



March 21, 2013

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:00 a.m. on March 21, 2013 at the Tofrees Golf Resort and Conference Center, One Country Club Lane, State College, PA 16803. The following Commissioners (\*) and other individuals were present:

Chairman Keith Graybill\*  
Vice Chairman R. Scott Schlechter\*  
The Honorable Mark Hamilton\*  
The Honorable Russell Shurtleff\*  
Commissioner Beth Dombrowsky\*  
Commissioner Michelle Beaver\*  
Commissioner Erik Christensen\*

Mr. Todd Burns, Executive Director  
Mr. John Manning, Legal Advisor (PBPP)  
Mr. Thomas Dougherty, Advisor (PBPP)  
Mr. Eric Burkholder, Berks Co. Juv. Prob.  
Mr. Craig Christensen, Erie Co. Adult Prob.  
Ms. Jancy Garman, Erie Co. Adult Prob.

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

- ✓ Chairman Graybill announced that the legal recommendations noted in the agenda under "Unfinished Business" would be moved to later in the agenda under "Legal Issues" and discussed in an executive session.
- ✓ Chairman Graybill announced that Commissioner Yarnell has asked for [Curriculum Committee Chairman] Eric Burkholder to act as his voting proxy. Mr. Burkholder was approved as a proxy.

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

**MOTION 1303.01:** Motion was made by Commissioner Shurtleff to approve the minutes from the January 17, 2013 meeting. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

- ✓ Chairman Graybill and Executive Director Burns announced that Administrative Officer Nicholas Klimowicz was not present due to a family medical emergency and that Executive Director Burns would be taking minutes.

### 3. ANNOUNCEMENTS:

- **Chairman**

- ✓ None.

- **Executive Director**

- ✓ Executive Director Burns announced that the new Commission Secretary, Shannon Bennett, will be starting April 8<sup>th</sup>.

- ✓ Executive Director Burns announced that there have been issues with Commission-submitted ground travel worksheets regarding reimbursement. Executive Director Burns stated that he met with Jeff Cushey and was given form language that has been previously approved by the Comptroller to justify the use personal vehicles instead of rental vehicles.
- ✓ Executive Director Burns announced that he was contacted by an agency in Virginia concerning school-based JPOs; they explained that they have been in contact with Commissioner Yarnell and the Juvenile Chiefs Association on the issue.
- ✓ Executive Director Burns announced that Snyder County is going to arm again and plans to run seven officers through training in 2013.
- ✓ Executive Director Burns announced his having met with Dauphin County Work Release on February 26<sup>th</sup>; they will be running several officers through either an in-house or Commission BTA this year.
- ✓ Executive Director Burns announced that he has been told again that Luzerne County is planning to arm but has not received any formal notification of such.
- ✓ Executive Director Burns announced that Joseph Mecca, director of Lackawanna County Adult Probation, has retired effective March 1<sup>st</sup>, 2013.
- ✓ Executive Director Burns announced that Denise DeLancey is no longer Chief at Indiana County Adult Probation; the Chief is now Michael Hodak.

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

- **Chairman Graybill**

- ✓ Nothing to Report.

- **Executive Director Burns**

- ✓ Executive Director Burns reviewed a current financial update.
- ✓ Executive Director Burns reviewed the expenses by month report.
- ✓ Executive Director Burns reported that he and Administrative Officer Klimowicz met with Commissioner Dombrowsky and her staff at HACC for an after-action review on January 24<sup>th</sup>; he reported the loss of two magazines from the SIMUNITION® equipment and that HACC would replace these. Executive Director Burns reported that HACC has already scheduled most of the 2013 in-service courses in keeping with the timeframe he had promised at the last Adult Chief's meeting.
- ✓ Executive Director Burns reported that a Course 6 train-the-trainer was run at Toftrees the previous day [March 20<sup>th</sup>, 2013], training 18 instructors; Vanessa Adler and Ron Millward led the course.
- ✓ Executive Director Burns reported that Allegheny County Juvenile Probation is running an in-house BTA at present and will be arming their entire Juvenile section.

- **POLICY COMMITTEE:**

- ✓ In the absence of committee chairman John Yarnell, Executive Director Burns reported on the Policy Committee meeting conducted March 8<sup>th</sup>, 2013.
- ✓ Executive Director Burns reported a discussion concerning long guns/backup guns.
- ✓ Executive Director Burns reported a discussion concerning creating a routine process for disseminating materials to other law enforcement entities and the agreement that the Commission doesn't need to approve sending out similar materials as long as the previously-developed cover letter concerning material copyright is included. The Commission voiced no objections to this procedure.
- ✓ Executive Director Burns reported a discussion concerning the conduct of regional BTAs, noting disagreement within the committee on the subject. Executive Director Burns noted that he would be conducting a cost benefit analysis on the proposal and present his findings at the next Fiscal Committee meeting. Chairman Graybill noted that the current request is to conduct a regional BTA in a western county. Executive Director Burns noted the logistical issues of conducting a regional BTA.
- ✓ Executive Director Burns reported discussion of a policy that committee members can't benefit from decisions made by their committee; he noted that the issue was added at the request of Committee Chairman Yarnell. Executive Director Burns reported that there was no committee consensus on the issue.
- ✓ Executive Director Burns reported a discussion concerning training ammo usage at BTAs and requals; the committee decided to pass the issue to the Curriculum Committee for discussion.
- ✓ Executive Director Burns reported a discussion concerning CFI requests to use the Commission logo on privately-purchased polo shirts for use during instruction. Executive Director Burns had discussed the issue with Laura Treaster at PBPP and she stated that as long as the logo was used for an official function that there would be no issue. Chairman Graybill asked if we should have that decision in writing.

- **CURRICULUM COMMITTEE:**

- ✓ Committee Chairman Eric Burkholder reported that the Curriculum Committee met the previous day, March 20<sup>th</sup>, 2013.
- ✓ Committee Chairman Burkholder reported discussion of the final BTA classroom curriculum.
- ✓ Committee Chairman Burkholder reported the review of the in-service course exams.
- ✓ Committee Chairman Burkholder reported the discussion concerning the dissemination of Commission materials and the consensus that unless an instructor is Course 2 train-the-trainer certified, they cannot borrow the Course 2 DVD and that if an officer wishes to view the DVD for in-service credit but doesn't have an in-house Course 2 instructor, that they can drive to Harrisburg and view the DVD at the Commission office for continuing education credit.

- ✓ Committee Chairman Burkholder noted a brief discussion concerning long gun training.
- ✓ Committee Chairman Burkholder reported discussion concerning Course 8: Advanced Range Training and Position Shooting and deferred to Commissioner Christensen for further discussion. Commissioner Christensen reported having sent emails to five of the top shooting schools nation-wide and received a response from only one. The responding instructor, J.D. Patensky of Invictus Alliance, wishes to develop a three-day instructor development course. Commissioner Christensen gave an overview of the instructor, the company, and course reviews by other instructors. Commissioner Christensen stated his opinion that we will not get a similar instructor course from anywhere else for the same cost. Commissioner Christensen discussed class format and training location options. Commissioner Christensen reported a cost of \$2500/day (\$7500 total) for a minimum of ten students but a student count of more than twelve will require a second instructor. Commissioner Christensen gave an overview of the student selection process, starting with a poll of Curriculum Committee membership and then asking Commission staff for recommendations of county CFIs/MIs. Commissioner Graybill inquired as to the Course 8 development status and Commissioner Christensen stated that lessons learned in instructor development could be used to develop courses beyond just Course 8. Commissioner Christensen noted the committee consensus that with more students the cost is offset, stating that the max students at Palmyra is 16 students; that number would require a second instructor but at no additional cost to the Commission. Commissioner Christensen stated that to offset costs, the Commission could pay to send ten instructors with an additional six attending at their own cost. Commissioner Christensen noted the addition of range fees. Commissioner Shurtleff inquired as to any discussion by the Fiscal Committee of an allowable cost, to which Chairman Graybill reported that there was none. Vice-Chairman Schlechter inquired as to whether the Commission wishes to pick up course and travel costs or to require travel costs be covered by the students. Commissioner Christensen noted a discussion concerning conducting the course at HACC instead of Palmyra due to scheduling issues. Commissioner Dombrowsky noted that the HACC range can hold up to 25 shooters. A question was asked as to if J.D. Patensky would be providing a written curriculum for Commission use as an in-service course; Commissioner Christensen didn't believe so.

**MOTION 1303.02:** Motion made by Commissioner Schlechter to approve the Invictus Alliance three-day [instructor development] course, that the Commission pays the \$7500 for the cost of the class, and that those instructors who attend will pay their own expenses. Commissioner Christensen seconded the motion and it was passed by a unanimous voice vote.

- ✓ Committee Chairman Burkholder reported a discussion concerning allowing training ammunition to be used during requals and at the BTA; it was decided that due to the difficulties in obtaining and paying for duty ammunition, that practice ammo be allowed if it was the same caliber and the same grain as the carried duty ammunition. Vice-Chairman Schlechter noted that it's always been policy to qualify with duty ammo.

**MOTION 1303.03:** Motion made by Commissioner Schlechter to amend the policy to use service ammunition to qualify to include using practice ammunition of the same caliber and grain for qualification. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- ✓ Committee Chairman Burkholder reported a discussion concerning regional BTAs and the committee consensus against them due to logistical and cost issues.
- ✓ Committee Chairman Burkholder noted a request from Dauphin County Work Release to run an in-house BTA using the old curriculum; committee consensus was that doing so would be permissible as print versions of the new curriculum wouldn't be available until June. However, after May 31<sup>st</sup>, 2013, counties running in-house BTAs would have to use the new curriculum.

## 5. REPORTS of SPECIAL COMMITTEES:

- **SAFETY** - Nothing to report; did not meet.
- **FISCAL**
  - ✓ Commission Chairman Graybill reported that the Fiscal Committee met March 14, 2013.
  - ✓ Commissioner Graybill reported discussions concerning the current Commission financial status and the AOPC report.
  - ✓ Commissioner Graybill reported trends in allowance for collection of assessments by private collection agencies which will likely increase funds collected.
  - ✓ Commissioner Graybill reported a discussion concerning spending guidelines. Executive Director Burns reported that on an interim basis, until comprehensive guidelines are established, any item not that's not currently a budgeted expense and costs over \$250 will require discussion with the Commission Chairman prior to purchase.
  - ✓ Commissioner Graybill reported approval of purchases for a clearing barrel, which is necessary for the new BTA, as well as a projector.
  - ✓ Commissioner Graybill reported the approval to surplus the Commission-owned night vision device (NVD) and old projector. Executive Director Burns noted that the PBPP will be approached first to determine interest in the NVD prior to surplus.

**BREAK 10:15 a.m. – 10:30 a.m.**

## 6. UNFINISHED (OLD) BUSINESS:

- Legal recommendations for long guns and backup guns moved to Legal Issues and Comments section.

## 7. NEW BUSINESS:

- **Request for Initial CFI Status**

- ✓ Robert Paul, Dauphin County Adult Probation
- ✓ Ryan Todd, Lancaster County Adult Probation

**MOTION 1303.04:** Commissioner Schlechter made a motion to approve the initial CFI status for Robert Paul and Ryan Todd. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- **Request for Renewal of CFI Status**

- ✓ Bruce Cunningham, Allegheny County Adult Probation
  - ✓ Steven Daugherty, Tioga County Adult Probation
  - ✓ Rocky Hileman, Sullivan County Adult Probation
  - ✓ James Lombardo, Lawrence County Adult Probation
  - ✓ Joseph MacLaughlin, Franklin County Adult Probation
  - ✓ Sean Madden, Union County Adult Probation
  - ✓ Patrick Michaels, Westmoreland County Adult Probation
  - ✓ Brian Miller, Cambria County Adult Probation
  - ✓ Scott Pierce, Jefferson County Adult Probation
  - ✓ Thomas Shepherd, Somerset County Probation
  - ✓ Jerry Spiegel, Lackawanna County Adult Probation
  - ✓ Keith Van Louvender, Pike County Adult Probation
  - ✓ Michael Varner, Cumberland County Adult Probation
- ✓ Chairman Graybill and Executive Director Burns noted that some of those requesting renewal have not taught at a Commission BTA since 2005. Attorney John Manning noted for the record that the regulation does provide that for CFIs the requirement to conduct one basic training during the preceding 36-month period for CFI renewal may be waived by the Commission.

**MOTION 1303.05:** Commissioner Schlechter made a motion to accept and approve the renewal of CFI status for Bruce Cunningham, Steven Daugherty, Rocky Hileman, James Lombardo, Joseph MacLaughlin, Sean Madden, Patrick Michaels, Brian Miller, Scott Pierce, Thomas Shepherd, Jerry Spiegel, Keith Van Louvender, and Michael Varner. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

**Amendment to MOTION 1303.05:** Amendment to Motion 1305.05 was made made by Commissioner Schlechter to remove Steven Daugherty and Rocky Hileman from the original motion. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

**MOTION 1303.05:** The amended motion was passed by a unanimous voice vote.

**MOTION 1303.06:** Commissioner Schlechter made a motion to accept and approve the renewal of CFI status for Steven Daugherty. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote; Commissioner Hamilton abstained.

**MOTION 1303.07:** Commissioner Schlechter made a motion to accept and approve the renewal of CFI status for Rocky Hileman. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote; Commissioner Shurtleff abstained.

- **Request for Renewal of MI Status**

- ✓ Michael Guido, Dickinson College
- ✓ Shawn Morgan, Butler County Adult Probation
- ✓ Thomas Schuster, Bradford County Probation

**MOTION 1303.08:** Commissioner Schlechter made a motion to approve the renewal of MI status for Michael Guido, Shawn Morgan, and Thomas Schuster. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- **Petitions for Extension:**

- ✓ James Aston, Allegheny County Adult Probation
- ✓ Dana Epler, Allegheny County Adult Probation

**MOTION 1303.09:** Commissioner Shurtleff made a motion to approve the extension for James Aston and Dana Epler until June 30<sup>th</sup>, 2013. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- **2013 BTA (Course 1) Curriculum Approval**

- ✓ Executive Director Burns noted that the Curriculum Committee made a minor change to an instructor note which will be reflected in the final version. Attorney Manning asked if there was any way to change the names in the Part 1 hypothetical situations but not the overall content; Executive Director Burns answered that this wasn't a problem. Curriculum Committee Chairman Burkholder noted the change to Slide 50 of Part 4 and asked that emphasis be added to the instructor note concerning locking the slide to the rear during a Phase 2 clearance.

**MOTION 1303.10:** Commissioner Schlechter made a motion to accept the curriculum for Basic Training beginning in 2013. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- **Courses 2-7 Test Approval**

- ✓ Executive Director Burns noted that all of the in-service exams are 10-question tests and that they were all reviewed by the Curriculum Committee either the day before or during prior meetings. Attorney Manning asked for clarification as to the protocol following a test failure, to which Executive Director Burns answered that they will receive remediation and retest. Vice-Chairman Schlechter stated that the student's Chief should be notified of a quiz failure for liability reasons. Executive Director Burns recommended that he be notified by the course instructor(s) of the failure and that he would contact the student's Chief.

**MOTION 1303.11:** Commissioner Schlechter made a motion to approve the tests developed by the Curriculum Committee for Courses 2, 3, 4, 5, 6, and 7 with the addition that language be added to each test that the instructor will notify the Executive Director of the Firearm Commission of any failures within 24 hours. The Executive Director shall, in turn, notify the Chief of that particular officer as soon as conveniently practical. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote; Commissioner Dombrowsky abstained.

- ✓ Chairman Graybill voiced, on behalf of the Commission, his appreciation and thanks to the Curriculum Committee for work in the development and re-development of curriculum.

**8. LEGAL ISSUES and COMMENT:**

**EXECUTIVE SESSION 11:00 a.m. to 11:17 a.m. to Address Attorney-Client Privileged Information**

**MOTION 1303.12:** Commissioner Shurtleff made a motion that in the event that a county would endorse its probation officers to use a backup handgun, said handgun shall be registered with the Commission and that officer shall be required to be qualified with the backup handgun the same as they would their duty handgun. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

**MOTION 1303.13:** Commissioner Shurtleff made a motion that in the event that a county approves its probation officers to carry long guns, it shall be the responsibility of that county to ensure that its officers are properly trained and qualified for their use. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

**9. PUBLIC COMMENT and QUESTIONS:**

**10. ADJOURNMENT:**

**MOTION 1303.14:** Commissioner Shurtleff made a motion to adjourn at 11:26 a.m. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Todd Burns", with a long horizontal flourish extending to the right.

Todd Burns  
Executive Director