

DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD

Minutes of the May 21, 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

Doug Hummel
Don Numer
John Pfau

Others Present

Pennsylvania State University
Bob Stonis
Don Zettlemyer

Penn State, Fayette Campus
Ted Mellors
Kirk Hessler
Steve Todoric
Dennis Glaus

Temple University

Tony Luongo

Deputy Sheriffs' Association and
Philadelphia Office of the Sheriff
Jack Dolan
Jim Lee

Cambria County
Sheriff Bob Kolar

Lancaster County
Sheriff Terry Bergman

The May 21, 2010 meeting of the Deputy Sheriffs' Education and Training Board (DSETB) was called to order at 8:00 a.m., at the Days Inn, State College, Pennsylvania.

Chairman Harry Forbes opened the meeting with the Pledge of Allegiance.

Chairman Forbes introduced the first agenda item. He asked if the Board had an opportunity to review the minutes of the March 18, 2010 meeting and asked for a motion.

Dr. William G. Pettigrew, Jr. made a motion to approve the March 18, 2010 DSETB minutes. Mr. Kurt Montz seconded the motion and it passed with the following votes:

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

Voting Nay: None

Mr. Don Zettlemoyer addressed the DSETB regarding the academy physical fitness standards. He noted that the minutes addressed the track being square. Mr. Zettlemoyer explained that despite the track having four walls surrounding the perimeter, the width of the track allows a runner the ability to run in an oval pattern. He explained that the standards the DSETB adopted from the Cooper Institute does not require the 1.5 mile run to be performed on a 400 yard or 400 meter track.

Mr. Don Numer reviewed the DSETB fiscal report for state fiscal year 2009-2010, ending March 31, 2010. The balance from the previous year was \$10,027,862.63. Fee collections from July 1, 2009 through March 31, 2010 was \$4,737,514.79. The estimated fee collections from April 1, 2010 through June 30, 2010 is \$262,485.21. The total estimated funds available at March 31, 2010 is \$15,027,862.63. The expenditures and commitments at March 31, 2010 is \$12,101,205.70. The balance as of March 31, 2010 is \$2,926,656.93. Mr. Don Numer explained that the amount of commitments is the maximum amount that could be spent and is reflected over the total life of the contracts. The amount of fee collections reflects only the amount collected in the current fiscal year.

Dr. Pettigrew made a motion to approve the fiscal report. Deputy Roger Gunesch seconded the motion and it passed with the following votes:

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

Voting Nay: None

Mr. Numer reviewed the fiscal projections report provided on pages 13 and 14 of the DSETB meeting packet. Mr. Numer explained that the purpose of this report is to provide guidance on planning for the future. Mr. Numer stated that we are spending more funds than the amount of fees collected. He stated that in the future the DSETB will need to seek a fee increase through the legislative process. The fund has not seen a

fee increase for the last ten years. Mr. Numer stated that cost saving measures could include: limiting staff travel, reduction in the number of classes offered, suspending the merit training program, limit curriculum development and/or delaying reimbursements. Cost saving measures will be discussed further at the next meeting. Chairman Forbes suggested that the Board wait until after the new administration is in place to propose a fee increase. Mr. John Pfau stated that the Board should continue to review the fiscal projections and possible options so the needs of the DSETB can be conveyed to the new administration.

Chairman Forbes adjourned the meeting to enter into an executive session at 8:15 a.m. The DSETB meeting was reconvened at 8:30 a.m.

Chairman Forbes reviewed the training request for Deputy Sheriff Alfred Blue. The Philadelphia Office of the Sheriff requested that Deputy Blue be given one additional opportunity to pass the physical fitness test. If the DSETB denied the additional test, the Sheriff's request was to allow Deputy Blue to repeat the entire basic training academy. Chairman Forbes noted the three options for review.

Dr. Pettigrew made a motion to grant option #3, to allow Deputy Blue to repeat the entire basic training academy, with limits on reimbursements, lodging and meals in accordance with the DSETB policy. Mr. Montz seconded the motion.

Dr. Pettigrew explained that his motion was in accordance with the DSETB policy. Mr. Carmen DeLuca stated that the sheriff should be notified that Deputy Blue is not eligible to serve as a deputy until he is certified. Chairman Forbes stated that the letter should be sent to the sheriff, in addition to the executive branch of Philadelphia and the Pennsylvania Attorney General's Office.

Lt. Jim Lee, Philadelphia Office of the Sheriff addressed the Board. Lt. Lee stated that he was not representing the Philadelphia Office of the Sheriff, but he was in attendance as a representative of the Pennsylvania Deputy Sheriffs' Association. Lt. Lee stated that Deputy Blue has been serving as a clerk in his work unit. He stated that Deputy Blue has been training and that he is a good man and deserves another chance. He stated that Deputy Blue is an asset to his unit and to the profession.

Commissioner Forbes called for a vote on the motion made by Dr. Pettigrew and seconded by Mr. Montz. The motion passed with the following votes:

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

Voting Nay: Smith

Mr. Numer provided the supervisor's report. Mr. Numer stated that no resolution was rendered on the status of Chief Deputy Jody Smith's ability to serve as a member of the DSETB. Chief Smith will continue to serve the DSETB until such time the situation is resolved. Commissioner Forbes stated that you are appointed by the Governor's Office until such time removed.

Mr. Numer stated that Sheriff William H. Romine, Jr. tendered his resignation to the DSETB. His decision was based on a medical issue. Mr. Numer stated that notification was made to the Governor's Office of the need for an appointment to replace Sheriff Romine.

Mr. Numer reported the results of the hearing involving Deputy Richard Kelly, Montgomery County. The Hearing Officer's report was issued, indicating support for the DSETB. Montgomery County has 30 days to file for an appeal through our process. The County also has the ability to file a civil suit with the Commonwealth Court. Mr. Numer stated that as of this day, no appeal had been filed.

Mr. Numer informed the DSETB that Montgomery County Deputy Sheriff Christopher Gaughen returned to the academy to attempt the physical fitness test and failed. Deputy Gaughen was granted an additional opportunity to test by the DSETB at the March 2010 meeting.

Mr. Numer informed the DSETB that the academy began utilizing an out-door track for testing purposes.

Mr. Numer addressed the concern regarding our ability to obtain accurate feedback from deputies that complete our training programs. Mr. Numer stated that a training feedback form was placed on our web page for deputies and sheriffs to complete. This form is in addition to the training evaluations that are completed at the end of each training course.

Mr. Numer provided an update to the DSETB's partnership with the Pennsylvania Sheriffs' Association in hosting a K-9 training during their annual conference. A Training Bulletin will be mailed announcing the training.

Mr. Doug Hummel reviewed the instructor application. Temple University requested the certification of Mr. Dustin Keiser as an instructor for the Continuing Education Program, for Security, Officer Safety, Crisis Intervention and Professional Development.

Deputy Gunesch made a motion to approve the instructor application of Mr. Dustin Keiser. Mr. DeLuca seconded the motion and it passed with the following votes:

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

Voting Nay: None

Mr. Hummel reviewed the time waiver requests.

Sheriff James Muller, Adams County, requested a time waiver for Deputy Kristen Phillips. The request was to have Deputy Phillips attend continuing education training in Harrisburg, PA, when offered in May/June 2011. This would get her on the appropriate training cycle for her office. Mr. Hummel stated that the request was in accordance with the DSETB policy.

Sheriff George David, Beaver County, requested a time waiver for Deputy Robin Redfern. Deputy Redfern is currently on a medical leave of absence and is expected to be cleared to return to duty on June 9, 2010. She was previously scheduled to attend class in April 2010 but due to the medical leave, she was unable to attend. The request is for a time extension until September 3, 2010 when training is offered in Washington County. Mr. Hummel stated that the request was in accordance with the DSETB policy.

Sheriff Robert Merski, Erie County, requested a time waiver for Deputy Brian Copley. Deputy Copley was on leave when continuing education was offered in Erie, PA. The request was for a time extension until May 26, 2010. He is scheduled to attend continuing education training in Wilkes-Barre, PA. Mr. Hummel stated that the request was in accordance with the DSETB policy.

Sheriff Robert Merski, Erie County, requested a time waiver for Deputy Roger Gunesch. Deputy Gunesch was on leave when continuing education was offered in Erie, PA. The request was for a time extension until May 26, 2010. He is scheduled to attend continuing education training in Wilkes-Barre, PA. Mr. Hummel stated that the request was in accordance with the DSETB policy.

Mr. Montz made a motion to approve the time waivers for Deputy Phillips, Deputy Redfern, Deputy Copley and Deputy Gunesch. Deputy Gunesch seconded the motion and the motion passed with the following votes:

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

Voting Nay: None

Sheriff Ronald W. Rossi, Lehigh County, requested a time waiver for Sgt. Elwood Buchman. Sgt. Buchman failed to attend the basic supervisor's continuing education class held March 22, 23, 24, 2010, due to an "unforeseen conflict." An extension was requested until September 15, 2010 so he could attend the Advanced Supervisor's Course at Fort Washington, PA, which is near Lehigh County. Mr. Hummel stated that the request was not in compliance with the DSETB policy.

Sheriff Ronald W. Rossi, Lehigh County, requested a time waiver for Deputy Jason Domina. The sheriff's office was unable to obtain the required proof of 1st Aid and CPR training for Deputy Domina to be approved to attend the Waiver Training Program. The

request was to extend his training due date until June 25, 2010. Mr. Hummel stated that the request was not in compliance with the DSETB policy.

Sheriff Ronald W. Rossi, Lehigh County, requested a time waiver for Deputy Teodoro Huertas Jr. The sheriff's office was unable to obtain the required proof of 1st Aid and CPR for Deputy Huertas to be approved to attend the Waiver Training Program. Also, the deputy has a personal conflict with attending the June 2010 Waiver Training Class. The request was to extend his training due date until September 24, 2010. Mr. Hummel stated that the request was not in compliance with the DSETB policy.

Sheriff Ronald W. Rossi, Lehigh County, requested a time waiver for Deputy Wanda Pasqualucci. The sheriff's office was unable to obtain the required proof of 1st Aid and CPR for Deputy Pasqualucci to be approved to attend the Waiver Training Program. The request was to extend her training due date until June 25, 2010. Mr. Hummel stated that the request was not in compliance with the DSETB policy.

Mr. Montz made a motion to deny the time waiver requests for Sgt. Buchman, Deputy Domina, Deputy Huertas and Deputy Pasqualucci and for written correspondence to be sent to the Sheriff and copied to the County Commissioners and the Pennsylvania Attorney General's Office. Dr. Pettigrew seconded the motion and the motion passed with the following votes:

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

Voting Nay: None

Sheriff Chad Reiner requested a time waiver for Chief Deputy Randy Coe. The request was to have Chief Coe attend the advanced supervisors training in State College, PA from June 2, 2010 through June 4, 2010. The request was prompted by correspondence sent to the sheriff regarding Deputy Coe not being in compliance with the training requirement. Mr. Hummel stated that the request was in accordance with the DSETB policy.

Deputy Gunesch made a motion to approve the time waiver request for Chief Deputy Randy Coe. Mr. Deluca seconded the motion and it passed with the following votes:

Voting Aye: Board Members DeLuca, Gunesch, Forbes, 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. Zettlemoyer reminded everyone of the graduation ceremony for the Basic Training Academy, which will be held following the DSETB meeting at 11:00 a.m.

Mr. Anthony Luongo provided the report for the Continuing Education Training delivery contract. He reported that five regions have been completed since the training cycle began in the fall of 2010. Training will continue through June 2010 in the Wilkes-Barre/Scranton area.

Chief Smith inquired about the limitations, ability and/or qualification of the deputies that successfully complete the Firearms Instructor Course. Mr. Numer explained that deputies are qualified to instruct other deputies in Pennsylvania. It is recommended that they teach the program and use the qualification standards that are in use at the Basic Training Academy.

Mr. Ted Mellors provided the report on the Curriculum Development contract. Mr. Mellors introduced his staff: Mr. Steve Todoric, Mr. Dennis Glaus and Mr. Kirk Hessler. Mr. Mellors provided an update on the focus groups that were being held as part of the review of the Basic Training and Continuing Education Curriculum. He stated that they will be presenting in July at the Pennsylvania Sheriffs' Association Conference.

Mr. Montz asked for clarification of the reasons for reviewing and revising the current basic training curriculum. Mr. Numer explained that despite updating numerous portions of the curriculum, it has been since 1998 that the curriculum was created for implementation in 2000. Mr. Numer stated that it is important to revalidate the needs of our training program. Also, the training needs of the sheriffs may have changed. Training hours may increase or decrease for some modules. Mr. Numer stated that we also want to consider other methods of instruction, such as problem based learning, rather than using only power point presentations. Deputy Gunesch stated that the powers and duties of deputy sheriffs also affect the training we provide. Chairman Forbes stated that the issue regarding the powers of the Sheriffs' Office is a legislative issue.

Mr. Numer asked for clarification on the correspondence notifying sheriffs of their deputies that are not in compliance with the Training Act. Mr. Numer explained that the first letter was sent only to the sheriff. The second letter was sent to both the sheriff and the County Commissioners. Mr. Numer asked when staff should notify the Pennsylvania Attorney General's Office.

Mr. Gunesch made a motion that the standard written notification that is sent to all sheriffs regarding deputies that are not in compliance with the Training Act being copied to the corresponding County Commissioners Office and the Pennsylvania Attorney General's Office. Chief Smith seconded the motion and it passed with the following votes:

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

Voting Nay: None

Sheriff Robert Kolar, Cambria County, informed the DSETB that legislation regarding the powers and duties of deputy sheriffs is being supported by State Representative Robert Belfanti.

Mr. Numer stated that the next DSETB meeting will be held on September 21, 2010, at 9:00 a.m. at the Pennsylvania Commission on Crime and Delinquency, Harrisburg, PA.

Chairman Forbes adjourned the meeting.