

Members:

Larry J. Straitiff, Chairman
Robert Billingsley
Hon. Lawrence F. Clark, Jr.
Marshall R. Davis
William R. Erickson, Jr.
Lieut. David Howells
R. Scott Schlechter
Hon. William F. Ward
Gregory A. Young



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March 12, 2002

A meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:00 AM on March 12, 2002 at Days Inn in State College, PA. The following Commission members and guests were present:

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| Larry J. Straitiff, Chairman | Jon Clark (Guest, Temple University) |
| R. Scott Schlechter | Frank Colantonio (Guest, Temple University) |
| David Howells | Erik Christensen (Guest) Erie Co. |
| Marshall R. Davis | Rusty Duncan (Guest) Westmoreland Co. |
| Robert Billingsley | Gary Scicchitano (PBPP) |
| William Erickson | Conway Bushey (PBPP) |
| Gregory A. Young | Paula Liken (PBPP) |
| Chester A. Kope, Executive Director | Linda Laub (PBPP) |
| Dan Klarsch, Administrative Officer | Holly Spotts, Commission Secretary |

I. Chairman Straitiff began by leading the Pledge of Allegiance before calling the meeting to order. He asked that a motion be made to accept the January 8, 2002 Commission meeting minutes.

MOTION: Commissioner Billingsley made a motion to accept the January 8, 2002 Commission meeting minutes. Commissioner Erickson seconded the motion. A vote was taken and unanimously approved by the Commission.

II. EXECUTIVE DIRECTOR'S UPDATE

Mr. Kope began by discussing the Commission's exhibition booth at the upcoming PAPPC Conference in Pocono Manor, PA. The Commission will distribute informative documentation, and previous meeting minutes. Commissioner Billingsley asked how long the Commission's exhibit would be available at the conference and Commissioner Erickson explained the importance of presenting the Commission for the entire three-day period.

Mr. Kope presented the Commissioners with an application from Mr. Doug Campbell (Pennsylvania Board of Probation and Parole) to become a certified firearms instructor.

MOTION: Commissioner Davis made a motion to approve Mr. Campbell's application to become a Commission Certified Firearms Instructor. Commissioner Billingsley seconded the motion. A vote was taken, and was unanimously approved by the Commission.

Mr. Kope presented a draft copy of the Annual Report, and asked the Commissioners to submit any comments or additions within the next six working days.

Mr. Klarsch then discussed the upcoming Basic Firearms Training Academies. There are four Academies scheduled. The sessions scheduled for May and July are still in need of range instructors.

The Commission's next Newsletter is scheduled to go to the printer on March 13, 2002.

Chairman Straitiff mentioned that the Range Development Proposal still needs to be completed. Mr. Klarsch will send a letter to all Commissioners, requesting their input for the document by March 25, 2002.

Mr. Klarsch informed the Commission that the Commission website is in the process of being updated. He gave the URL for the page, which is www.oit.state.pa.us/fetc.

Commissioner Davis suggested the Commission's Operational Policy be included on the webpage. Mr. Klarsch informed him that it will be viewable upon completion.

The Executive Director discussed the Ammunition Reimbursement forms recently submitted for payment. He then distributed copies of the meeting minutes from the Adult Chiefs Association Executive Board Meeting in February. Next Mr. Kope discussed the Financial Report and asked for any questions or comments from the Commissioners.

MOTION: Commissioner Billingsley motioned to have the Financial Report accepted. Commissioner Schlechter seconded the motion. A vote was taken and unanimously approved.

III. COMMITTEE REPORTS

A. Curriculum Committee

Commissioner Schlechter presented the Commission with his ideas regarding the future simunition training. He feels the instructors should go through supervisor training and a safety course. Once the training is successfully completed, the instructors will be able to purchase that company's 'proven' safety equipment. The training is a four day event, and would cost \$550.00 per person. Mr. Kope gave the estimate of \$21,000 total cost for sending 15 people to the simunition training. Commissioner Howells is familiar with this particular training and feels it is the best available.

MOTION: Commissioner Schlechter made a motion for the Commission to send 12-15 firearms instructors to the four-day Simunition training. Commissioner Erickson seconded the motion.

Commissioner Billingsley questioned the basis for deciding which officers would attend. Acceptance to the simunition training will be based on an officer's prior assistance and dedication to working with the Commission.

The Chairman asked for a statement from each Commissioner regarding their opinion on each county conducting their own Basic Firearms training.

Commissioner Howells: *"I think it would be a good idea to turn it back to the counties and allow them to do that. It would be beneficial to streamline this and make it happen as quickly as possible. I have no problems with certified instructors carrying out the BasicPprogram."*

Commissioner Schlechter: *"We as a Curriculum Committee see that we have a lot on our plate as far as the possibility of developing In-Service training in the future. And a lot of our time is spent providing Basic Training for the Commission. But by allowing them to do it in-house, it'll free up more time for them to do the In-Service training, which I think is probably the more important"*

program that we want to put on as a Commission, because of the resources and the money involved. For instance, simunitions. For an individual county to do simunitions in-house, it would be very costly, time-consuming training. And I know that not a lot of counties will be able to do those kind of trainings in-house, whereas the Commission can provide those trainings.”

Commissioner Howells: *“I don’t have any problems with the local academy instructors conducting the Basic Training. Just for the qualification, though, that a schedule be submitted to the Commission, so that if the Commission decides they would like to, they would have an opportunity to inspect that training while the training is taking place, and ensure that they are following the prescribed course.”*

Commissioner Schlechter: *“One of the advantages of doing it in-house is that you don’t have to adhere to three straight days of classroom, four straight days of range. You have the ability to break it up. So what we agreed is that you would have to submit an actual schedule to the Commission of the days that you’re providing training so that the Commission can come out and oversee if they so choose.”*

Commissioner Davis: *“Our former counsel spent a lot of time talking about regulations, even when we started the first Basic Academy and so-forth, we had to pass regulations before we did that stuff. And my recollection was that the counsel at that time implied that in his best opinion we really should have. But the practical side was that we were changing things so quickly and it was evolving so rapidly, that you would have been so bogged down that at that time the practical part was to develop the Operational Policy that we now have, try to get that developed to something that wasn’t written in stone, but something that we could build on and then go to the regulatory process, because it’s just been such a quickly evolving process that we’d never get off the ground, we’d be changing things before anything ever went to print.”*

Ms. Laub: *“I agree with Scott (Commissioner Schlechter). You can’t change things right away, especially when you’re a young Commission and trying to get things moving. But Scott brought up yesterday that the requalifications aren’t in the regulations. We have nothing in the regulations, really, and I think we should. Aside from just moving this back to the counties, but everything else. The requalifications and everything. You’ve talked about putting your policies and procedures out on the web, well, that’s basically the regulations that aren’t in regulatory form. So my feeling is if you go to enforce something in that policy and procedures manual, the first thing that’s going to be thrown in your face is ‘This isn’t in the regulations, you can’t force me to follow that’.”*

Commissioner Davis: *“A majority of the counties in the state didn’t have anything before this Commission. So it might be going back to those very few counties that had a real organized program prior to this Commission. But other than those counties, it’s going back to chaos when we talk about going back to the counties. And I think we need to also remember that this Commission exists. Because politically, the counties – the executive branch and County Commissioners’ Association – saw the Commission as a way of doing this for them. Taking it away from the counties, liability-wise, cost-wise, the counties didn’t want this responsibility. They didn’t want to have to pay for it, they didn’t want to have to oversee it, they didn’t want the liabilities and so forth. So when you talk about giving it back to the counties, it may be the people at this table, or the people this table represents that think it’s a good idea, but I think before this Commission ever took a vote to do that, what we really need is a poll of those people who are in the policy making positions, both at the court level and executive level, as to how they feel about the possibility of it coming back to the counties.”*

Commissioner Billingsley: *“Commissioner Schlechter started out by saying he didn’t want this to be going back to the counties, but going back to the certified instructors. And I think that’s the road*

you've got to stay on, I don't think you can go back to the counties. Having served on both the judiciary and the executive branch, I can tell you that there's going to be a difference of opinions. The judiciary branch will want things back, the executive branch will not want things back. Especially for the place where it's going to impinge on their budgets, impinge on their liabilities, those kind of things. What they both will agree to, is any streamlining that will affect both of them in a positive way. Such as the Commissioners will like the fact that they don't have to spend money to send people here, versus have them in-house, and obviously the people that are doing it – the judiciary – will like them there, not away from their posts and those kind of things. So you're going to have to walk a fine line, here, and accommodate both if you're going to want both of them to be happy. I think you should proceed. I think we should go with regulation. If it takes two years, we're not in any different situation than we are now because we're not starting out, we've been down this road for some time. So I think you need to proceed on it, and I would be perfectly in favor of anything with streamlining, but I don't like the terminology of 'going back to the counties'. I think that's going to get you in to problems. Going back to the certified instructors who can do it in their counties, that's fine."

Commissioner Erickson: *"I'm in favor of the program. I think this would be something that we would give back to the counties, that they would appreciate, because some of the comments that we're hearing are 'requirements take officers away from their job for too much time', every time we come up with a new training there's resistance because it's viewed as another day away from the job that they're going to lose out of their officers. This would be a concession on our part, that 'yes', if you have qualified instructors, and by 'qualified' we have a criteria that they would have to meet. If they have a qualified firearms instructor on the staff, then it's the county that would benefit from it. If the qualified firearms instructor leaves that county, then they lose the ability to do that until they have another firearms instructor there. It gives counties that are a little slow at getting on board with the Firearms program the incentive to think 'maybe we ought to put someone on board so that we have the ability to do this.' How much is it going to impact on our training? I don't think it's going to impact that much. I'd be surprised if state-wide we had more than twenty people that would take advantage of this. I'd be very surprised if that number came up. Because, quite frankly, there aren't that many qualified firearms instructors on board. I think we took a count yesterday and I think the number is seven. So, those are the only ones that would be able to do this at that point. But again, these seven represent the people who are participating in our program as far as volunteering their time. I think that's a great bone to give back to the counties that are stepping up to the plate saying 'yes, we will be glad to do this. And I think it'll be an incentive for those counties who haven't stepped to the plate, to step to the plate."*

Commissioner Young: *"I'm also in favor of making this option available to the certified instructors in the counties around the Commonwealth. In talking and discussing this, the intention was never to remove the responsibility for all basic training from the Commission. Understanding that some counties will want to endeavor to take this over. And there will probably be a lot that won't want to, and won't see it as something that would be feasible for them. And therefore, the Commission would still be a huge necessity as far as Basic Training is concerned. The Curriculum Committee in my opinion when we looked at this, we were pretty much looking at it as an evolution, not revolution kind of deal. We wanted to let everyone know what the standard was going to be as far as who could do this, and then see if they wanted to take it over. One of the things in some of the discussions that came about through this that I would be interested in getting information on would be clarification of the regulatory process. A lot of people are talking – I missed the meeting yesterday, so maybe that was described in full – but I'd like to know what we would need to do, and what it would definitely entail for us to do that. Those are some things that stuck out in my mind, but I am in favor of allowing some of this to go back to certified instructors in the counties."*

Chairman Straitiff: *"I have some concerns about it. I think when I look at the statute that talks about what our duties and responsibilities are, it contemplates Commission, or MPOETC (Municipal Police Officers' Education and Training Commission) schools. It defines a school as being a*

MPOETC school, it talks about us approving schools, and I just have some questions as to whether that was the intent of how our counties should do it themselves. It also talks about doing it in the most efficient and practical way. Along with what Commissioner Davis was saying, I think there are only going to be a very few counties that are going to be able to take advantage of this. And how much are we really going to be affecting the numbers? I think the Commission is clearly going to have to continue to provide Basic Training for officers throughout the state. How much of an incentive or real savings there is to those counties by not sending them off to the BOTs that we're offering, I don't know. It still goes, in my opinion, there's issues of standard control, and photo copying, and how the further it gets away from the original the more concern there is about keeping it consistent. I haven't made a firm decision, but I'm leaning towards saying let's just keep it the way it's going. I think it sounds like regulatory-wise, we've been dodging that like Commissioner Davis said. Jon Clark is sitting here, he remembers the discussions we had in the very beginning, because the statute talks about developing regulations, and we always felt that was something we knew we had to do down the road, but we wanted to get something in writing as far as an operational policy, which we've pretty much gotten here, but I think we've matured to the point where we better get off the pot and do something about that. And I think getting that further input from all of the segments here is going to be important. So, I'm not, at this point, sold on the idea. I'm not totally against it, but I'm not sold on it."

After making his statement, the Chairman asked if there were any responses or comments to the thoughts of the Commission in regard to allowing the individual counties to conduct their own Basic Trainings. Commissioner Schlechter was the first to respond.

Commissioner Schlechter: *"Let me first respond to Commissioner Davis. When you said you weren't sure how the chiefs would respond to that. In the meeting we had with the Executive Chiefs, they were extremely favorable from the feedback I got because I mentioned the possibility of this happening, that we were looking in to it, and the response that we got at that point was favorable. As far as – and I want to make it clear that we're not actually turning this back to the counties but to the instructors that meet the criteria, and the criteria is this – if you have already taught for the Commission a classroom and served as a range master, and you're observed by Chet Kope, Executive Director, and approved, we will develop an evaluation form so that when Chet oversees the instructor, he'll do an evaluation form, and if it meets Chet's approval and the Commission's approval, that's when that instructor then will be able to go back to his county or wherever to teach that course. For example, let's say Erik Christensen (Commission Certified Firearms-Instructor) wants to run a training in Erie County, and he submits the schedule to Chet 30 days ahead of time, which will be the requirement, Chet will look at that schedule and if he's aware of a neighboring county that has one or two officers that need to be trained also, Chet can call Erik and say, 'Look, such-and-such county has two officers, would you be willing to put them through right away also?', and if they have the flexibility to meet that schedule that was submitted, then he can train those officers also from another county. So what it really boils down to is these are additional Basic Trainings that are added on to the four that are already scheduled by the Commission – nothing more, nothing less. We're using the same manual, the same guidelines, the same tests. We've put a lot of work into those things over the years and worked out a lot of the bugs so that any firearms instructor could pick up one of those things and run with it, and if they can do it in front of Chet and get his approval through an evaluation, why not?"*

Commissioner Davis: *"I think one of the things that needs to be looked at, as far as your example, is if the guy calls up and gives Chet his 30 day notice, he's got two new hires he wants to get through, and Chet says 'that's great, because there's two guys in another county that I want to send over.' And the guy doesn't want to because he's already doing his own two guys, that's what his chief told him to do. Do we have any authority to tell him he's got to do it? Does the Commission lose that kind of authority with the scheduling and the availability?"*

Commissioner Schlechter: *“The Commission will still offer the three or four Basic Trainings every year. There are going to be counties who won’t want to take on that responsibility because they would rather just send them off to the Commission for their training. But basically, they are being trained by the Commission no matter who does the training at home.”*

Commissioner Davis: *“But the issue comes up of how much control does the Commission want to have”*

Commissioner Howells: *“I think the counties should do a petition to hold one of these courses, and then they could outline whom they wish to instruct. If they want to take on someone from an outside county, so be it. If they don’t want to, so be it. The important thing is that the individual county would be petitioning to do this, and I think they should be allowed to do that. I agree with Scott. Regardless, they’re still Commission trained.”*

Commissioner Young: *“I agree with Commissioner Howells. I see this as no different than the requalification process that we currently have. With the requals, a neighboring county might say ‘you guys are requalifying on the same date, can we come?’, and if my chief says ‘we’re not doing anybody else’, then, that’s up to the county at this point as far as notification of the Commission. And there’s definitely a timeframe that you have to notify for the requalifications, and part of that is the understanding that Chet, Dan or a member of the Commission could show up at any time to observe. And with that already built-in mechanism, that could roll directly over to this because it’s working so well right now with the requalification process.”*

Commissioner Erickson: *“I don’t see us doing anything different than we’re doing right now, other than giving a couple counties the ability to pick the time and the place where they want the Basic Academy. And we’re not taking anything away from Basic Academy attendees, we’re not taking anything away from the counties that like the way it is set up right now.”*

Chairman Straitiff suggested a motion be made to initiate the process of developing a regulation.

MOTION: Commissioner Erickson made a motion to grant counties the authority to conduct the Basic Firearms Training. Commissioner Young seconded the motion. A vote was taken. Four Commissioners voted to approve the motion and three Commissioners voted to disapprove the motion. The motion was approved.

Commissioner Schlechter mentioned the Committee’s recent meeting with the Executive Board regarding trainings that have already been provided by the Commission, as well as future trainings. One of the chiefs at the meeting asked a question regarding the firearms familiarization course taught by one of his officers. The class is a four-hour session, and the chief wanted to know if those four hours could be submitted and approved by the Commission as training hours/credits. Commissioner Schlechter suggested that this may be feasible, providing a Commission certified firearms instructor submits an outline (including type of weapon used) highlighting the type of activity and drills the training consisted of.

Commissioner Young brought up a suggestion made by Dave Stager, Chief of Tioga County, to consider a joint meeting between the Juvenile Chiefs Association and the Adult Chiefs Association to develop a consultant-type position, in which the person would continuously monitor all of the trainings in the various counties, making sure all of the requirements are met. Chairman Straitiff suggested Commissioner Young meet with Larry Murray of the Adult Chiefs Association to find out exactly what the proposal is, and report back to the Commission with the information.

B. Policy Committee

Chairman Straitiff handed out a paper he had drawn up, consisting of proposed changes to the policy and procedure manual. He mentioned that the Commission currently has a section dealing with certification of officers following revocations, and the Chairman changed the wording to express recertification. The old policy requires an officer who didn't qualify to go through basic training a second time. The proposed change would allow the officer to submit an application for recertification, take and pass the written test administered by a Commission member, and complete the Requalification Course of Fire by March 31. There was a brief discussion among the Commission members regarding several of the proposed changes.

Mr. Jon Clark from Temple University began by introducing Mr. Frank Colantonio. He then discussed the training slots available in Wellsboro, and announced that the western state classes are nearly full. Mr. Clark informed the Commission that he located a new pistol range in Butler County, and would like to speak with the Executive Director in order to possibly have it certified for future use.

Mr. Clark feels that the training team needs smaller, more manageable classes in order to more accurately qualify each officer. He feels the course should be made an elective activity unless the requirements to pass are made mandatory.

Commissioner Davis questioned the terms of the Commission's contract with Temple. Mr. Clark informed him that the contract may be renewed for a new two-year training cycle, but does not have to be. Mr. Clark responds *"At some point you folks would say to us 'This is what we'd like to have you do...' It may be something we've recommended to you, or it may be something entirely different that you've come up with on your own. You will put up the specifications for what you want accomplished in the next two-year period of time. Then you'll ask us what it'll cost, and we'll submit a budget to you. From that point on it'll become a negotiated process."*

Ms. Laub replied that the renewal process simply deals with renewing the terms and conditions of the existing contract. To follow Mr. Clark's suggestion would turn it into a competitive bidding process. The pricing is the only thing that could change. In order for any of the services to change, there would need to be an amendment to the contract.

Mr. Kope responded that the contract was written up so that there is room for the Commission to specify what they want done. There was a brief discussion regarding current terms of the contract before Mr. Clark and Mr. Colantonio left the meeting.

IV. UNFINISHED BUSINESS

There was no unfinished business.

V. NEW BUSINESS

There was no new business.

VI. PUBLIC COMMENT AND QUESTION

There were no public comments or questions.

At the conclusion of the public comment and question session, the Chairman called for an Executive Session beginning at 11:55AM to discuss legal conditions of the In-Service Firearms Training contract. The Executive Session concluded at 1:10PM.

MOTION: Commissioner Schlechter made a motion that the Commission would pursue another RFP to provide any training recommended by the Commission. Commissioner Young seconded the motion. A vote was taken and unanimously approved.

VII. ADJOURN MEETING