

Commissioners:

Larry J. Straitiff, Chairman
Hon. Lawrence F. Clark, Jr.
Marshall R. Davis.
William R. Erickson, Jr.
Hon. Benjamin A. Martinez
R. Scott Schlechter
Gregory A. Young
(Vacant)
(Vacant)



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July 15, 2003
(REVISED)

A meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:00 AM on July 15, 2003 at the Days Inn, State College, PA. The following Commission members and guests were present:

Larry Straitiff, Chairman
Honorable Benjamin A. Martinez.
Marshall R. Davis
William R. Erickson Jr.
R. Scott Schlechter
Chester A. Kope, Executive Director
Dan Klarsch, Administrative Officer

Linda Laub, PBPP
Tara Patterson, PBPP
Gary Scicchitano, PBPP
Conway Bushey, PBPP
Erik Christensen, Erie Co. (Guest)
Rusty Duncan, Westmoreland Co. (Guest)
Mary Williams, Secretary

I. Chairman Straitiff opened the meeting with the Pledge of Allegiance and asked for a motion to accept the May 20, 2003 minutes.

MOTION: Commissioner Schlechter made a motion to accept the May 20, 2003 Commission meeting minutes. Commissioner Davis seconded the motion. A vote was taken and the Commission approved the motion to accept the May 20, 2003 Commission meeting minutes.

II. COMMITTEE REPORTS

A. Curriculum Sub-Committee

Commissioner Schlechter reported that the Curriculum Committee was making progress on the Simunition training curriculum. However, they are having trouble finding a site to conduct four scenarios at the same time. He said the Erie site was bulldozed a few weeks ago and the Committee has not received a report from Commissioner Young regarding the site that the Carlisle Police Department uses. He said he is not aware of any site at Fort Indiantown Gap (FTIG) where they could do four simultaneous scenarios. The Curriculum Committee may need to consider running smaller classes and doing only two scenarios.

Commissioner Schlechter said that the Curriculum Committee would meet in August and again in September. The Committee plans to have the curriculum completed by September and try to conduct a pilot class before the end of calendar year 2003. They plan to offer the Simunition training to the rest of the counties in calendar year 2004.

Chairman Straitiff asked if FTIG was available to do the pilot using two scenarios instead of four? Commissioner Schlechter said he believes that the Gap would be available and that it is not necessary to

do four scenarios to do the pilot program. He asked the Curriculum Committee to look into the possibility of using State property to conduct the Simunition training.

B. Policy Sub-Committee

Chairman Straitiff reported that the Policy Committee did not meet and has nothing to report.

C. Range Acquisition Sub-Committee

Chairman Straitiff reported that the Range Acquisition Committee met FTIG on June 3, 2003 with Col. Hulings and his staff to discuss several issues concerning Range 5-B. The Committee was told that the plans to bulldoze Range 5-A were scrapped and that this range would be available. Chairman Straitiff also said it appears that FTIG is willing to use some federal monies to develop Range 5-A because they would want to use it for their pistol training and requalifications.

The turning target systems were discussed and FTIG did not like the ATS System and prefers the Caswell system. Chairman Straitiff mentioned that the Caswell is a fairly complicated system and uses RF radio signals to turn the targets and everything is battery operated. However, FTIG favors the Caswell system because of their experience using that system. He said that FTIG would rework and redevelop the engineering for using Range 5-A. The good news was that FTIG might join in on the renovation costs of Range 5-A with us.

Linda Laub said that she has a meeting with the federal government attorney and the attorney for the PA Department of Military Affairs at FTIG on July 25, 2003 to discuss the legal terms of the MOU and only the schedule would need to be completed.

Commissioner Schlechter asked if the Commission should have a liability agreement with the students when they conduct the Simunition training classes

Commissioner Davis said that a liability agreement should probably exist when officers are participating in the Simunition training. Ms. Laub agreed and said she would prepare the liability agreement language that could be included in the training application.

III. EXECUTIVE DIRECTOR UPDATE

The first item that Mr. Kope presented was for the approval by the Commission for Officer Shawn Morgan from Butler County to become a Master Instructor.

Chairman Straitiff asked if Officer Morgan met all of the criteria and Mr. Kope responded yes.

MOTION: Commissioner Davis made a motion to accept Officer Shawn Morgan (Butler County) as a Master Instructor. Commission Erickson seconded the motion. A vote was taken and approved by the Commission.

Mr. Kope distributed copies of Officer Christopher Wignovich's application to become a Commission Certified Firearms Instructor. He mentioned that he is from Lehigh County and meets all of the established criteria.

MOTION: Commissioner Martinez made a motion to approve Christopher Wignovich's request to become a Commission Certified Firearms Instructor. Commissioner Davis seconded the motion. A vote was taken and the Commission approved the motion. Commissioner Schlechter abstained.

Chairman Straitiff reported that he had received a call from Chief Seefeldt in McKean County and apparently their court is considering arming their probation officers. The essence of the conversation was that the Chief had called Executive Director Kope to ask if McKean County could send one of their officers to a Basic Firearms Training Academy. Mr. Kope told the Chief that there would be a problem, in as much as the application procedure calls for the person to have been authorized by the county to carry a gun. Mr. Kope said that Chief Seefeldt should write a letter to him requesting that the Commission permit his officer to attend a Basic Firearms Training Academy and he would present his request to the Commission.

Chairman Straitiff said that Chief Seefeldt told him that the President Judge does not plan to write a letter and wants the Commission to explain to him why the officer should not be permitted to attend.

The Executive Director distributed copies of Chairman Straitiff's July 3, 2003 e-mail response to Chief Seefeldt. The e-mail described the requirements to attend a Basic Firearms Training Academy and suggested to the Chief that the President Judge write a letter to the Commission asking for permission for the officer to attend. The e-mail said that the request should state that the President Judge would be authorizing the officer to carry a weapon for purposes of evaluating the program.

Chairman Straitiff asked the Executive Director if he had received a request from the President Judge. Mr. Kope said that to date he has not received a letter from the President Judge. Chairman Straitiff stated that apparently the President Judge does not see why the officer should not be allowed to attend and feels he does not have to offer any justifications to the Commission. He also believes that Chief Seefeldt is not too enthusiastic about arming the department.

Mr. Kope discussed a letter he received from Ms. Vicki Saylor the Chief in Somerset County requesting an extension for Officer John Kristoff, who will be on military leave.

Commissioner Davis asked what is the length of the extension. Mr. Kope said that the officer must complete all requalification requirements within 60 days after returning from active duty.

MOTION: Commissioner Davis made a motion that the request for an extension of time to complete the annual requalification be approved for Officer John Kristoff. Officer Kristoff would have a maximum of 60 days from the time he returns from military service to complete the annual requalifications. Commissioner Schlechter seconded the motion. A vote was taken and the Commission approved the motion.

Mr. Kope then distributed the list of officers who took the three In-Service Firearms Training classes that were presented by the Institute for Law Enforcement Education (ILEE). He also distributed the list of the 69 officers who still need to take the In-Service Firearms Training in calendar year 2003.

Chairman Straitiff said that ILEE had sent him a letter and copies of the student evaluations and wanted to share their comments with the Commissioners. He said the evaluations were very positive and they felt all of the instructors were very professional. He said one of his officers attended the first class in Pittsburgh and returned with positive comments. The only complaint was that the course ran too long and they did not finish until 6:00 PM. He was not sure if it is a feather in ILEE's cap or if the favorable comments were due to the instructors.

Chairman Straitiff asked if anyone has received feedback from any of the officers who had attended one of the classes. The Commissioners did not have any comments.

Ms. Laub asked Mr. Kope if he had prepared Schedule Two for the In-Service Firearms Training with ERG. Mr. Kope responded that he had prepared Schedule Two with ERG in case the Commission wanted to vote on it today.

Chairman Straitiff asked if the classes should be shortened in order to keep them on schedule.

Erik Christensen from Erie County mentioned that every class ran over because there is just not enough time to complete the curriculum. He also said that they had to cut out the least important sections of the curriculum in order not to run over at the classes held at FTIG.

Mr. Kope said that when a person fails the first time they are given a second opportunity to shoot the course of fire and that keeps everyone from leaving since we cannot release the officers because the range needs to be cleaned and inspected by FTIG. However, officers are not required to shoot the course of fire again if they fail the first time.

Commissioner Schlechter raised an issue regarding liability. He is concerned that there may be a liability issue because the Commission allows an officer to continue to carry a firearm when they did not successfully pass the range portion of the In-Service Firearms Training.

Ms. Laub said that there could be some liability and asked why the In-Service Firearms Training is not a mandatory pass. The Chairman said that Commissioners, except for Commissioner Martinez, had a lengthy discussion regarding the In-Service Firearms Training course and a vote was taken that the officers would not be required to pass the range portion of the training. He said that this was the first attempt at a tactical movement-shooting course and no one was sure how the officers would do.

Commissioner Davis noted that the requirement of the Commission was to insure that the officer was competent in basic weapon skills and beyond that the Commission notifies the counties. If the Chiefs allow the officer to continue to carry a weapon the burden is on the county. He also asked if the officers will be required to pass the Simunition training course being developed or will they just be encouraged to attend.

Chairman Straitiff asked if there were any more comments regarding the In-Service Firearms Training. He asked if the Commission was in a position to vote on whether or not they wanted ERG to continue conducting the In-Service Firearms Training for the remaining 69 officers.

Commissioner Schlechter wanted to know if the officers who complete the Basic Firearms Training this year would need to go through the In-Service Firearms Training this year or next year? Mr. Kope said that officers that go through the Basic Firearms Training this year are not required to attend the In-Service Firearms Training until next year.

The Chairman asked Mr. Kope how many classes are needed for the 69 officers to complete their In-Service Firearms Training. Mr. Kope said that at least four classes are needed and said he set up Schedule Two to have four classes completed by December 31, 2003.

Chairman Straitiff asked the Commissioners if they wanted to contract with ERG to conduct four or five more In-Service Firearms Training classes.

Commissioner Davis stated the Commission should do a contract with ERG to do four more classes with an option to do a fifth if necessary.

Chairman Straitiff asked Mr. Kope if he had received an invoice from ERG for the three classes that they conducted and Mr. Kope replied no. The Commissioners discussed ERG's per student cost.

MOTION: Commissioner Davis made a motion that the Commission negotiate a contract with ERG for four additional In-Service Firearms Training classes with an option for a fifth, if the Executive Director feels it is necessary based on the registration. The first priority shall be given to those 69 individuals who are required to complete their In-Service Firearms Training in 2003. The second priority shall be given to those officers who have completed a Basic Firearms Training Academy in 2003 and the third priority, at the discretion of the Executive Director, shall be given to those officers who would like to repeat the In-Service Firearms Training on a space available basis. ERG must complete the four In-Service Firearms Training classes by the end of the 2003 calendar year. Commissioner Martinez seconded the motion. A vote was taken and the Commission approved the motion.

Chairman Straitiff wanted to know where ERG stood in developing the list of additional In-Service Firearms Training courses we recommended. Mr. Kope said that he has spoken with Mr. Stull several times and he has not yet responded. Mr. Kope plans to schedule a meeting with Mr. Varner to discuss the development of additional In-Service Firearms Training courses.

Commissioner Davis asked if the Commission had contracted with ERG to develop these additional courses and Mr. Kope replied no. Ms. Laub said she does not believe ERG is willing to develop the additional courses without a signed contract. The Chairman asked the members if the Commission wants to develop a Schedule with ERG for the additional courses and should the Commission prioritize the list. Commissioner Erickson said that he thinks we should contract with ERG to develop and present the additional courses.

Commissioner Schlechter read a list of several topics the Commission would like ERG to develop courses for. The list included the following topics: crime scene preservation, critical incident response, courtroom testimony writing, combat stress shooting course, home safety, firearms familiarization, wounded officer, concealed carry, shooting from different positions, shooting around vehicles, basic skills in marksmanship, threat assessment, drug testing and live fire courses.

Chairman Straitiff suggested the list be narrowed down to four and ask ERG to develop courses for next year and said the Commission does not want to duplicate courses that are already being offered. He said that he does not think the Commission can afford to offer the additional training to everyone and thinks these courses should be optional.

Commissioner Schlechter prioritized the list and mentioned Critical Incident/Report Writing, Wounded Officer/One-Handed Weapon Operation, Dim Light and Night Firing, and Concealed Carry/Shooting from Different Positions or Around Vehicles.

Chairman Straitiff asked if everyone was comfortable with the above topics and said that the plan would be to offer the courses in a catalogue type situation where the officer would have to attend one of the courses.

Commissioner Davis asked if ERG should be invited to send a representative to all or a portion of the Commission's meetings. Commissioner Martinez replied that it would give an unfair advantage to a vendor. Ms. Laub said that ERG is a Commonwealth agency and not a vendor so the Commission has a different relationship.

Chairman Straitiff said that since the Commission is now at a point where we are contracting with ERG to do all of the training, there will probably be some topics for ERG to address at all of our meetings. He asked Mr. Kope to send ERG a letter inviting them to attend future meetings.

Director Kope distributed a list of the students who attended the four Basic Firearms Training Academies since January 2003. To date, 72 officers have attended the Basic Firearms Training Academies. He mentioned that the classes have been smaller this year, possibly due to the fact that the counties might not have the budget to hire new people. He asked if the Commission would like to hold another winter Basic Firearms Training Academy in Philadelphia.

Commissioner Davis said that it does not appear that a winter Basic Firearms Training Academy will be needed. He wanted to know when the next Basic Firearms Training Academy would be scheduled if a winter class was not held. Mr. Kope said that the next Basic Firearms Training Academy would probably be scheduled in March or April 2004. Commissioner Davis commented that he is torn between not having a Basic Firearms Training Academy and going almost seven months without offering a Basic Firearms Training Academy. Mr. Kope said that the Commission could wait until the September meeting to discuss this issue again, but he would need to get things in motion if the Commission plans to hold a winter Basic Firearms Training Academy.

Director Kope said he send a letter to Ms. Michelle Singer, Public Liaison, in the Governor's Office in early May recommending Mr. Jim Fox from HACC assume the one vacant Commissioner position. He also included the list of County Commissioners that was supplied by the Executive Director of the County Commissioners Association. He said he called Ms. Singer last week and she said she was going to recommend that Mr. Fox be appointed to the Commission, plus the Governor's Office has a list of County Commissioners they are reviewing and hopefully by the September meeting the Commission will have two new Commissioners.

Chairman Straitiff asked if the Commission has received the plaques for the former Commissioners. Mr. Klarsch said that he has not received the design from Commissioner Clark for the plaques. Chairman Straitiff said that we cannot wait any longer and he wants to give the plaques out at the September 16, 2003 meeting. He asked for a motion to give the Executive Director the authority to purchase the plaques for the former Commissioners.

MOTION: Commissioner Erickson made a motion to give the Executive Director the authority to purchase the plaques for the former Commissioners. Commissioner Martinez seconded the motion. A vote was taken and the Commission approved the motion.

Executive Director Kope said he would purchase the plaques and send letters to the former Commissioners inviting them to attend the September 16, 2003 Commission meeting.

Conway Bushey raised the point that counties are receiving ammunition and lodging reimbursements, but the checks do not indicate what the payment is for.

Mr. Kope said that from a past conversation with Ms. Emma J. Morrison, Comptroller's Office, he was asked to attach three copies of the invoice and one copy of the invoices would be sent along with the checks. Mr. Kope said he would talk to Ms. Morrison to try to resolve the issue. He said that because of the new SAP the counties are receiving separate checks for each officer. If a county submits 50 Ammunition Reimbursement forms, they are receiving 50 separate checks no matter what the amount of the check is.

Mr. Kope gave the Commissioners a copy of the Revenue and Expenditure report. Chairman Straitiff asked if there were any comments or questions regarding the fiscal report. The Commissioners did not have any comments.

Chairman Straitiff asked the Commission members about developing a Schedule with ERG to provide the Basic Firearms Training for 2004. Commissioner Davis said he would like to discuss this with ERG at our September meeting.

The Chairman read excerpts from a very positive letter he had received from ERG, (thanking the Commission for an opportunity to provide assistance to the organization, scheduling, contacts with Mr. Kope and his office, instructors were cordial, professional, and appreciated). The letter went on to say the ILEE remains available to discuss additional training and course development.

The Chairman raised the issue of regulations as it relates to the Policy Committee. He asked Ms. Laub if she has completed the Operational Policy revisions and if she was working on rewriting the regulations. Ms. Laub stated the revisions are completed and the Commission needs to distribute copies of the new Operational Policy.

Mr. Klarsch reported that he had met with Ms. Lauren Taylor, the Legislative Assistant, about the regulation issue. He said she gave him a pamphlet regarding the review process for regulations. He stated that the pamphlet did not contain a lot of content on how to draft a regulation. He said he would prepare a draft of the regulations and submit it to Ms. Laub for review by the end of the month. Ms. Laub told Mr. Klarsch to submit the draft regulations to Ms. Taylor to review first.

Commissioner Davis mentioned that since the Commission now has a revised procedural manual, it should be printed, published, and distributed to all of the Chiefs. Mr. Kope said that he has just received the Annual Reports and he plans to send out the revised Commission Operational Policy and Annual Reports at the same time. Mr. Kope also mentioned that Mr. Klarsch has requested that the revised Commission Operational Policy be placed on the Commission's website. Commissioner Davis requested that the cover letter state there have been significant changes in the Procedural Manual concerning due process and point out that additional information is available on our website.

IV. Unfinished Business

The Chairman asked if there was any other unfinished business.

Commissioner Erickson reported that he had received a telephone call from Mr. Jim Gunderman, the Deputy Chief in the Dauphin County Adult Probation Office, regarding an officer who did not complete the In-Service Firearms Training last year. Mr. Gunderman said that he qualified the officer when they conducted their annual qualifications in May. Commissioner Erickson asked if there was a problem with the officer requalifying without being certified by the Commission.

Director Kope explained that the Officer in question was Kerry Stackhouse and the Commission revoked his certification to carry a firearm until he completed the In-Service Firearms Training, but he participated in Dauphin County's annual recertifications on May 15, 2003. However, Officer Stackhouse did not attend the In-Service Firearms Training until June 24, 2003. Mr. Kope said he mentioned to both Chief Terry Davis and Mr. Gunderman that Officer Stackhouse should not have been allowed to participate in the qualifications because he was not certified to carry a firearm at that time.

Ms. Laub said that he could not requalify while suspended. The Commissioners agreed with Ms. Laub.

Commissioner Straitiff said that if Commissioner Clark has not obtained the design of the loading barrel developed in Dauphin County, could Mr. Kope contact Dauphin County Probation directly and request a copy of the plans or specifications and send the design out to all of the counties. Director Kope said he would contact Mike Finkenbinder and ask him if he has the plans for the loading barrel because he designed it.

V. Legal Issues

Ms. Laub said that she has recently been appointed as the Acting Chief Counsel. She also introduced Ms. Tara Patterson and announced that Ms. Patterson will be assisting Ms. Laub as she serves the Commission. She also explained that Ms. Patterson would represent the Commission at any future hearings.

VI. Public Comments and Questions

Mr. Erik Christensen commented that one of the problems with the In-Service Firearms Training is the time it takes to get the job done. The difficulty is that there are two components, classroom and range. He asked if the Commission would entertain changes in the current curriculum. He also talked with Mr. Stull from ILEE about some changes and if the relationship with ERG continues, perhaps some of the curriculum could be revamped.

Chairman Straitiff said that there are only two realistic ways of completing the training on time, cut out some of the classroom training or cut some of the range training.

Commissioner Schlechter said that since it is not mandatory that officers pass the range portion of the In-Service Firearms Training, perhaps that could be shortened.

Chairman Straitiff said this is a Curriculum Sub-Committee issue and said the Commission needs input from them to make the training more effective.

Commissioner Davis said anyone from an educational viewpoint would tell you that if there is no type of measurement, how does the Commission or the students know if they have achieved the skill. There has to be some kind of feedback for the Commission and the students. He said that maybe everything that is in the curriculum is good and important, but perhaps the instructors are using too much time to achieve one goal and perhaps the issue is not to change the curriculum, but giving the instructors more time.

Commissioner Erickson asked if there would be a dramatic cost increase if the training goes from one day to a day and a half, and if it is, incorporate it with something else and make it a two-day training course. Chairman Straitiff said that it would certainly cost more.

Chairman Straitiff commented that according to the instructors it is a pretty decent curriculum and certainly the skills the instructors are teaching are important and students will not be able to get the training anywhere else. He said that rather than curtail the training perhaps the Commission will have to cut something from the classroom and range portions in order to give the instructors more needed time. He also said that the Commission could make changes in the curriculum and suggested that the Curriculum Sub-Committee look at ways to shrink the curriculum. The Commission will look at the Curriculum Sub-Committee's recommendations at a later date.

VII. Adjourned

Chairman Straitiff asked if anyone had any comments or issues to bring forth and adjourned the meeting.