



January 23, 2014

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:04 a.m. on January 23, 2014 at the Days Inn, 204 South Pugh Street, State College, PA 16801. The following Commissioners (*) and other individuals were present:

Chairman Keith Graybill*	Mr. John Manning, Legal Advisor (PBPP)
Vice Chairman R. Scott Schlechter*	Mr. Thomas Dougherty, Advisor (PBPP)
Commissioner Michelle Beaver*	Mr. Robert McCullough, Advisor
Commissioner P. Beth Dombrowsky*	Mr. Greg Young, Advisor (PBPP)
Commissioner Mark Hamilton	Mr. Eric Burkholder, Berks Co. Prob.
Commissioner John Yarnell	Mr. Rocky Hileman, Sullivan Co. AD Prob.
Mr. Todd Burns, Executive Director	Mr. David Mink, Allegheny Co. JU Prob.
Mr. Nicholas Klimowicz, Admin. Officer	
Ms. Shannon Bennett, Secretary	

1. CALL to ORDER and PLEDGE of ALLEGIANCE:

- ✓ Chairman Graybill welcomed those guests present and made them aware that Commission meetings are recorded.

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

- ✓ Chairman Graybill raised the issue of how the minutes are to be done: a short version with just the essential information or longer version with more details. Commissioner Hamilton voiced his preference for the longer version with more details which allow Commission members to review what was said if they had missed the meeting. Executive Director Burns stated that the short version of the minutes were done per Robert's Rules. Advisor Manning stated that format is up to the Commission with the reminder that anything said is on the record.

MOTION 1401.01: Commissioner Schlechter made a motion to approve the long version of the minutes from the November 21, 2013 meeting. Commissioner Yarnell seconded the motion and was passed by a unanimous voice vote.

3. ANNOUNCEMENTS:

- **Chairman**

- ✓ Chairman Graybill announced that, barring any objections, he was making a change to the Policy Committee membership: Larry Straitiff is stepping down and Chad Libby from Dauphin County Probation will replace him.

- ✓ Chairman Graybill reappointed Mr. McCullough, Mr. Dougherty and Mr. Young to the Tellers Committee; Mr. Young will be the Committee Chairman.

4. REPORTS of OFFICERS and STANDING COMMITTEES:

- **Chairman:** None
- **Executive Director:**
 - ✓ Executive Director Burns announced that there were new regulations added and that the regulation amendments are in the Commissioners binders. Advisor Manning reviewed the regulation amendments.
 - ✓ Executive Director Burns gave the expense report along with the breakdown of the actual expenses. Advisor Manning asked for a breakdown of the paid training versus paid Commission expenses. Executive Director Burns asked for details of what Advisor Manning required for the breakdown. Advisor Manning advised that the fiscal department can use their discretion in relations to the time – monthly, bi-monthly, etc. Executive Director Burns noted that the PBPP fiscal department does a similar breakdown for all departments.
 - ✓ Executive Director Burns informed the Commission that the contract for the new Course 8 has been submitted for bidding and that bids are due back by February 6, 2014. Executive Director Burns noted that the contract for Courses 2 – 7 has been renewed.
 - ✓ Commissioner Schlechter asked if the revenues were down, noting that the revenue usually breaks down to \$40,000 per month but that revenue did not appear to be close to that for the last half of 2013. Executive Director Burns stated that revenue has been flat for the past 10 years. Commissioner Schlechter stated that it should be watched more closely. Chairman Graybill noted that there should be a Fiscal Committee meeting before the next Commission meeting.
- **Policy Committee:**
 - ✓ Commissioner Yarnell reported that a Policy Committee meeting was held on December 13, 2013. Commissioner Yarnell reported that the committee had revisited the subject of the FETC advisors going through a Commission BTA and that the committee was waiting for a response from Advisor Manning. Advisor Manning noted that a written legal opinion on the issue has not yet been completed but that he didn't believe it would be a problem. Commissioner Yarnell stated that the feeling of the committee was that an advisor would have a better idea of what they were advising on if they attended a BTA.

MOTION 1401.02: Commissioner Yarnell made a motion to allow Commissioners and Commission advisors to participate in the Basic Training Academy. Commissioner Michelle Beaver seconded the motion and it was passed by a unanimous voice vote.

- ✓ Executive Director Burns questioned if the advisors and Commissioners who attended the Basic Training classes would be reimbursed to attend the BTA. Commissioner Yarnell stated that if advisors and Commissioners attend the training

they should be treated as a student. Commissioner Yarnell stated that the cost to the Commission would be minimal but that the advisors and Commissioners would need to get approval from their employers before attending. Commissioner Schlechter asked if advisors would need to be fingerprinted. Advisor Young asked why advisors or Commissioners would need to be fingerprinted as they would not be seeking certification to carry. Commissioner Yarnell stated that the Policy Committee can devise related guidelines for the next Commission meeting.

- ✓ Commissioner Yarnell reported discussion concerning an evaluation, inspection, and auditing process for in-house in-service trainings to be conducted by the Commission staff. Commissioner Yarnell reported that the committee was unable to come up with a specific number of trainings to be audited but feel that it should be at the discretion of the Commission staff. Curriculum Committee Chairman Burkholder gave his committee's opinion that the Commission should audit the qualification days of in-house BTA's. Commissioner Yarnell stated that auditing just the one day would cut down on travel and related expenses.

- **Curriculum Committee:**

- ✓ Committee Chairman Burkholder reported that the Curriculum Committee had met the previous day [January 22, 2014].
- ✓ Committee Chairman Burkholder reported that the Course 8 curriculum was finalized for release in 2014.
- ✓ Committee Chairman Burkholder reported that counties are issuing thigh holsters; the committee discussed students being allowed to use them during BTA's. Committee Chairman Burkholder stated the committee's opinion that students would be allowed to do so as long as such a holster followed the basic language of the regulations and were attached in some way to the student's belt but that magazines would still be carried on the belt.
- ✓ Committee Chairman Burkholder reported that Berks County Probation and Parole Department had provided more than 40 scenarios to be added to the FETC's Laser Shot® machines and that the committee agreed that instructors should be able to utilize the new scenarios during Commission Laser Shot® training.
- ✓ Committee Chairman Burkholder reported discussion concerning paying tuition costs for instructors to recertify in SIMUNITION®. Committee Chairman Burkholder stated that this issue was discussed a couple of years ago and there was an agreement that the Commission would pay for the instructors but would require them to teach SIMUNITION® for the Commission at least once during the three-year certification. Committee Chairman Burkholder noted that many individuals are coming up on recertification in the summer of 2014 and the beginning of 2015 but that some of the instructors had not taught a SIMUNITION® class in three years. He further noted that, with these recertifications coming due, the Commission should not pay to recertify those who had not taught in that three-year period; this would take four instructors who are up for recertification off the list. Committee Chairman Burkholder stated that HACC had issues in 2013 finding certified instructors to teach this course. He stated that there is also the possibility of certifying new instructors but that there are counties that will not be able to afford to send their officers for SIMUNITION® training. Executive Director Burns noted that the Commission had stopped reimbursing student-instructors attending train-the-trainers and asked if paying for SIMUNITION® recertification fell under that same decision.

Commissioner Yarnell stated that the Commission should do everything it can to continue offering the SIMUNITION® training. Commissioner Schlechter stated the regular train-the-trainers were put on by the Commission with little cost involved whereas the Commission does not have members that can conduct the training and recertify the instructors. Commissioner Yarnell noted that SIMUNITION® is owned by General Dynamics and asked if there was any other company out there that could certify instructors in a similar force-on-force training at a lower cost.

- ✓ Commissioner Schlechter asked if it was legally necessary to be recertified in SIMUNITION® and that, if recertifications weren't kept current, would the Commission be liable if there were a catastrophic accident. Commissioner Dombrowsky stated that we don't send SIMUNITION® anything after training, such as a record of training and participants, like what is done with MPOETC or other certifying companies. Commissioner Yarnell suggested calling the training something else besides SIMUNITION® given that the company didn't develop the Commission's course. Advisor Young stated that it doesn't matter what model is taught as long as we are doing what is in the approved lesson plan. Commissioner Dombrowsky said that once the state police are certified as an instructor their certification doesn't expire. Commissioner Schlechter noted that to teach SIMUNITION® a new instructor should still have to attend the initial SIMUNITION® certification training. Executive Director Burns noted that the training is \$295 per officer to recert, plus travel costs. Commissioner Schlechter stated that as long as the Commission is comfortable with not sending instructors through recertification once they have been certified – then it's a non-issue. Commissioner Schlechter added that Commission train-the-trainer certification doesn't expire. Commissioner Schlechter suggested that if the Commission pays for an instructor to attend the initial certification but that instructor does not teach SIMUNITION®, that the Commission should be reimbursed for the cost. Commissioner Yarnell stated his opinion that the only thing the Commission would be able to do is to revoke that instructor's certification to teach the course. Chairman Graybill suggested that the counties don't get reimbursed for the training unless the instructor teaches a class every three years for FETC. Committee Chairman Burkholder noted that there had been, in the last three years, twenty-four Commission SIMUNITION® courses offered that those who did not teach could have taught at. Committee Chairman Burkholder asked that the issue be taken back to the Curriculum Committee for further review. Administrative Officer Klimowicz noted that the course cost for the initial certification is \$595 per officer. Commissioner Schlechter suggested that if the Commission pays for initial certification, the student should have to sign a contract requiring them to reimburse the Commission the course cost if they do not teach for the Commission over a certain amount of time. Executive Director Burns stated that this was done before but that it was difficult to enforce. Commissioner Schlechter suggested that instructors who do not keep to the agreement lose their CFI status.
- ✓ Committee Chairman Burkholder reported on an email discussion between Executive Director Burns and a county regarding the use of frangible ammunition by one of their students at a Commission BTA and instructor reaction to the ammunition. Committee Chairman Burkholder pointed out that while students are allowed to use fully-jacketed training ammunition for the BTA and requalification, the training ammunition must be of the same caliber and grain as the duty ammunition; he noted that frangible ammunition would likely be far lighter than duty ammunition.
- ✓ Committee Chairman Burkholder reported discussion concerning the Firearm Discharge Report, stating that the committee had made some changes and would be sending it back to the Safety Committee.

5. REPORTS of SPECIAL COMMITTEES:

- **OFFICER SAFETY**

- ✓ Nothing to report; did not meet.

- **FISCAL COMMITTEE**

- ✓ Nothing to report; did not meet.

BREAK 10:10 a.m. – 10:30 p.m.

6. UNFINISHED (OLD) BUSINESS:

- **Training Inspections**

- ✓ Executive Director Burns submitted a draft of inspection policies from both the Curriculum and Policy Committees. Commissioner Schlechter stated that conducting audits is a good idea but asked if they should be conducted at random or only when the Commission hears that there may be an issues. Commissioner Yarnell suggested that the details such as to where, when, and how many inspections should be left up to the Executive Director. Chairman Graybill was concerned that having only one inspection a year won't provide direction and suggested having one to two inspections in each PBPP region – Western, Central, and Eastern the first year and then add 2-4 inspections per year afterward. Committee Chairman Burkholder stated, and Commissioner Yarnell agreed, that instructors statewide would communicate and even having 1-2 inspections statewide at random would make clear the reality of Commission inspections. Commissioner Schlechter questioned if MPOETC conducted inspections; Commissioner Dombrowsky answered that each academy gets inspected once every year or two. She also stated that MPOETC in-service trainings are inspected randomly as well. Commissioner Schlechter asked if the Commission is targeting the BTA classes and in-house in-services shouldn't there be a focus on HACC-provided in-services as well. Executive Director Burns stated that the Curriculum Committee had focused on inspecting in-house BTA's; Commissioner Dombrowsky suggested focusing on all types of classes. Commissioner Hamilton suggested establishing a minimum number of inspections but leaving it to the discretion of the Executive Director as to where and when they will occur. Commissioner Schlechter asked why the Commission wouldn't inspect department requalification events as well, comparing that to inspecting only the qualification days of the BTA's. Committee Chairman Burkholder voiced concern about Commission staff inspecting in-service courses that they, themselves, aren't certified to teach and, as such, don't necessarily know how the class is supposed to be taught. Commissioner Yarnell suggested that, in the future, the Executive Director and Administrative Officer attend the train-the-trainer courses. Commissioner Schlechter inquired as to the number of in-house BTA's being conducted each year and voiced that he has more concerns about requals than BTA's. Executive Director Burns suggested keeping the amount of audits low for the first year. Advisor Dougherty stated his concern about the amount of work days needed for each audit. Commissioner Schlechter proposed auditing four events in 2014; the Executive Director could audit two and the Administrative Officer could audit two and then the minimums could be revisited

for 2015. Commissioner Schlechter suggested that the Policy Committee determine the policies for auditing. Executive Director Burns suggested that the Policy Committee develop the guidelines as to how the event is to be inspected. Administrative Officer Klimowicz suggested that if the inspection finds any issues, that these should be brought to the Commission's attention via the Curriculum Committee. Commissioner Hamilton voiced concerned regarding the language of the motion and its restriction to the year 2014.

MOTION 1401.03: Commissioner Hamilton made a motion that the Executive Director has the discretion to randomly inspect all Commission-sanctioned events with a minimum of four being held during the year 2014. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- **Train the Trainer Certification**

- ✓ Executive Director Burns noted that the issue had been tabled at the last meeting. Executive Director Burns stated that the issue was determining whether the instructor train-the-trainer certification requirements for Commission-run in-service training applies also to in-house in-service training. He noted that the Curriculum Committee recommendation was to adopt the contract standard for both cases. Commissioner Schlechter explained the origin of the issue where he wanted to use an officer to help assist with an in-house Course 7 but that the officer had not been through the associated train-the-trainer course as he was in Iraq. Commissioner Schlechter stated that he, as a Master Instructor, was lead for that class and had three other train-the-trainer certified instructors to assist but was told that he could not use the officer in question. Commissioner Schlechter pointed out that the officer is a trained and experienced defensive tactics instrutor and believed the officer to be 100% able and qualified to assist but not to lead, given that the had not participated in a train-the-trainer course. Administrative Officer Klimowicz stated that while that he trusts Commissioner Schlechter's opinion of the officer in question, he was concerned about who the Commission could or could not trust to make similar decisions of qualification in the absence of train-the-trainer certification. Commissioner Schlechter pointed out that there have been exceptions in the past for SIMUNITION® as long as there was a certified SIMUNITION® instructor on site. Chairman Graybill gave the example of alternative arrangements being made when a scheduled instructor cancels at the last minute due to sickness; however, he agreed that flexible guidelines are needed. Commissioner Yarnell proposed having an emergency contact, such as the Executive Director, if a TTT certification waiver is needed. Executive Director Burns stated he could generate the language needed for a related motion for the next Commission meeting in March.

7. NEW BUSINESS

- **Request for the Renewal of CFI Status**

- ✓ Michael Bowie, Allegheny County Adult Probation
- ✓ Michael Flaud, Lancaster County Adult Probation
- ✓ Shannon Sunday, Cumberland County Adult Probation
- ✓ Matthew Bryner, Lancaster County Adult Probation

MOTION 1401.04: Commissioner Schlechter made a motion to grant the renewal of CFI status for Michael Bowie, Michael Flaud, Shannon Sunday, and Matthew Bryner. Commissioner Hamilton seconded the motion and it was passed by a unanimous voice vote.

- **Approve Course 8/Pilot/TTT**

- ✓ Executive Director Burns stated that Course 8 needs approval for pilot classes/train-the-trainers to be held at HACC as well as approval to purchase necessary course equipment. Executive Director Burns also asked for guidance as to what instructor expenses are approved. Executive Director Burns stated that he's planning on conducting at least two train-the-trainers with an additional train-the-trainer scheduled based on demand. Commissioner Dombrowsky stated that the HACC range can hold 25 students; however, Executive Director Burns stated the Curriculum Committee decision was a maximum of 24 students. Commissioner Yarnell asked if those who attended the Invictus course were already considered train-the-trainer certified. Commissioner Schlechter said that those who developed the course should be waived from having to attend the train-the-trainer. Commissioner Yarnell pointed out that money was already submitted for those to attend the Invictus course, on which the Course 8 is based; why should additional money be spent to attend the train-the-trainer?

MOTION 1401.05: Commissioner Schlechter made a motion to approve Course 8, which was developed by the Curriculum Committee, to begin starting in 2014. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote; Commissioner Dombrowsky abstained.

MOTION 1401.06: Commissioner Schlechter made a motion that the Curriculum Committee move forward to develop and offer the train-the-trainers for Course 8. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote; Commissioner Dombrowsky abstained.

MOTION 1401.07: Commissioner Schlechter made a motion to allow the Commission to purchase any and all equipment requested by the Curriculum Committee to move Course 8 forward for 2014. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote; Commissioner Dombrowsky abstained.

MOTION 1401.08: Commissioner Hamilton made a motion to waive the Course 8 train-the-trainer requirements for those instructors who attended the Invictus training. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote; Commissioners Dombrowsky and Yarnell abstained.

- ✓ Executive Director Burns asked if we are authorized to reimburse instructors and/or attendees for their per diem and hotel expenses to attend the Course 8 train-the-trainer, noting that the Commission currently does not reimburse attendees.

MOTION 1401.09: Commissioner Schlechter made a motion that the Commission reimburses the instructors for the Course 8 train-the-trainers for their mileage, hotel, and meals. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote; Commissioners Yarnell and Dombrowsky abstained.

- ✓ Administrative Officer Klimowicz asked who was paying for the train-the-trainer instructor ammunition, pointing out that the Course 8 contract requires the vendor to purchase the ammunition. Executive Director Burns answered that the ammo purchase fell under the approved train-the-trainer equipment requirements.
- ✓ Executive Director Burns reported that an officer in Philadelphia County had went through an in-house course in Philadelphia. Due to extenuating circumstances, the instructor failed to administer the associated exam. Executive Director Burns asked if, although she never took the exam, should the Commission still give her the in-service credit. Commissioner Dombrowsky asked if someone else could administer the exam. Executive Director Burns said she can still take the exam; however, a lot of time has lapsed since the class. Chairman Graybill asked if someone from another county could administer the exam. Executive Director Burns said that there are other CFI's who could administer the exam.

8. LEGAL ISSUES AND COMMENTS:

EXECUTIVE SESSION: 11:40 a.m. – 12:18 p.m. To discuss litigation matters and Attorney/Client priveleged information.

9. ELECTION OF OFFICERS:

- ✓ Secretary Bennett conveyed to everyone that they need to choose which hotel they would like to stay for the September 2014 Commission meeting at Toftrees, stating that all guest rooms at Toftrees are already reserved. Executive Director Burns stated that the nearby Best Western had been used recently as an alternative. Secretary Bennett will send a list of the preferred hotels in the area and the Commissioners will need to make a decision.
- ✓ The election was overseen by the Tellers Committee. Chairman Graybill was re-elected to another term as Commission Chairman; Vice-Chairman Schlechter was re-elected to another term as Commission Vice-Chairman.

10. PUBLIC COMMENT and QUESTIONS:

- ✓ None.

11. ADJOURNMENT:

MOTION 1401.10: Commissioner Beaver made a motion to adjourn at 12:30 p.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