

DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD

Minutes of the March 1, 2012 Meeting

Members Present

Carmen C. DeLuca
Roger S. Gunesch
Chester A. Hawkins
Todd A. Martin
Kurt E. Montz
Jody S. Smith

Members Absent

D. Webster Keogh
William G. Pettigrew, Jr.

Commission Staff Present

Denise Barry
Norma Hartman
Doug Hummel
Bob Merwine
Don Numer
John Pfau
Jim Strader

Others Present

Pennsylvania State University
Bob Stonis
Don Zettlemyer

Penn State, Fayette Campus
Denny Glaus
Ted Mellors

Temple University
Tony Luongo
Christine Willard

Cumberland County Sheriff's Office
Sheriff Ron Anderson

The March 1, 2012 meeting of the Deputy Sheriffs' Education and Training Board (DSETB) was called to order by Vice Chairwoman Jody S. Smith, at 9:05 a.m., at the Pennsylvania Commission on Crime and Delinquency (PCCD), Harrisburg, Pennsylvania.

Vice Chairwoman Smith introduced the first agenda item. She asked if the Board had an opportunity to review the minutes of the December 8, 2011 meeting and asked for a motion.

Mr. Kurt E. Montz made a motion to approve the December 8, 2011 DSETB minutes. Lieutenant Roger S. Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Ms. Norma Hartman, PCCD, reviewed the DSETB fiscal report for state fiscal year 2011-2012, for the period ending December 31, 2011.

The balance from the previous year was \$13,662,066.42. Fee collections from July 1, 2011 through December 31, 2011, was \$2,112,794.33. The estimated fee collections from January 1, 2012 through June 30, 2012 is \$2,463,653.67. The total funds available at December 31, 2011 was \$18,238,514.42. The total expenditures and commitments as of December 31, 2011 was \$6,694,555.77. The estimated balance as of December 31, 2011 was \$11,543,958.65.

Vice Chairwoman Smith asked if anyone had questions regarding the fiscal report.

Mr. Montz made a motion to approve the DSETB Fiscal Report. Lieutenant Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Vice Chairwoman Smith asked Mr. Numer to provide the training supervisors report. Mr. Numer reviewed the Commonwealth's new travel policy that went into effect January 1, 2012. Mr. Numer reminded the Board about the email he sent regarding the new travel policy. Mr. Numer stated that Ms. Denise Barry, PCCD, was present to answer questions regarding travel reimbursement procedures. Sheriff Chester A. Hawkins stated that the DSETB fund is not tax payer money and that the revenue is generated by the fees collected for the service done by all of the Sheriff's Offices. Mr. John Pfau, Manager of the Bureau of Training Services, PCCD, addressed the issue of the source of the Board's funding with travel personnel. Mr. Pfau stated that the travel office

stated that everyone had to comply with the new policy. Mr. Numer reminded all DSETB members that Ms. Barry needs to complete a cost analysis of the most efficient method of travel. This includes the possibility of using a rental car. The use of a rental car is often cheaper than using your personal vehicle. Factors that contribute to the analysis include the distance you may need to drive to obtain a rental vehicle and the time associated with obtaining the car. PCCD staff can only recommend that a waiver be approved for a member to use their personal vehicle. The travel office would make the final determination. The final decision would occur after you have already traveled. Prior approval is not allowed. Based on the final decision of the travel office, you may be reimbursed either nineteen cents per mile or fifty-one cents per mile. Mr. Bob Merwine, Director of the Office of Criminal Justice System Improvements, PCCD, explained that the first time you use your personal vehicle and staff submits an exemption request, you will be paid fifty-one cents per mile. Travel may state that no future exemptions will be granted.

Lieutenant Gunesch asked who is responsible to pay for the gasoline for the rental car. Mr. Numer explained that you would pay for the gasoline and submit the receipt with your travel expense report, for reimbursement.

Mr. Numer informed the DSETB of an email he had received from the Pennsylvania Sheriffs' Association regarding changes within the Luzerne County, PA government structure. He stated that Luzerne County adopted the "Home Rule." As a result, the Office of the Sheriff is now an appointed position rather than an elected position. Mr. Numer explained that once a new sheriff is appointed, staff would visit the sheriff to review the requirements of the Training Act.

Mr. Numer informed the DSETB about the issue of overtime pay that arose from the requirement of deputies attending the Basic Training Academy to complete several on-line trainings as part of the requirements for certification. Mr. Numer referred to the email he recently sent to all the DSETB members. Mr. Numer explained that during the curriculum revision for Basic Training, many sheriffs identified several training courses that would be beneficial for deputies to receive. These courses included: Flying While Armed, NIMS and Incident Command Training. These courses are available on-line and were made part of the curriculum as required courses, to be completed as home work. Some deputies approached their sheriffs regarding overtime pay for needing to complete these on-line courses after normal work hours. Some sheriffs are paying the overtime as per contractual agreements and others are not allowing overtime pay. Mr. Numer wants to address this issue with all the sheriffs, suggesting that they have their deputies complete these trainings prior to coming to the academy. They could complete these trainings during the normal work day. Mr. Montz asked if these on-line courses are required for certification. Mr. Numer stated that the courses are required for certification. Sheriff Hawkins recommended that Mr. Numer send a letter to all the sheriffs detailing the on-line training requirement. Mr. Anthony Luongo, Temple University, stated that the curriculum has been approved by the Pennsylvania State University to equate into granting a deputy 16.5 college credits toward earning a Bachelor's Degree. From an academic perspective, it is often expected and understood that additional work is needed

outside of the normal class room hours of instruction. Sheriff Todd A. Martin asked if this was explained to the deputies. Mr. Numer stated that the deputies were made aware of the on-line courses upon attending the academy. Mr. Numer stated that the deputies were not informed prior to attending the academy and that is why he proposed providing written correspondence with all sheriffs. Sheriff Martin stated that when he attended the training academy, he attended day and night and he did not receive any extra compensation. He explained that he was required to complete all the training for certification. Sheriff Ron Anderson, Cumberland County, expressed his concern if deputies seek compensation for the need to study for class. The DSETB agreed with having Mr. Numer provide clarification to all sheriffs regarding the on-line course requirements for certification.

Mr. Numer reviewed the training expense voucher procedures. Mr. Numer explained that the Training Act only allows for reimbursement at regular salary for a maximum of 760 hours for Basic Training. Shift differential, holiday pay, overtime and travel time is not reimbursable. When a reimbursement form is received it may be adjusted by PCCD fiscal staff due to errors. Some counties are requesting .55 cents per mile when the state reimbursement rate is only .51 cents per mile. Timeliness is also an issue with the submission of the reimbursement forms. The Comptroller's Office suggested that reimbursement forms older than one year should not be processed. The Deputy Sheriffs' Information System allows for reimbursement forms to remain active for one and a half years. In one instance, a few years ago, we went back two years for York County and processed reimbursement forms. No policy currently exists. Mr. Numer is concerned with the potential effect on the training account due to the back log of un-submitted training expense vouchers. Mr. Numer suggests the DSETB set a policy for the submission and processing of training expense vouchers.

Mr. Numer handed out a copy of the new basic training curriculum module list. The old curriculum contained 25 modules, with some consisting of only a few hours each. The new curriculum was condensed into ten modules/functional areas. The curriculum remains at 760 hours. Within the new modules, you will see the individual subject areas. Mr. Numer stated that we have reduced the amount of power point used in numerous subjects. The focus has been on implementing problem-based learning as the primary method of course delivery. We have incorporated more "hands-on" training. We have added the use of electronic control devices and field sobriety testing. Much of the new curriculum has been implemented with the current class and is being evaluated for potential modifications prior to finalizing the new curriculum. Lieutenant Gunesch thanked the curriculum development team for implementing more scenario-based training. Mr. Numer stated that several practical skills training days are built into the training program to allow each deputy the opportunity to implement all the knowledge and skills they were taught.

Mr. Douglas Hummel, PCCD, reviewed the time waiver requests submitted by Sheriff Joseph McGinn, Delaware County. Sheriff McGinn requested time waivers for Deputy James Cunningham and Deputy Michael Wiseley. Due to temporary manpower issues, the request was to have Deputy Cunningham and Deputy Wisely attend the Waiver

Training Program from June 4, 2012 to June 15, 2012. Partial Training Waiver Applications had not been submitted for Deputy Cunningham's and Deputy Wiseley's approval to attend the Waiver Training Program. The requests did not comply with the DSETB policy.

Chairwoman Smith stated that five waiver classes are offered each year. The sheriff had five opportunities to send these deputies to training. Lieutenant Gunesch stated that the appropriate paper work had not been submitted. Sheriff Martin agreed that the sheriff had enough time to submit the paper work and schedule the deputies for training.

Mr. Montz made a motion to deny the time waiver requests for Deputy James Cunningham and Deputy Michael Wiseley. Lieutenant Gunesch seconded the motion and the time waivers were denied with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Mr. Hummel reviewed the time waiver request submitted by Sheriff John J. Symanski, Lackawanna County. Sheriff Symanski requested a time waiver for Deputy Juan Baizan. Deputy Baizan was currently enrolled in college courses and was unable to attend the Waiver Training Program until June 2012 when his course work would be complete. The request did not comply with the DSETB policy.

Lieutenant Gunesch made a motion to deny the time waiver request for Deputy Juan Baizan. Mr. Montz seconded the motion and the time waiver was denied with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Mr. Hummel reviewed the time waiver request submitted by Sheriff Randall P. Miller, Northampton County. Sheriff Miller requested a time waiver for Deputy James D. LoPresti. Deputy LoPresti was involved in an automobile accident in August 2011. He was off work on medical leave when training was held in Bethlehem, PA. Deputy LoPresti returned to duty on January 23, 2012. The request was for a time extension to allow Deputy LoPresti to attend continuing education training with class C-12-28, from May 21, 2012 to May 23, 2012, in Scranton, PA. Scranton is the next closest training location to Northampton County. The time waiver request complied with the DSETB policy.

Lieutenant Gunesch made a motion to approve the time waiver request for Deputy James D. LoPresti. Sheriff Chester A. Hawkins seconded the motion and the time waiver was approved with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Mr. Hummel reviewed the time waiver request submitted by Sheriff Bryan Brady, Sullivan County. Sheriff Brady requested a time waiver for Deputy Mary Handzus. The request was for Deputy Handzus to attend continuing education training in Williamsport, PA, which is the closest available training location to Sullivan County. The time waiver request complied with the DSETB policy.

Lieutenant Gunesch made a motion to approve the time waiver request for Deputy Mary Handzus. Mr. Montz seconded the motion and the time waiver was approved with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Mr. Hummel reviewed the time waiver request submitted by Sheriff Richard C. Ketchem, Greene County. Sheriff Ketchem requested a time waiver for Deputy Marcus N. Simms. Deputy Simms is currently attending the Municipal Police Officers' Education and Training Commission's Act 120 Training. He is expected to graduate September 12, 2012, which would qualify him to attend the Deputy Sheriff's Waiver Training. The request is due to employment issues that Sheriff Ketchem details in the attached letter. Sheriff Ketchem requests that Deputy Simms be granted a time extension so he could attend the Waiver Training Program from November 5, 2012 to November 16, 2012. The request did not comply with the DSETB policy. Lieutenant Gunesch stated that Sheriff Ketchem detailed his training request need.

Lieutenant Gunesch made a motion to approve the time waiver request for Deputy Marcus N. Simms until November 16, 2012, pending his successful completion of Act 120 Training. Should Deputy Simms fail Act 120, the time waiver would end and Deputy Simms would be required to attend the Deputy Sheriff's Basic Training Academy. Sheriff Hawkins seconded the motion and the time waiver was approved with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Mr. Numer reviewed the training waiver request submitted by Sheriff Denny Nau, Centre County. Sheriff Nau requested the DSETB grant a partial training waiver for Deputy Bryan Cramer, for his law enforcement training from his previous employment as a Deputy Sheriff in Loudon County, Virginia. Mr. Numer recommended that Deputy Cramer be granted a waiver for all courses except Module #1, Law and Module #8, Investigations.

Sheriff Hawkins made a motion to approve the training waiver request and require Deputy Bryan Cramer to complete Module #1, Law and Module #8, Investigations, to be eligible for certification. Lieutenant Gunesch seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Mr. Numer reviewed the list of Partial Training Waiver Applications approved by the Training Supervisor. This was for informational purposes and did not require DSETB action. Mr. Carmen DeLuca asked if these individuals were all Act 120 certified. Mr. Numer stated all the deputies are either Act 120 certified or former Pennsylvania State Police. Mr. DeLuca asked if we ever considered how long ago their initial training was completed. Mr. Numer stated the DSETB used to have a waiver test for those individuals that were retired or received their training two years or older. The DSETB voted to stop requiring the waiver test. The current policy is that no time limit exists. Sheriff Martin stated that someone who graduated from training 25 years ago is not up-to-date with the current laws and trends in law enforcement. He stated that these individuals should not get a free waiver. Mr. Numer stated that the DSETB could review the training waiver policy. Mr. Pfau acknowledged the potential liability issue for sheriffs. Mr. Hummel stated that sheriffs have the power to require any of their deputies to attend the Basic Training Academy. Mr. Hummel stated that Sheriff Martin has sent deputies to the Basic Training Academy that could have attended the Waiver Training Program. Lieutenant Gunesch asked Mr. Numer to review this issue and provide information to the DSETB to consider. Mr. Numer agreed and suggested that an in depth discussion needs to occur and that the support of the sheriffs is needed.

Mr. Hummel reviewed the instructor applications submitted by the Pennsylvania State University, for Mr. Ryan P. Rosendale and Mr. Randy A. Pollick. The request for Mr. Rosendale was to become a certified instructor for physical conditioning. The request for Mr. Pollick was to certify him as a firearms instructor.

Lieutenant Gunesch made a motion to approve the instructor applications for Mr. Rosendale and Mr. Pollick. Sheriff Hawkins seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin and Smith

Voting Nay: None

Abstained: Montz

Mr. Don Zettlemoyer, Pennsylvania State University, informed the DSETB that graduation will be held May 18, 2012 and it coincides with the next DSETB meeting to be held in State College. Mr. Zettlemoyer stated that his staff is working with Penn State Fayette in the development and implementation of the new curriculum. He stated that the academy recently purchased a padded courtroom set for the use in practical skill scenarios.

Mr. Luongo, Temple University, provided the Continuing Education Delivery Report. Mr. Luongo stated that continuing education training was recently completed in the southeast region. Classes are currently being held in the west region. A Basic Supervisors Course is being offered in March 2012. A Train the Trainer Instructor Development Workshop is being offered in March 2012 in Grantville, PA. Mr. Luongo stated that his staff is working with Penn State Fayette in the revisions to the continuing education curriculum and noted that course evaluations have improved. Mr. Luongo stated that the 2012 on-line courses are being tested prior to implementation. Legal Updates, Flying Whiled Armed, Use of Force and Street Gangs will be offered.

Mr. Ted Mellors, Penn State Fayette, provided the report on curriculum development. Mr. Mellors stated that his staff is currently converting five course of the basic training curriculum into the problem-based learning format. These courses include: Introduction to the Criminal Justice System, PA Unified Courts, Other Legal Issues, Crimes and Offenses and PA Motor Vehicle Code. Staff are also responding to any peer review forms submitted by the instructors requesting curriculum modifications. Mr. Mellors stated that staff has modified the continuing education curriculum to coordinate the course materials. This included linking the power point presentations with the student workbooks.

Mr. DeLuca asked if there was any more information regarding the discussion from the December 2011 meeting about the possible use of electronic notebooks with the Basic Training Academy. Mr. Mellors stated that his staff is still conducting research on this issue.

Vice Chairwoman Smith asked if staff had an update on potential appointments to the DSETB. Mr. Merwine stated that Ms. Linda Rosenberg, Executive Director, PCCD, has addressed the need for appointments with Governor Tom Corbett's Office.

Vice Chairwoman Smith asked for a motion to adjourn the meeting to enter into an executive session.

Sheriff Hawkins made a motion to adjourn the meeting to enter into an executive session. Lieutenant Gunesch seconded the motion and the meeting was adjourned for an executive session at 10:26 a.m. with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None

Vice Chairwoman Smith called the meeting to order following the executive session at 11:10 a.m. Mr. Numer stated that the next DSETB meeting will be held Friday, May 18, 2012, at 8:00 a.m., in State College, PA.

Lieutenant Gunesch made a motion to adjourn the meeting at 11:16 a.m. Sheriff Hawkins seconded the motion and the motion was passed with the following votes.

Voting Aye: Board Members DeLuca, Gunesch, Hawkins, Martin, Montz, and Smith

Voting Nay: None