

DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD

Minutes of the December 9, 2010 Meeting

Members Present

Carmen C. DeLuca
Harry E. Forbes
Roger S. Gunesch
Kurt E. Montz
Dr. William G. Pettigrew, Jr.
Jody S. Smith

Members Absent

Judge Michael J. Barrassé
Chester A. Hawkins
Judge D. Webster Keogh

Commission Staff Present

Norma Hartman
Doug Hummel
Don Numer
John Pfau
Alison Taylor

Others Present

Pennsylvania State University
Bob Stonis
Don Zettlemyer

Penn State, Fayette Campus
Ted Mellors

Temple University
Tony Luongo
Christine Willard

PA Sheriffs' Association
Beth Appleby (9:50 a.m.)

The December 9, 2010 meeting of the Deputy Sheriffs' Education and Training Board (DSETB) was called to order at 9:00 a.m., in the Commission Room, at the Pennsylvania Commission on Crime and Delinquency (PCCD), Harrisburg, Pennsylvania.

Chairman Harry E. Forbes introduced the first agenda item. He asked if the Board had an opportunity to review the minutes of the September 21, 2010 meeting and asked for a motion.

Mr. Kurt E. Montz made a motion to approve the September 21, 2010 DSETB minutes. Dr. William G. Pettigrew, Jr. seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Ms. Norma Hartman, PCCD, reviewed the DSETB fiscal report for state fiscal year 2010-2011, for the period ending September 30, 2010. The balance from the previous year was \$11,597,896.37. Fee collections from July 1, 2010 through September 30, 2010 was \$2,427,806.00. Estimated fee collections from October 1, 2010 through June 30, 2011 is \$2,572,194.00. The estimated total funds available at September 30, 2010 is \$16,597,896.37. The expenditures as of September 30, 2010 was \$850,882.40. The total expenditures and commitments as of September 30, 2010 was \$7,134,594.28. The estimated balance as of September 30, 2010 is \$9,463,302.09. No one asked any questions and Chairman Forbes asked for a motion.

Mr. Montz made a motion to approve the DSETB fiscal report. Deputy Roger S. Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Mr. Donald Numer provided the Training Supervisor's Report. Mr. Numer reminded the DSETB of the discussion from the September 21, 2010 meeting that involved Chairman Forbes's testimony presented at the House Labor Relations Committee hearing regarding PA House Bill 2585. Mr. Numer reported that the PCCD executive staff reviewed Chairman Forbes's testimony and found that while Chairman Forbes identified himself as a member of the DSETB he made clear that he was speaking on behalf of the County Commissioners' Association. During the September 21, 2010 DSETB meeting, Mr. Numer was asked to review the possibility of sending a letter addressed to the House Labor Relations Committee clarifying the position of the DSETB and the testimony of Chairman Forbes. Mr. Numer stated that staff was preparing such a letter upon release of the committee minutes. However, within days of the minutes release House Bill 2585 was defeated and the legislative session was over. It was also noted that the members of the House Labor Relations Committee would change once a new legislation session

begins. Mr. Numer advised the DSETB that should other legislation be proposed, members should comment only on issues regarding the DSETB Training Programs. Mr. Numer informed the DSETB staff conducted a training compliance visit with the Philadelphia Office of the Sheriff. Some administrative/employment issues within the Philadelphia Office of the Sheriff existed and have been resolved.

Mr. Numer informed the DSETB that a hearing is scheduled for December 16, 2010 before the PA Human Relations Commission regarding former Philadelphia Deputy Sheriff, Mr. Michael Johnson. This case involves alleged age discrimination. Mr. Johnson has also requested an administrative hearing to appeal the DSETB's decision to deny Mr. Johnson's request for re-admittance to training. Since Mr. Johnson is no longer employed with the Philadelphia Office of the Sheriff, Mr. Numer stated that he may not be eligible for an administrative hearing.

Mr. Numer informed the DSETB that former Philadelphia Deputy Sheriff Ernestine Wiggs requested an administrative hearing to appeal the DSETB's decision to deny her request for re-admittance to training, due to her repeated failures to complete the academy's firearms module. Since Ms. Wiggs is no longer employed with the Philadelphia Office of the Sheriff, Mr. Numer stated that she may not be eligible for an administrative hearing. Mr. Numer explained that that Training Act only allows a person to attend training if they are employed by a sheriff. A letter was sent to Ms. Wiggs stating that to be granted an administrative hearing, she needs to obtain a letter from the Philadelphia Sheriff that indicates he would re-hire her. Mr. Numer reported that no written correspondence was received prior to the meeting.

Mr. Numer reported that former Philadelphia Deputy Sheriff Reginald Riley failed his DSETB approved re-test of the physical fitness standards.

Mr. Numer stated that a Training Input Form has been added to the PCCD web site, allowing sheriffs and deputies to provide comments regarding training and related issues. The form is available for electronic submission.

Mr. Numer reported that changes will be implemented for the training reimbursement requests submitted by sheriff's offices, effective January 2011. Receipts will be required to be submitted for meals associated with training. In the past, receipts were not required to be submitted, but could be requested for auditing purposes. Mr. Numer stated that DSETB members should maintain a record of their travel expense receipts for at least up to one year.

Mr. Doug Hummel reviewed the training request submitted by Sheriff Robert Merski, Erie County for Deputy Owen Rhodes. Deputy Rhodes attended the Basic Training Academy with class B-10-02 from May 3, 2010 to September 8, 2010. On September 8, 2010, Deputy Rhodes failed his final opportunity to pass the physical fitness standards. Deputy Rhodes was dismissed from the academy. Deputy Rhodes's training due date is January 4, 2011. Sheriff Merski is requesting the DSETB to grant Deputy Rhodes one additional physical fitness test. Sheriff Merski administered a diagnostic test on December

8, 2010 and Deputy Rhodes passed the physical fitness standards. Mr. Numer stated that the DSETB has previously granted similar requests. Mr. Numer stated that the next physical fitness test is scheduled for December 15, 2010.

Dr. Pettigrew made a motion to approve one addition physical fitness re-test for Deputy Sheriff Owen Rhodes. Mr. Carmen DeLuca seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Montz, Pettigrew and Smith

Voting Nay: None

Abstained: Gunesch

Mr. Numer reviewed the training request from Sheriff Perry Quahliero, Lawrence County. The sheriff requested a partial training waiver for John Melnik II. Mr. Melnik received his training as a Peace Officer from the Ohio Peace Officer Training Commission. Staff has reviewed his training records and recommends that the Board waive his deputy sheriffs' training, based on his prior training, for all subjects except: Courts of PA, 16 hours; Civil Law, 61 hours; Criminal Law, 60 hours; Other Legal Issues, 8 hours; Managing Security, 16 hours and Motor Vehicle Code, 56 hours.

Mr. Montz made a motion to approve the partial training request and require Deputy John Melnik II to complete the required training in Courts of PA, Civil Law, Criminal Law, Other Legal Issues, Managing Security and Motor Vehicle Law. Dr. Pettigrew seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Mr. Hummel reviewed the instructor application submitted by the Pennsylvania State University. It was requested that Ms. Stephanie L. Delaney be approved to serve as an Emergency Medical Services instructor for the Basic Training Program. Ms. Delaney is a certified American Red Cross instructor and police officer with the Pennsylvania State University Police Department.

Mr. Montz made a motion to approve Ms. Stephanie L. Delaney as an Emergency Medical Instructor. Dr. Pettigrew seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Mr. Numer reviewed the time waiver request submitted by Sheriff Joseph McGinn, Delaware County, for Deputy Bryan D. Long. Due to personnel changes and duty

assignments, the sheriff's office failed to register Deputy Long with the PCCD and schedule him for certification training. Upon finding the oversight, Deputy Long was registered as a Deputy Sheriff and his Partial Training Waiver Application was submitted and approved. He is scheduled to attend the Waiver Training Program from January 17, 2011 to January 28, 2011.

Dr. Pettigrew made a motion to approve the time waiver request for Deputy Long. Deputy Gunesch seconded the motion.

Deputy Gunesch stated that this was the fault of the administration, not Deputy Long. Deputy Long should not be punished for the mistake of the administration. Mr. Numer stated that the administration admitted the mistake in forgetting to schedule Deputy Long for training. Mr. Carmen DeLuca stated that he should be permitted to attend training but should not serve as a deputy until he completes training. Deputy Jody Smith stated that Deputy Long has previous law enforcement training that qualified him to attend the waiver training. Mr. DeLuca asked if the DSETB would have a liability issue with allowing Deputy Long to continue serving as a deputy. Mr. Numer stated that the Training Act already allows a deputy to serve up to one year prior to becoming certified. Mr. Numer stated that there is always a liability issue when someone has not received training. Mr. Montz asked how the DSETB proceeded with a similar situation regarding the former Pennsylvania State Trooper from Somerset County. Mr. Hummel stated that Mr. Montz was referring to the time waiver request for Deputy Robert Logsdon from the September 21, 2010 DSETB meeting. Mr. Hummel stated that Deputy Logsdon was denied a time waiver. Deputy Long had similar circumstances to that of Deputy Logsdon. Mr. Montz stated that the DSETB needs to be consistent.

Commissioner Forbes called for a vote on the motion to approve the time waiver for Deputy Long. The motion was denied by the following votes:

Voting Aye: None

Voting Nay: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Mr. Hummel reviewed the time waiver request from Indiana County. Sheriff Robert E. Fyock requested a time waiver for Deputy Robert E. Snyder. Deputy Snyder was on medical leave and his return date was unknown at that time. If Deputy Snyder is cleared for duty prior to March 2011, he would attend continuing education in his region in March 2011.

Mr. Hummel reviewed the time waiver request from Washington County. Sheriff Samuel Romano requested a time waiver for Deputy Jacquelynn Salyer. Deputy Salyer was previously scheduled to attend continuing education training in May 2010 but due to being on medical leave, she was unable to attend. Deputy Salyer is scheduled to return to duty on November 21, 2010. The request is for an extension to attend training due to her medical leave.

Mr. Hummel reviewed the time waiver request from York County. Sheriff Richard P. Keuerleber requested a time waiver for Deputy Bruce E. Mervine, Sr. The request was to have Deputy Mervine attend continuing education training class C-11-65 in York County. Deputy Mervine has a scheduling conflict with the February 2011 class being held in York County.

Dr. Pettigrew made a motion to approve the time waiver requests for Deputies Robert Snyder, Jacquelynn Salyer and Bruce Mervine. Mr. Montz seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Mr. Numer reviewed the list of Time Waivers approved by the Training Supervisor. This was for informational purposes and did not require DSETB action.

Mr. Numer reviewed the list of Training Waivers applications approved by the Training Supervisor. This was for informational purposes and did not require DSETB action.

Mr. Don Zettlemyer, Pennsylvania State University, stated that the 34th Basic Training Academy class at Penn State will graduate on December 17, 2010. The Centre County District Attorney will be the commencement speaker. The final physical fitness test for the December graduates will be held on December 15, 2010.

Ms. Christie Willard, Temple University, provided the report for the Continuing Education Training Delivery contract. She reported that classes were currently being held in Philadelphia. The Philadelphia classes will continue through February 2011. Classes will then be offered in York, Clarion and Altoona. The next Train the Trainer Instructor Development Course will be held in March 2011, in Monroeville, PA. Ms. Willard stated that the supervisor courses have experienced low enrollment. Ms. Willard stated that only three deputies registered for the 2010 on-line courses. She explained that the low enrollment is attributed to the course not being offered until the fall of 2010. This was due to a change in the curriculum development contractor. Mr. Numer stated that the 2011 on-line courses will be available in February 2011. The courses offered will be Legal Updates, Flying While Armed and Infectious Disease Prevention. Mr. Anthony Luongo, Temple University, stated that enrollment is expected to increase due to the return to the normal on-line course schedule. Mr. Luongo stated that the current continuing education training cycle will conclude on September 30, 2011. He stated that he is communicating with Mr. Ted Mellors, Penn State Fayette, on the training that is being developed for the next continuing education cycle that will begin October 1, 2011.

Mr. Mellors provided the report on the Curriculum Development contract. Mr. Mellors stated that work continues with completing the revisions to the 760 hour Basic Training Curriculum that is scheduled to be implemented in January 2012. Mr. Mellors stated that

his staff has been developing the 2011 on-line merit courses and the curriculum for the 2011-2013 continuing education training cycle.

Mr. Mellors stated that he filmed interviews with the two Bucks County deputies that were involved in a recent stabbing incident. This will be incorporated into the training program. Mr. Luongo stated the case study could also be used in continuing education and in a possible Train the Trainer course for court facility security. The Train the Trainer focus groups identified court facility security as a priority topic. Mr. Numer stated that the plan is to develop a Train the Trainer content specific course involving court facility security for delivery in 2012. Mr. Numer stated that two Firearms Instructor Courses and one Patrol Rifle Instructor Course will be offered in 2011. Deputy Gunesch asked if a course was offered using a tactical shotgun. Mr. Numer stated that shotgun training is offered in Basic Training, but tactical shotgun training is not offered.

Mr. Montz requested that an update be provided on the revisions to the Basic Training Curriculum at the March 2011 meeting. Mr. Mellors stated that Mr. Numer had previously informed him to prepare a report for the next meeting. Deputy Gunesch asked if the curriculum included warning signs/indicators for deputies when serving civil process. Mr. Mellors stated that lesson plans will include this information.

Chairman Forbes stated that the DSETB must conduct the election of officers for 2011.

Mr. Montz nominated Commissioner Forbes as Chairman of the DSETB. Dr. Pettigrew seconded the nomination of Commissioner Forbes as Chairman.

Dr. Pettigrew made a motion to close the nominations for Chairman and elect Commissioner Forbes as the Chairman. Mr. Montz seconded the motion and Commissioner Forbes was elected as the Chairman of the DSETB with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Deputy Gunesch nominated Dr. Pettigrew for Vice Chairman of the DSETB. Mr. Montz seconded the nomination.

Deputy Gunesch made a motion to close the nominations for Vice Chairman and elect Dr. Pettigrew as Vice Chairman of the DSETB. Mr. DeLuca seconded the motion and Dr. Pettigrew was elected as the Chairman of the DSETB with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Montz, Pettigrew and Smith

Voting Nay: None

Chairman Forbes announced the meeting dates for 2011. The meeting dates are March 15, 2011; May 20, 2011; September 22, 2011 and December 8, 2011. All meetings are scheduled to be held at the PCCD except the May 20, 2011 meeting, which will be held in State College, prior to the Basic Training Academy graduation.

Chairman Forbes adjourned the meeting at 9:55 a.m.