged that the PSA worked with the academy regarding the graduation ceremony. The PSA arranged to live stream the graduation. In addition, the PSA arranged for the singing of the national anthem, a color guard, and were providing refreshments. Mr. Ecker stated that the next Basic Training class will begin July 15, 2019 and that 40 deputies were registered and an additional 8 were on the waiting list. He stated the academy will host a firearms instructor recertification class and a patrol rifle instructor recertification class in July.

Mr. Kevin Myers, Temple University, provided the continuing education delivery report. Training classes for the current cycle are concluding in Grantville and Reading. This will conclude that last classroom continuing education, prior to changing to an on-line training program for 2020. Mr. Myers thanked the staff at Penn State for helping to provide instructors for the remaining classes. Mr. Numer explained that academy staff taught some of the continuing education classes since there was some instructor availability issues.

Mr. Ted Mellors, Penn State – Fayette, provided the report on curriculum development. The new tactical first aid curriculum was delivered to PCCD for review. Scenarios are being developed to complement the curriculum. Mr. Mellors reported that a meeting was held on May 5th to begin the process of revising the Waiver Training Program for implementation in 2021. The program will consist of 40 hours of on-line training and 40 hours of classroom training. He stated that the on-line courses for the 2020 continuing education program were scheduled to be delivered to PCCD by the end of May.

Mr. John Pfau, PCCD, acknowledged Mr. Mellor's pending retirement at the end of June 2019. He thanked him for his dedication to the program. Mr. Maioli presented Mr. Mellors with a retirement gift from the PSA.

Mr. Pfau announced that PCCD will be providing a funding initiative for body cameras and that sheriff offices would be eligible to apply. He stated that Ms. Kathy Clarke, PCCD Office of Criminal Justice System Improvements would include sheriffs on the solicitation notice. Mr. Pfau encouraged the sheriffs to monitor the PCCD web page for the announcement. He stated that the announcement would probably be released in the fall of 2019.

Mr. Maioli provided an update regarding the PSA's legislative activism. He reported that Representative Shemmel introduced a fee bill that is in the House Judiciary Committee. This bill addresses all fees. Mr. Maioli stated that he is working with Senator Brown's office to introduce a separate bill that will only address the surcharge for the training program. An information packet was created to present to the Legislature regarding the need for an increase in funding for the training program. Mr. Maioli stated that the plan would be to introduce a bill that would be similar to the previous enacted legislation in 2000 that provided for incremental increases in the fees to support the program. He reported that no bill has been submitted but was hopeful that one would be introduced soon.

Mr. Maioli stated that it was doubtful that the Safe Schools Act would be amended prior to July 2019, to include sheriffs and deputies as school resource officers. The plan is to include them in the language within the PA School Code.

Mr. Maioli announced that the PSA is partnering with Vital Strategy through money received from the Bloomberg Foundation. A survey will be conducted regarding the opioid crisis and several trainings will be sponsored by the PSA.

Mr. Numer stated that if and when a surcharge increase is enacted, it could take six to nine months until the training account begins receiving deposits. Counties remit the fees every six months and the counties are staggered on which months they are required to remit the fees. Mr. Maioli stated that the PSA is going to lobby for the proposed legislation to include a one-time award of five million dollars to replace the money that was previously removed from the account by the prior administration.

The meeting was adjourned at 9:04 a.m. for the SDSETB to enter into an executive session.

The meeting reconvened at 9:28 a.m. after the completion of the executive session.

Mr. Numer announced that the next SDSETB meeting was scheduled for August 27, 2019, at 9:00 a.m., at the PCCD.

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

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

Voting Nay: None