



July 18, 2013

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:00 a.m. on July 18, 2013 at the Toftrees Golf Resort and Conference Center, One Country Club Lane, State College, PA 16803. The following Commissioners (\*) and other individuals were present:

Chairman Keith Graybill*	Mr. John Manning, Legal Advisor (PBPP)
Vice Chairman R. Scott Schlechter*	Mr. Gregory Young, Advisor (PBPP)
The Honorable Mark Hamilton*	Mr. Thomas Dougherty, Advisor (PBPP)
Commissioner Michelle Beaver*	Mr. Robert McCullough, Advisor
Commissioner Erik Christensen*	Mr. Ron Millward, Centre Co. Prob.
Commissioner John Yarnell*	Mr. Eric Burkholder, Berks Co. Prob.
Mr. Todd Burns, Executive Director	Mr. Craig Christensen, Erie Co. Adult Prob.
Mr. Nicholas Klimowicz, Admin. Officer	Ms. Jancy Garman, Erie Co. Adult Prob.
Ms. Shannon Bennett, Secretary	

**1. CALL to ORDER and PLEDGE of ALLEGIANCE:**

- ✓ Chairman Graybill announced that the Officer Safety Committee report would be moved up to immediately after the Executive Director's report to accommodate Mr. Ron Millward [committee chairman].

**2. REVIEW and APPROVAL of the MINUTES of the PREVIOUS MEETING:**

**MOTION 1307.01:** Motion was made by Commissioner Hamilton to approve the minutes from the May 16, 2013 meeting. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

**3. ANNOUNCEMENTS:**

• **Chairman**

- ✓ Chairman Graybill announced the receipt of a letter from the Independent Regulatory Review Commission which stated that they had 'no comment' on the proposed regulation amendments.

• **Executive Director**

- ✓ Executive Director Burns announced that April Billet-Barclay is the new chief of York County Probation.
- ✓ Executive Director Burns announced that Berks, Jefferson, and Dauphin County Probation are now combined departments.

- ✓ Executive Director Burns announced that Mr. Robert McCullough extended an invitation to the County Chief Adult Probation and Parole Officers' Association's annual conference to members of the Commission and that the Commission can approve to send its members. Chairman Graybill noted that the Commission has paid for Commission members to attend in the past. Advisor Manning asked if the Commission has made a motion in the past to send members; Executive Director Burns answered that he did not believe so.

**MOTION 1307.02:** Motion was made by Commissioner Schlechter that the Commission pay for the registration, hotel, and expenses for any member of the Commission who would like to attend the Adult Chief's Conference. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote.

- ✓ Executive Director Burns advised that members of the Commission submit the registration form as soon as possible, noting that a copy of the registration form was located in the packet.
- ✓ Executive Director Burns announced that there was a request from a county asking to buy copies of BTA manuals for in-house training. He noted that the departments are responsible for printing their own manuals and that there would be issues with how the funds would be processed or transferred. Based on guidance from the Commissioners Executive Director Burns said that the county would be told that the manuals could not be purchased.

#### **4. REPORTS of OFFICERS and STANDING COMMITTEES:**

- **Chairman**

- ✓ Nothing to Report.

- **Executive Director**

- ✓ Executive Director Burns gave a financial update for the fiscal year, stating that the balance is within a couple thousand dollars of his budget predictions.
- ✓ Executive Director Burns reported that he is working with Jeff Cushey on a more detailed version of the expenses-by-month report.
- ✓ Executive Director Burns reported that the Commission has run one and a half Basics [BTAs] since the last Commission meeting; the 71<sup>st</sup> Basic was run in June with all 28 students passing the first time through. The 72<sup>nd</sup> Basic classroom had run the previous week with 21 students and the first range would begin the following week.
- ✓ Executive Director Burns reported that the in-service trainings are half-way finished; one in-service training is being moved from Luzerne County Community College to the Northwest due to low enrollment but no final date or location has been determined.
- ✓ Executive Director Burns reported that a Course 4 train-the-trainer class was run in conjunction with the Curriculum Committee meeting the previous day [July 17, 2013].

- ✓ Executive Director Burns reported that we received a 'No Comments' letter from the Independent Regulatory Review Commission [IRRC] concerning the regulations. Advisor Manning reported on the remaining process before the regulations are approved.
- **OFFICER SAFETY RESEARCH:**
    - ✓ Committee Chairman Ron Millward reported that the Officer Safety Committee met in Harrisburg on July 3, 2013 after having not met for a few months.
    - ✓ Committee Chairman Millward reported that during a SIMUNITION® training, a student took a SIMUNITION® round to the helmet. The student indicated to one of the site instructors (but not the other) that she had ringing in her ear. Committee Chairman Millward stated that the injury was brought to the attention of the lead instructor, Scott Schlechter. Committee Chairman Millward further stated that there is no specific protocol in place for these situations like those in place for unintentional discharges. He stated that the committee is working on a 'cheat sheet' (checklist) which will ensure that all instructors are notified of injuries. Committee Chairman Millward stated that part of the problem is that the Commission has no hospital visit verification and needs to develop something in writing, filled out by hospital staff, that clears an officer to return to training. He stressed that the instructors are not medically trained to make a determination if a student is ok to return to training. Committee Chairman Millward proposed that there be specific criteria in place where, in the event of an injury, the site instructor immediately brings the issue to the attention of the lead instructor; that the issue is fully documented; and that a hospital visit includes the aforementioned clearance to return. Advisor Manning asked if the officer's Chief was informed of the incident, to which Vice-Chairman Schlechter replied that he had called the Chief. Committee Chairman Millward suggested that a laminated sheet be created and included with the site gear that shows the procedure for dealing with an injury. In addition, he suggested that, in the event of an injury and as a professional courtesy, Executive Director Burns or Administrative Officer Klimowicz contacts the injured student sometime soon after the event to follow-up on their condition.
    - ✓ Committee Chairman Millward related the discussion of the voluntary Emergency Contact Form and the concern over the personal information on the form; who should retain it during the training; and what should be done with the form at the conclusion of training. Vice-Chairman Schlechter stated that what he does at the beginning of trainings that he oversees is to ask each officer if they have any physical/medical problems that he needs to know about. At the end of training he asks each officer if they sustained any injuries during the training. Vice-Chairman Schlechter was asked if he documented these actions, to which he answered that he did not. Committee Chairman Millward suggested that a form be developed that a student would sign and date at the end of training, indicating that no injuries were sustained during the training. His intent is that no one is dismissed from the training until the forms are reviewed. Any written indications of injury on the form would then be addressed if they hadn't already been. He stated that it's the students' responsibility to let their instructors know if they are injured and that, in the event of an injury, the lead instructor should notify Executive Director Todd Burns, Cindy Shirk [at HACCC], and the officer's Chief. Advisor Dougherty suggested a one page form that all officers could sign off on stating they were not injured during training. Vice-Chairman Schlechter suggested adding it to the evaluations. Executive Director Todd Burns stated that evaluations don't need to be signed and that they are

currently anonymous. It was suggested that the two forms could be handed in separately.

- ✓ Committee Chairman Millward reported that his intent is to meet with Executive Director Burns before the next Commission meeting to further develop the proposed forms. Executive Director Burns stated that we already have the template for an accidental discharge and this can be modified.

- **POLICY COMMITTEE:**

- ✓ Commissioner Yarnell [Policy Committee Chairman] reported that the Policy Committee met in Harrisburg the previous week [Monday, July 8, 2013].
- ✓ Commissioner Yarnell reported on a discussion concerning giving constructive credit to those officers who attend approved courses; that is, giving blanket approval for anyone, not just current CFIs, who attend instructor-level classes. Otherwise, the Commission would need to keep approving the same courses every year. Executive Director Burns reported that the Policy Committee had developed language for a proposed motion and that the Curriculum Committee wanted to make a couple changes to that language. Curriculum Committee Chairman Burkholder reported that the additional language included listing the FBI, NRA, PBPP, PSP, Federal Law Enforcement Training Center (FLETC), and Secret Service courses. In addition, he suggested that the courses in question have a law enforcement distinction with a use of handgun component as part of the training, acknowledging that some of the classes train with dual platforms.

**MOTION 1307.03:** Motion made by Commissioner Yarnell to grant constructive credit to all officers who attend and satisfactorily complete an FBI, FLETC, Secret Service, NRA, Pennsylvania Board of Probation and Parole, or Pennsylvania State Police instructor-level training with law enforcement distinction and a handgun component outside of Commission trainings. In order to claim credit the officer will need to provide a certificate of training completion to FETC staff. Commissioner Hamilton seconded the motion and it was passed by a unanimous voice vote.

- ✓ Commissioner Yarnell reported a discussion of in-house trends, noting the increase in in-houses being conducted. He indicated that he had forwarded the issue to the Curriculum Committee to see if there was a way to audit the in-house courses. He reported that his own committee had discussed the issue but couldn't decide if FETC staff should be conducting the audits or if the Curriculum Committee instructors should. Curriculum Committee Chairman Burkholder reported that the Curriculum Committee did agree that there should be some oversight on those courses and agreed that the FETC Executive Director and Administrative Officer would be empowered to audit these courses, but at the same time understood the limitations on their time. The Curriculum Committee members did agree in assisting with the auditing of these classes and suggested sending out a letter to the [county probation] Chiefs to inform them that the classes will be randomly audited starting with the BTA and in-house continuing-education classes then working towards Requalifications and indicating the purpose of the audits is to insure the classes are being run the way they were designed to be run. Commissioner Yarnell stated his intent to remand the issue back to the Policy Committee to develop a formal audit protocol.
- ✓ Commissioner Yarnell reported that Executive Director Burns had received an email concerning interns attending training as observers. Commissioner Yarnell also

brought up the idea of having Commission Advisors attend a BTA. Commissioner Yarnell asked if the Commission has a problem with a county intern observing (not participating in) a Commission-run or in-house in-service training. Vice-Chairman Schlechter voiced no issue with an intern attending a county's in-house but noted his concern about the intern's location during the range training – will they be in the way? Safety Committee Chairman Millward asked what if a Probation Officer (PO) is assigned an intern and the intern is supposed to shadow the PO. Commissioner Yarnell stated that he doesn't have a problem with it. Vice-Chairman Schlechter re-stated his concern about having one more person standing around; that it could be distracting and that they would be one more person to keep track of in a SIMUNITION® scenario. Chairman Yarnell stated that the instructor would have the the discretion as to whether or not the intern would be allowed in the scenario areas. Safety Committee Chairman Millward agreed with Vice-Chairman Schlechter's position, stating that during the class it isn't a problem but during the range with live rounds the intern is just someone else who needs to be watched. Furthermore, he doesn't see the benefit of allowing interns to observe. Commissioner Yarnell suggested that the Commission come up with some kind of decision so that Executive Director Burns knows how to respond to these types of inquiries in the future. Advisor Manning stated that he has had legal interns come to the legal segment of the BTA.

**MOTION 1307.04:** Motion made by Commissioner Schlechter that interns are not allowed to attend any Commission-run training. Commissioner Michelle Beaver seconded the motion and it was passed by a unanimous voice vote.

- ✓ Commissioner Yarnell reported on a discussion concerning allowing Commission Advisors to attend (not just observe) a Commission-run BTA, stating that he wouldn't have an issue with it. Vice-Chairman Schlechter asked about the liability issue and having not allowed non-probation officers to attend in the past. Commissioner Yarnell asked if Advisor Manning would research the issue from a legal standpoint. Vice-Chairman Schlechter also voiced concern that an Advisor attending the course would take a slot away from a probation officer who wishes to attend. Chairman Graybill asked about Commission members attending as well; Commissioner Yarnell voiced that he would have no problem with that either.
- ✓ Commissioner Yarnell reported on a discussion concerning a break-in service clarification, referring to an email received by Executive Director Burns. In Allegheny County, an officer who wasn't terminated left the warrant unit and so let their certification expire. That officer has since returned to the warrant unit; based on the language of the associated break-in-service policy and the fact that their employment was not terminated, does this policy apply to the officer in question? Commissioner Yarnell suggested that "break-in-service" needs to be defined. Chairman Graybill tabled the issue.
- ✓ Executive Director Burns reported on the topic of BTA waivers. Chairman Graybill tabled the issue.

**BREAK 10:20 a.m. – 10:35 a.m.**

- **CURRICULUM COMMITTEE:**

- ✓ Curriculum Committee Chairman Burkholder reported that the Curriculum Committee had met the previous day [Wednesday, July 17, 2013].
- ✓ Committee Chairman Burkholder reported that the committee meeting was held in conjunction with a Course 4 train-the-trainer led by Ron Millward and Ken Smith (for the classroom portion). Other committee members assisted in the practical exercises at the conclusion of the committee meeting. Committee Chairman Burkholder reported that there was good feedback on the training and that there were 17 students who participated in the class.
- ✓ Committee Chairman Burkholder reported on some in-service issues with HACCC where some instructors were calling off sick the day of the trainings. The committee agreed that instead of sending 15 students home because of missing an instructor (and thereby not maintaining the correct instructor to student ratio), the class would run as safety would dictate, to include reducing the lines to accommodate the shooters. However, if the lack of instructors was known well in advance of the class then the class would be cancelled. It was questioned as to whether HACCC had a back up in case instructors called off sick; Committee Chairman Burkholder stated that it may not be feasible if the instructor is in Harrisburg and the class is in Erie.

## 5. REPORTS of SPECIAL COMMITTEES:

- **FISCAL COMMITTEE**

- ✓ Chairman Graybill reported that the Fiscal Committee had not met but would likely do so in August.

## 6. UNFINISHED (OLD) BUSINESS:

- ✓ None

## 7. NEW BUSINESS:

- **Request for Initial CFI Status**

- ✓ Jodi Belles, Columbia County Adult Probation
- ✓ Lionel Hyatt, Bradford County Probation
- ✓ Paul Montag, Butler County Adult Probation
- ✓ William Niehenke, York County Probation
- ✓ Marilyn Richards-Rhodes, Blair County Adult Probation
- ✓ Robert Copechal, Corporal, Pennsylvania State Police

**MOTION 1307.05:** Commissioner Schlechter made a motion to approve the initial CFI status for Jodi Belles, Lionel Hyatt, Paul Montag, William Niehenke and Marilyn Richards-Rhodes, and Robert Copechal. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- **Request for Renewal of CFI Status**

- ✓ Charles Begansky, Schuylkill County Adult Probation

- ✓ Kelly Chapman, Schuylkill County Adult Probation
- ✓ Dennis Hasenflu, Butler County Adult Probation

**MOTION 1307.06:** Commissioner Schlechter made a motion to accept and approve the renewal of CFI status for Charles Begansky, Kelly Chapman, and Dennis Hasenflu. Commissioner Hamilton seconded the motion and it was passed by a unanimous voice vote.

- **Request for Renewal of MI Status**

- ✓ Greg Young, PBPP

**MOTION 1307.07:** Commissioner Schlechter made a motion to approve the renewal of MI status for Greg Young. Commissioner Christensen seconded the motion and it was passed by a unanimous voice vote.

## 8. EXECUTIVE SESSION

**EXECUTIVE SESSION 10:45 a.m. to 11:00 a.m. to Discuss Attorney / Client Privileged Communications**

## 9. PUBLIC COMMENT and QUESTIONS:

- ✓ None

## 10. ADJOURNMENT:

**MOTION 1307.08:** Chairman Hamilton made a motion to adjourn at 11:01 a.m. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

Respectfully Submitted,



Todd Burns  
Executive Director