



September 18, 2013

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 1:06 p.m. on September 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*
Vice Chairman R. Scott Schlechter*
The Honorable Russell Shurtleff*
Commissioner Michelle Beaver*
Commissioner Erik Christensen*
Commissioner P. Beth Dombrowsky*
Commissioner John Yarnell*
Mr. Todd Burns, Executive Director

Mr. Nicholas Klimowicz, Admin. Officer
Ms. Shannon Bennett, Secretary
Mr. John Manning, Legal Advisor (PBPP)
Mr. Thomas Dougherty, Advisor (PBPP)
Mr. Craig Christensen, Erie Co. Adult Prob.
Mr. James Kovacs, Fayette Co. Adult Prob.
Mr. Michael Climes, Fayette Co. Adult Prob.
Ms. Kerri Kneisley, Lanc. Co. Adult Prob.

1. CALL to ORDER and PLEDGE of ALLEGIANCE:

- ✓ Chairman Graybill welcomed the guests from the Adult Chief's Conference – Michael Climes and James Kovacs. He made the guests aware that the Commission meetings are recorded.

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

MOTION 1309.01: Motion was made by Commissioner Shurtleff to approve the minutes from the July 18, 2013 meeting. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

3. ANNOUNCEMENTS:

• **Chairman**

- ✓ Chairman Graybill announced receipt of a letter from Bruce Althouse of Cumberland County Probation, informing him of his retirement as a CFI.

• **Executive Director**

- ✓ Executive Director Burns announced that Northumberland County is now a combined department. This is continuing a trend that is becoming more popular.
- ✓ Executive Director Burns announced that Lackawanna County Juvenile will be arming their officers.
- ✓ Executive Director Burns announced that the Board of Probation and Parole is in the process of doing a reorganization and will be moving the Commission and the PBPP

Training Unit out from underneath the Administrative Services Unit. The new structure will have the Commission and the PBPP Training Unit reporting to Danny McIntyre [Director of the Office of Field Probation and Parole Supervision]. Executive Director Burns was not sure when the change would take effect.

- ✓ Executive Director Burns announced that the staff recently attended teleconferencing training and then conducted a teleconference for the Fiscal Committee meeting. Executive Director Burns concluded that teleconferencing could be an option in the future for the Policy Committee meetings and Safety Committee meetings.
- ✓ Executive Director Burns announced that the FTP server failed with a loss of all files located there. The FTP server has since been repaired and most of the information has been re-uploaded. Chairman Graybill asked if there was an in-house audit of the deleted files. Executive Director Burns stated that he spoke to the IT person and, while IT had not backed up the files, he was able to re-upload them from the S-drive. Legal Advisor Manning asked if Commissioners have access to the FTP site. Executive Director Burns stated it's primarily used by CFI's but that he could give the access information to the Commissioners.

4. REPORTS of OFFICERS and STANDING COMMITTEES:

- **Chairman**

- ✓ Nothing to report.

- **Executive Director**

- ✓ Executive Director Burns reported the receipt of a letter regarding the status of the updated regulations. Advisor Manning reported that the regulations are in the final form regulation process. Advisor Manning stated that he had contacted the Legislative Reference Bureau to verify that the correct website is listed in the regulations.
- ✓ Executive Director Burns gave a financial recap of fiscal year 2012-2013, a financial update of fiscal year 2013-2014, and the Commission expenses report by month. Executive Director Burns noted the high fund balance in 2005-2006 (\$1.3 million) and the drop since then to the current balance of \$960,000. He also noted that the expenditures continue to rise due to in-service training cost increases while revenue remains relatively even. Executive Director Burns reported that the Commission's fund is a non-lapsing appropriation and that a decision to not run in-service classes in 2014 would directly impact the fiscal year 2013-2014 budget. In response to a question, Executive Director Burns indicated that the monies spent towards advertising were to pay for the required Sunshine Act meeting announcements.
- ✓ Executive Director Burns gave an overview of the fiscal year 2014-2015 budget. At the request of the Fiscal Committee he also drafted a budget where the in-service costs were removed for comparison. Commissioner Shurtleff asked that if the projected balance trend continues that the Commission would be out of funds in 10 years. Executive Director Burns confirmed that in 10 years the Commission would be dangerously low on funds; that the Commission needs to address the issue now given that it has been running in the red every year. Commissioner Yarnell stated that the Commission needs to take action sooner rather than later. Executive Director Burns reported that, at the request of the Fiscal Committee, he had given an

abbreviated fiscal report during the Adult Chief's meeting that morning. He noted a suggestion by Sally Barry that the Commission consider offering in-service courses only every other year. Chairman Graybill asked about the current budget and if the Commission will generate the projected income. Executive Director Burns indicated that the projections are unknowns, formed through taking averages, and could go either way. Advisor Manning asked if there were any written recommendations addressing the declining balance. Executive Director Burns answered that the only thing in writing at present was the \$750,000 balance threshold that would trigger consideration of not conducting in-services for a year to bring the balance back up. Vice-Chairman Schlechter recalled that other options previously discussed included generating money from Juvenile probation departments and could not understand why the focus was on cessation of in-service training. Executive Director Burns stated that doing so was the easiest way financially and that it was an option seriously considered by the Fiscal Committee. Chairman Graybill stated that the financial issue is one the Commission needs to act on, referring to the decreasing balance and the approach of the threshold. Chairman Graybill indicated that the Commission cannot assess a fee from juveniles but that the Commission can collect a pro-rated training fee when juvenile probation officers attend training. Commissioner Yarnell suggested looking at ways to streamline costs instead of cutting training. Chairman Graybill stated that he had run some numbers, assuming the opening of the legislation and adding a \$5.00 assessment to juvenile offenders, collected at 100%, would generate an estimated \$74,000. He also noted that opening the legislation could lead to adverse changes to the methods of Commission funding. Advisor Manning stated that opening the legislation could also lead to the end of the Commission itself. Commissioner Shurtleff recommended that the issue be sent back to the Fiscal Committee and that they construct a list of recommendations for cost cutting and revenue enhancement to be reported to the Commission at a future meeting. Commissioner Yarnell suggested discussing the issue with the Juvenile Chiefs. Chairman Graybill reminded the Commissioners that Executive Director Burns creates a budget and submits it to the Commission for review but that no vote has been taken on it. He indicated that Executive Director Burns has, as directed, put together proposals to raise the balance but is limited in what he can do. Chairman Graybill stated he is open to appointing additional members to the Fiscal Committee. Executive Director Burns was directed to work with the Fiscal Committee on some recommendations.

- ✓ Executive Director Burns reported a current balance of \$920,000 as of August 31 along with the expenditures and revenues. He stated that if there there is a request for a specific item the Parole Board can provide detailed reports on purchase orders, travel expenditures, and invoices.
- ✓ Executive Director Burns reported that the draft budget for 2014 - 2015 describes the budget with and without In-Service training. He indicated that Leo Dunn is requesting the Commission's 2014 - 2015 budget narrative and that the Commission needs to make a decision regarding the 2014 in-service training so that he can complete and submit the narrative. Executive Director Burns stated that he has established how many in-services we plan to run but that he needs to provide an updated contract to the vendor to advise them of changes. Chairman Graybill asked if there was a contract for 2014 - 2015. Executive Director Burns stated that there is a renewal clause; however, if we opted not to run courses we would need to start the whole contract process all over again as per Sally Bistline. Commissioner Christensen suggested going with the budget that has the in-service training included. Vice-Chairman Schlechter stated that it is the Commission's responsibility to provide training The Commissioner stated that FETC is responsible for providing training for

officers across the state and that the Commission needs to look at other funding sources; he is not, as a Commissioner, in favor of looking at cutting the training. Commissioner Yarnell suggested that some streamlining is an option, but agreed that training should not be cut. Commissioner Shurtleff stated that the Commission would not be making informed decisions if we change the proposed budget and the training and suggested working on that next year when the Commission has more information.

MOTION 1309.02: Motion made by Commissioner Schlechter that the Commission use the budget which will reflect the training cost of \$244,500. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- ✓ Executive Director Burns shared with the Commission the draft of the annual report.
- ✓ Executive Director Burns reported that the 72nd BTA was conducted with 21 students in attendance and one failure. Executive Director Burns indicated that he 73rd BTA will start the beginning of October and that the class is full. At the request of several counties a 74th BTA course has been added in November with a 16 student limit and one range due to scheduling conflicts.
- ✓ Executive Director Burns reported that he had stressed to the Chiefs to make sure their officers are enrolled in an in-service class. He indicated that there are only four classes remaining; a total of 44 classes have run.
- ✓ Executive Director Burns reported that the FCTMS pdf printing issue has been fixed.
- **POLICY COMMITTEE:**
 - ✓ Nothing to report; did not meet.
- **CURRICULUM COMMITTEE:**
 - ✓ Committee Chairman Burkholder reported that the Curriculum Committee had met the previous day [Tuesday, September 17, 2013].
 - ✓ Committee Chairman Burkholder reported that the Curriculum Committee discussed Course 8 for 2014.
 - ✓ Committee Chairman Burkholder reported that many individuals attended the Instructor Development Course [presented by Invictus Alliance] which was held approximately six weeks prior. There is now enough information to do a Course 8 and possibly enough to do a Course 9 in 2015. Course 8 is will cover advanced fundamentals of handgun marksmanship. A prerequisite was discussed for this course. The committee's plan is to run a two-day pilot program as train-the-trainer for CFI; the first day would consist of instruction, the second day would be for teach backs and evaluation of students. Committee Chairman Burkholder estimated the course would require 300 rounds. A quiz would be eliminated in order to show proficiency and increase in scores as they go through the training. Executive Director Burns mentioned the 300 rounds during the Adult Chiefs Conference and it wasn't received amiably; it is not known if the issue was with the amount of

ammunition available or the costs. There were no issues with a training duration of two days. Ron Millward agreed to spearhead putting on the drills along with Ken Smith from the PBPP and Justin Anderson from Dauphin County. They will report on their findings at the next meeting.

- ✓ Committee Chairman Burkholder reported on the In-house trainings and In-House BTA's. The committee felt it would be time consuming for the Commission staff to audit a certain number of trainings throughout the entire state. It was suggested auditing only the qualification day of one in-house basic training class per year, selected randomly.
- ✓ Committee Chairman Burkholder reported that the committee discussed the MI applications for Ray Bauer from Allegheny County and Neil Stefanisko from Schuylkill County. The committee was concerned that Ray Bauer had been evaluated by an MI who was not only in the same county but also a subordinate. There is a concern that a subordinate evaluating their supervisor appears to be a conflict of interest. Committee Chairman Burkholder stated that while the committee had no issue with approving Ray Bauer, they thought that the issue should be brought to the Commission's attention.
- ✓ Committee Chairman Burkholder reported discussing the in-service equipment request, specifically SIMUNITION® equipment. The cameras being used for the SIMUNITION® classes have not been functioning 100% of the time and should be replaced. More SIMUNITION® Glockes should be purchased; Two SIMUNITION® Glockes would be sufficient, but four would be better. The Committee also talked about replacing SIMUNITION® helmets because the current helmets need to be constantly repaired. Executive Director Burns and Administrative Officer Klimowicz agreed that, with the help of Vanessa Adler, it would be beneficial to go through all the SIMUNITION® equipment and determine what is salvageable and what needs to be replaced.
- ✓ Committee Chairman Burkholder reported discussing officers who have taken the same in-service classes in consecutive years. The committee talked about setting a cap as to how many times a class could be attended consecutively while taking into account that not all classes are held in all areas of the state. The committee agreed to setting a maximum of three years in a row that an in-service can be taken consecutively.
- ✓ Committee Chairman Burkholder reported that there is a new vendor who is making SIMUNITION® rounds. Called Speer Force on Force Marker Training Ammo, they are supposedly cleaner, don't have a shelf life, and are cheaper.
- ✓ Chairman Graybill asked if there was any policy recommendations for the Ray Bauer MI situation. Committee Chairman Burkholder stated that the committee didn't discuss any policy recommendation. Commissioner Yarnell suggested that the issue could be discussed by the Policy Committee.

5. REPORTS of SPECIAL COMMITTEES:

- **OFFICER SAFETY**

- ✓ Nothing to report; did not meet.

- **FISCAL COMMITTEE**

- ✓ Chairman Graybill reported that the Fiscal Committee had met on September 4, 2013 with guests Jeff Cushey and Tracy Shick.
- ✓ Chairman Graybill noted the availability of more detailed reports from Jeff Cushey's staff as to where and how the Commission funds are being spent.
- ✓ Chairman Graybill reported the committee's concern regarding Commission spending versus income and the committee's opinion that the issue needs to be addressed. Commissioner Yarnell reiterated his belief that the last thing that should be cut is training. Chairman Graybill stated that he would like to get more people together to brainstorm how to cut costs.
- ✓ Chairman Graybill announced the arrival of Ms. Kniesley and reminded all guests that the meeting is being recorded.

6. UNFINISHED (OLD) BUSINESS:

- ✓ None

7. NEW BUSINESS:

- **Request for Initial CFI Status**

- ✓ Joseph Brownlee, Washington County Adult Probation
- ✓ Randy Butka, Washington County Juvenile Probation
- ✓ Travis Hock, Dauphin County Work Release
- ✓ Benjamin Moyer, Lehigh County Adult Probation
- ✓ Mike Sedun, Dauphin County Work Release
- ✓ Greg Thomas, Washington County Juvenile Probation
- ✓ Michael Tomko, Schuylkill County Adult Probation
- ✓ James Warrick, Fayette County Juvenile Probation

MOTION 1309.03: Commissioner Yarnell made a motion to approve the initial CFI status for Joseph Brownlee, Randy Butka, Travis Hock, Benjamin Moyer, Mike Sedun, Greg Thomas, Michael Tomko and James Warrick. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote; Commissioner Schlechter abstained.

- **Request for Renewal of CFI Status**

- ✓ Vanessa Adler, Columbia County Adult Probation
- ✓ Ray Bauer, Allegheny County Juvenile Probation
- ✓ Eric Leydig, Westmoreland County Adult Probation
- ✓ Gary Miscovich, Westmoreland County Adult Probation
- ✓ Russell Stubock, Westmoreland County Adult Probation

MOTION 1309.04: Commissioner Schlechter made a motion to accept and approve the renewal of CFI status for Vanessa Adler, Ray Bauer, Eric Leydig, Gary Miscovich and Russell Stubock. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote.

- **Request of Initial MI Status**

- ✓ Neil Stefanisko, Schuylkill County Adult Probation
- ✓ Ray Bauer, Allegheny County Juvenile Probation

MOTION 1309.05: Commissioner Schlechter made a motion to accept and approve the initial MI status for Neil Stefanisko. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote.

- ✓ Vice-Chairman Schlechter asked who makes the decisions as to who does the evaluations. Executive Director Burns replied that it had been Commission practice that an MI or Commission staff would evaluate for MI status but that there isn't a protocol in place as to who would select the MI conducting the evaluation. Commissioner Yarnell asked if the subordinate MI conducting the evaluation had an issue with the evaluation; Executive Director Burns answered that he was unaware of any issue. Commissioner Yarnell stated that the idea was to create a policy so that this situation wouldn't occur again. Commissioner Shurtleff stated that the situation still has the appearance of impropriety. Chairman Graybill suggested that, under similar circumstances, a chief probation officer could sign off on the evaluation.

MOTION 1309.06: Commissioner Schlechter made a motion to approve the initial MI status for Ray Bauer. Commissioner Christensen seconded the motion and it was passed by a majority voice with Commissioner Shurtleff in opposition.

- **Request for Renewal of MI Status**

- ✓ James Kovacs, Fayette County Adult Probation

MOTION 1309.07: Commissioner Christensen made a motion to approve the renewal of MI status for James Kovacs. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

- **Petitions for Extension**

- ✓ Heather Evanko, Butler County Adult Probation
- ✓ William Moran, Schuylkill County Adult Probation

MOTION 1309.08: Commissioner Shurtleff made a motion to approve the petition for extension for Heather Evanko until April 30, 2014. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

MOTION 1309.09: Commissioner Shurtleff made a motion to approve the petition for extension for William Moran until April 15, 2014. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

8. EXECUTIVE SESSION

✓ None

9. PUBLIC COMMENT and QUESTIONS:

Jim Kovacs wanted to comment on a statement that was made at the Chiefs Conference that morning, stating that even though you've taken the training before, you can always benefit by taking a retraining. Mr. Kovacs stated that it is dangerous ground to say that "I've completed all training and I don't need training anymore." Vice-Chairman Schlechter stated that an officer taking an in-service again would more than likely have a different instructor and would learn something different. Vice-Chairman Schlechter used the example of SIMUNITION® where students that have taken the course several times state they learn something new each time. Chairman Graybill stated that maybe the comment wasn't meant the way it sounded and perhaps that person meant that he just wanted new and fresh material.

10. ADJOURNMENT:

MOTION 1309.10: Commissioner Schlechter made a motion to adjourn at 2:23 p.m. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote.

Respectfully Submitted,



Todd Burns
Executive Director