



March 20, 2014

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:03 a.m. on March 20, 2014 at the Days Inn 240 South Pugh Street, State College, PA 16801. The following Commissioners (*) and other individuals were present:

Chairman Keith Graybill*	Mr. Nicholas Klimowicz, Admin. Officer
Vice Chairman R. Scott Schlechter*	Ms. Shannon Bennett, Secretary
Commissioner Michelle Beaver*	Mr. John Manning, Legal Advisor (PBPP)
Commissioner P. Beth Dombrowsky*	Mr. Thomas Dougherty, Advisor (PBPP)
Commissioner Mark Hamilton*	Mr. Greg Young, Advisor (PBPP)
Commissioner Erik Christensen*	Mr. Eric Burkholder, Berks Co. Prob.
Commissioner Russell Shurtleff*	Mr. Craig Christensen, Erie Co. Adult Prob.
Mr. Todd Burns, Executive Director	Ms. Kerri Kneisley, Lanc. Co. Adult Prob.

1. CALL to ORDER and PLEDGE of ALLEGIANCE:

- ✓ Chairman Graybill welcomed those guests present and made them aware that Commission meetings are recorded.
- ✓ Chairman Graybill announced that he received a request from Commissioner John Yarnell that Eric Burkholder serve as his proxy.
- ✓ Chairman Graybill stated that Commissioner Mark Hamilton was joining the meeting via teleconference.

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

MOTION 1403.01: Commissioner Shurtleff made a motion to approve the minutes from the January 23, 2014 meeting. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

3. ANNOUNCEMENTS:

- **Chairman**
 - ✓ None.
- **Executive Director**
 - ✓ Executive Director Burns announced the retirements of Jim Gunderman [Dauphin Co.] in January and Gerald Davis [Lackawanna Co.] in February . Both are CFI's and plan to continue in that capacity.

- ✓ Executive Director Burns reported that Luzerne County Adult Probation is expecting to arm in 2014; they have been talking to Commissioner Yarnell about conducting an in-house BTA. They have about 40 officers they want trained, including both adult and juvenile probation officers.
- ✓ Executive Director Burns reported that Clinton County Probation is planning to arm in 2015. They have approximately 10 officers who need training.
- ✓ Executive Director Burns indicated that the last Commission meeting charge on the credit card was audited. Administrative Officer Klimowicz commented that there was a miscommunication between the FETC and the hotel that caused the charge to the purchasing card to be delayed a month. Administrative Officer Nick Klimowicz spoke to Jeff Cushey and was informed that such audits have been happening more often lately. Administrative Officer Klimowicz stated that the incident has been remedied and there shouldn't be a problem in the future.
- ✓ Executive Director Burns reported that he was copied on an email by the Adult Chief's Association about HR619. It pertains to the Legislative Budget and Finance Committee conducting a study on the cost and services of county adult probation services.
- ✓ Chairman Graybill stated that he received an inquiry from Indiana County Juvenile Probation; they are considering arming in the future.

4. REPORTS of OFFICERS and STANDING COMMITTEES:

- **Chairman:** None
- **Executive Director:**
 - ✓ Executive Director Burns reported that PBPP Fiscal was being moved within the building and were unable to provide the line item expenses report nor the training vs operations expenses report. A template was reviewed during the last Fiscal Committee meeting but the format has not been finalized. Executive Director Burns reviewed the current financial report. Executive Director Burns stated that he would make an inquiry as to the expected completion dates of the pending expense reports.
 - ✓ Executive Director Burns reported that there have been two Course 8 train-the-trainers run so far which certified 47 officers. The third and final train-the-trainer is scheduled for April 3rd with 14 officers attending. Executive Director Burns noted that the course has been well received and that some adjustments have been made to the course based on the pilot runs.
 - ✓ Executive Director Burns reported that there are 26 officers enrolled in the April BTA and that there are still plenty of spaces available in the June and September classes.
 - ✓ Executive Director Burns reviewed the updated in-service class schedule, noting that there are an additional 10 classes of Course 8 still unscheduled that can be added to any region.

- **Policy Committee:**

- ✓ Nothing to report; did not meet.

- **Curriculum Committee:**

- ✓ Committee Chairman Burkholder reported that the Curriculum Committee had met the previous day [March 19, 2014].
- ✓ Committee Chairman Burkholder reported that there have been some minor changes to the Course 8 drills which will be implemented in the April 3rd train-the-trainer class.
- ✓ Committee Chairman Burkholder reported that the committee had discussed the train-the-trainer waiver listed on the Commission's meeting agenda. The committee recommended that when in-house continuing education classes are set up that they should follow the contractual expectations that HACC follows with regards to instructor train-the-trainer certification status. However, the committee acknowledged that there can be extenuating circumstances, such as if an instructor calls in sick. The committee recommended that in such an event the lead instructor would contact the Executive Director to determine if the course will run.
- ✓ Committee Chairman Burkholder reported reviewing the Master Instructor application for Craig Christensen for MI status. The committee found no issue with the application and was forwarding it to the Commission for approval.
- ✓ Committee Chairman Burkholder reported on the discussion concerning recertifying individuals in Simunitions®. The committee discussed perhaps renaming the course "Force-on-Force" or "Projectile Force-on-Force Training". In addition, Commission-specific certification course could developed by the Curriculum Committee and approved by the Commission. Committee Chairman Burkholder noted that there are certain Simunitions® instructors whose certifications are expiring this summer but that they would continue to teach with an expired certification.
- ✓ Committee Chairman Burkholder reported that the committee had deferred the vendors' school inspection question to the Commission as to what would be identified as a "school." Executive Director Burns noted that the issue was listed in the agenda under "new business."
- ✓ Committee Chairman Burkholder reported that a PowerPoint presentation had been developed by the PBPP. The presentation covers lead safety and lead abatement and the committee discussed adding the presentation to the end of the classroom section of the BTA classes on Friday. Committee Chairman Burkholder noted that the presentation would be beneficial for officer safety.
- ✓ Committee Chairman Burkholder reported issues with the FETC polo shirts that the instructors are given to teach the courses, noting that they are getting old and worn out. The committee discussed being given permission to use the Commission logo under strict guidelines and having instructors buy their own shirts.
- ✓ Chairman Graybill asked if the PBPP's online lead abatement training was mandatory. Advisor Young stated that the course is taught during the PBPP's initial firearms training. Chairman Graybill asked for confirmation that only PBPP

employees could take the online version of the presentation; Advisor Young confirmed but indicated that the training had been made available for county use.

- ✓ Vice-Chairman Schlechter asked for clarification of what the committee was looking for regarding Simunitions® training. Committee Chairman Burkholder stated that the committee would change the title of the course and then create a projectile force-on-force training and certify officers to teach it. The course would then be open to other forms of projectiles such as Airsoft®.

5. REPORTS of SPECIAL COMMITTEES:

• OFFICER SAFETY:

- ✓ Nothing to report; did not meet.

• FISCAL COMMITTEE:

- ✓ Chairman Graybill reported that the Fiscal Committee had met the previous day [March 19, 2014].
- ✓ Chairman Graybill noted that the balance is getting lower and that the committee has discussed many options to cut expenses.
- ✓ Chairman Graybill noted that the committee and Commission had previously discussed the issue of the 2014-2015 budget and the possibility of cutting back on training. Chairman Graybill noted that this wasn't a popular option but if something isn't done soon the Commission balance will reach the \$750,000 marker that was established six years ago.
- ✓ Chairman Graybill reported the possibility of assessing a student registration fee per course; the fee for a one-day course would be \$25 per student while a two-day course would be \$50 per student. The committee estimate that these fees could generate \$30,000 - \$35,000 per year. Advisor Manning asked if there was something to prohibit charging fees and if the Commission has the authorization to charge these fees. Chairman Graybill stated that the Commission does have the authority to charge county juvenile probation departments a pro-rated fee. Chairman Graybill suggested that it could be called a "user fee."
- ✓ Chairman Graybill reported discussion concerning BTA reimbursements to the counties, noting that reimbursement that is paid to the counties at the end of each year for officers who attended a BTA training for the first time. Reported that this could save the Commission \$4,500 per year and that because the reimbursement was created by a motion that it could be ended by a motion.
- ✓ Vice-Chairman Schlechter noted his concern about cutting back or eliminating some of the training, stating that the Commission is about providing training for officers. Vice-Chairman Schlechter concluded that other funding options are needed.
- ✓ Chairman Graybill noted that the budget is not the responsibility of the Fiscal Committee; it is up to the the Commission to make those decisions. Vice-Chairman Schlechter asked if someone could provide options to generate revenue through fee assessment or other means. Advisor Manning will research the issue and discuss it during the next Commission meeting. Chairman Graybill stated that even with a

favorable legal opinion to assess a fee, a decision will still need to be made. Commissioner Beaver voiced concern about counties that are both juvenile and adult; how would fees work in those incidences? Commissioner Christensen commented that income has been stable for years but our base is growing; each year more departments are added. Commissioner Hamilton stated that he liked the idea of a registration fee and user fee; counties send people out all the time and pay for training using the county budgets. Commissioner Shurtleff stated that the BTA reimbursements paid to each county could be better spent within the Commission for other trainings; the Commission is not obligated to reimburse the counties and he would be in favor of eliminating the reimbursement. Vice-Chairman Schlechter asked for clarification about reimbursements to the counties; do they receive reimbursement for hotel or mileage? Executive Director Burns explained that no, the counties did not receive reimbursement for hotel or mileage; only BTA instructor hotel and mileage is covered by the Commission.

MOTION 1403.02: Commissioner Shurtleff made a motion to do away with reimbursements for Basic Training for the parole and probation officers. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

6. UNFINISHED (OLD) BUSINESS:

- **David Eckert's CFI Renewal**

- ✓ Executive Director Burns stated that at the November Commission meeting CFI Dave Eckert was listed for CFI renewal but that the motions covering CFI renewal did not include him.

MOTION 1403.03: Commissioner Dombrowsky made a motion to approve Dave Eckert for renewal of CFI status. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote.

- **Train-the-Trainer Waiver**

- ✓ Executive Burns reminded the Commission that the issue had been brought up at the previous Commission meeting and that he had been tasked with developing language for a motion. Executive Director Burns presented both a proposed motion and a proposed form for consideration. Chairman Graybill stated there was an issue with whether the Commission has ever taken a position that in-house training policies and procedures would observe the contractual obligations that a provider must observe. Executive Director Burns stated that Form 19 guides in-house trainings to include course and paperwork; however, there is nothing that says the instructor train-the-trainer standards we use in the contracts applies to the in-house training. Executive Director Burns noted that in order for a county to run an in-house training a Master Instructor must to be present to oversee the training. Vice-Chairman Schlechter stated that the question is who is qualified to assist; there is no regulation to cover this.

MOTION 1403.04: Commissioner Beaver made a motion that in an emergency situation the requirement to have train-the-trainer certified firearm instructors as assistant instructors can be waived given the assistant certified firearms instructor can competently, in the view of the Master/Lead Instructor, fulfill the role of an assistant instructor. Said evaluation shall be submitted in writing via the amended Form 29 to the Executive Director along with all other class materials which must be submitted. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote; Commissioner Dombrowsky abstained.

7. NEW BUSINESS

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

- ✓ Craig Christensen, Erie County Adult Probation
- ✓ Jancy Garman, Erie County Adult Probation

MOTION 1403.05: Commissioner Shurtleff made a motion to grant the renewal of CFI status for Craig Christensen and Jancy Garman. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote; Commissioner Christensen abstained.

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

- ✓ Lee DeMarco, Fayette County Adult Probation
- ✓ Richard Donnelly, Allegheny County Adult Probation
- ✓ Robert Kraus, Allegheny County Adult Probation

MOTION 1403.06: Commissioner Schlechter made a motion to grant the renewal of CFI status for Lee DeMarco, Richard Donnelly and Robert Kraus. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- **Request for Initial MI Status.**

- ✓ Craig Christensen, Erie County Adult Probation

MOTION 1403.07: Commissioner Schlechter made a motion to grant MI status for Craig Christensen. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote; Commissioner Christensen abstained.

- **Vendor/School Inspections**

- ✓ Executive Director Burns noted that the issue was discussed by the Curriculum Committee. Executive Director stated that there was a question raised by legal counsel about the Act [158] that requires the visit and inspection of approved school once every two years; does the vendor for the contracts constitute a school? Executive Director Burns noted that there is an after-action review done with the current vendor every year but he needs some clarification so we can comply with the Act. Commissioner Dombrowsky stated that HACC is inspected once a year by

MOPETC. HACC had it's pilot inspection in January; MPOTC sent a report and Commissioner Dombrowsky can forward that to the Commission. Vice-Chairman Schlechter asked whether the discussion was about inspecting HACC or trainers around the state.

- **SIMUNITIONS® Recertification Question**

- ✓ Executive Director Burns discussed the issue of instructors needing to be recertified; they need to sign up for classes or we may need to drop the class. Commissioner Schlechter stated that officers shouldn't required to go through the training again once they have completed the Simunitions® training; that here is no need to go through training every three years. Executive Director Burns stated that it costs \$295 per person for the recertification training, plus travel expenses. Chairman Graybill asked if there was anything that needed done before the Simunitions® training would expire? Executive Director Burns responded that the contract needs modified and Comptrollers Office needs to be made aware of the modifications; there is no contractual obligation for in-house as long as we have the certification on file. Executive Director Burns concluded that this won't impact Simuntions® run classes this year. Commissioner Christensen is concerned that some of the material is trademarked. Advisor Young suggested checking other vendors and test whatever will replace the material. Chairman Graybill suggested giving Executive Director Burns time to do research.

- **Berks County Break In Service Request**

- ✓ Committee Chairman Burkholder stated that, for the officer in question, there was no break in employment and that the officer is in good standing. The officer in question had a medical condition and he chose to turn in his weapon and not carry. There were no issues with his qualifications. Executive Director Burns reported that the officer took the BTA in 2009 and the Simunitions® training in 2010. Commissioner Schlechter observed that the officer's qualification scores have decreased considerably over time. Commissioner Dombrowsky suggested remedial training. Committee Chairman Burkholder stated that the officer's scores dropped because of his medical condition but said that he would conduct the remedial training. Chairman Graybill didn't believe that this officer should be given undue trouble since he turned in his own weapon. Commissioner Dombrowsky asked if the county had a certificate from a doctor stating that the officers was ok. Advisor Manning said that more information is needed before a decision can be made. Commissioner Dombrowsky believed that if the officer received the affirmation from a doctor and received remedial training – then there would be no problems.

MOTION 1403.08: Commissioner Dombrowsky made a motion that if Officer Michael Brown provides medical clearance from his doctor than he can carry a firearm in the commission of his duties. Instructor Burkholder will conduct remedial training with Officer Brown. If Officer Brown can qualify in course of fire, he will be granted a waiver from attending Basic Training again and be considered certified to carry. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote; Committee Chairman Burkholder abstained.

BREAK 10:38 a.m. – 11:15 a.m.

- ✓ Commissioner Shurtleff left the meeting.

8. LEGAL ISSUES AND COMMENTS

EXECUTIVE SESSION: 11:16 a.m. – 11:50 a.m. To discuss Attorney/Client privileged information.

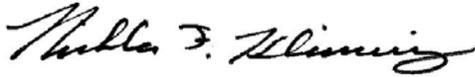
9. PUBLIC COMMENT AND QUESTIONS.

✓ None.

10. ADJOURNMENT:

MOTION 1403.09: Commissioner Schlechter made a motion to adjourn at 11:51 a.m. Commissioner Christensen seconded the motion and it was passed by a unanimous voice vote.

Respectfully Submitted,



Nicholas F. Klimowicz
Administrative Officer