



November 20, 2014

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 9:00 a.m. on November 20, 2014 at the Days Inn, 240 South Pugh Street, State College, PA 16801. The following Commissioners (\*) and other individuals were present:

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| Chairman Keith Graybill*           | Mr. John Manning, Legal Advisor (PBPP) |
| Commissioner Michelle Beaver*      | Mr. Thomas Dougherty, Advisor (PBPP)   |
| Commissioner Erik Christensen*     | Mr. Greg Young, Advisor (PBPP)         |
| Commissioner P. Beth Dombrowsky*   | Mr. Robert McCullough, Advisor         |
| Commissioner Russell D. Shurtleff* | Mr. Eric Burkholder, Berks County      |
| Commissioner R. Scott Schlechter*  | Mr. Craig Christensen, Erie County     |
| Commissioner Chad Libby*           | Ms. Shannon Bennett, Secretary         |

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

- ✓ Chairman Graybill announced that the agenda and the attachments included approvals of the CFI status for the respective categories, as well as the annual report 2013 – 2014 which will need to be reviewed and approved today.

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

**MOTION 1411.01:** Commissioner Schlechter made a motion to approve the minutes from the September 17, 2014 meeting. Commissioner Christensen seconded the motion and it was passed by a unanimous voice vote.

### 3. ANNOUNCEMENTS and REPORTS:

#### Chairman

- ✓ Chairman Graybill congratulated Chad Libby on his appointment to the Commission. Governor Corbett appointed Mr. Libby, who represents the Pennsylvania Council of Chief Juvenile Probation Officers. He is familiar with firearms and safety within the field.
- ✓ Chairman Graybill announced that Commissioners Christensen and Beaver were reappointed to the Commission.

- ✓ Chairman Graybill invited Jeff Cushey to attend the Commission meeting to report on the financial information. There is a report within the packet that contains the financial analysis. Mr. Cushey was informed that he has a standing invitation to attend any future Commission meetings.
- ✓ Chairman Graybill stated that he reached out to PBPP Chairman Lloyd White. While he was unable to speak to Chairman White in person, Chairman Graybill offered him an open invitation to attend any future Commission meetings since he holds a chair on the Commission.
- ✓ Chairman Graybill announced that he would appoint Robert McCullough and Greg Young to a Telling Committee for the January elections.

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

##### **Chairman Keith Graybill**

- ✓ Chairman Graybill stated that the Firearm Commission was down to one staff member, secretary Shannon Bennett, and acknowledged the good work that she has been doing. He also thanked Advisor Greg Young for his role as Acting Director of the FETC and helping the day-to-day processes run smoothly.
- ✓ Chairman Graybill reported on the progress of the Administrative Officer 1 position. Interviews were conducted by Chairman Graybill, Commissioner Dombrowsky and Advisor Young and they made their recommendation out of the approximately ten candidates that were interviewed.
- ✓ Chairman Graybill discussed the Administrative Officer 3 (Executive Director) position. The position is in the process of being reclassified from Civil Service to non-Civil Service. The procedure is ongoing. If the reclassification is approved, the position would be posted and widely advertised. Chairman Graybill stated that the final decision would come back to the Commission. Advisor Manning stated that the process is long and he is hoping for a final decision by the next Commission meeting.
- ✓ Chairman Graybill suggested viewing the financial report. Mr. Jeff Cushey's office put this financial report together for the Commission. Chairman Graybill asked Mr. Cushey if we were on point with expenses for the year. Mr. Cushey replied that we were. Chairman Graybill asked if all the billing was completed for the HACC classes. Commissioner Dombrowski stated that there were four (4) more classes to be submitted for billing. Chairman Graybill intends to schedule a Fiscal Committee meeting before the next Commission meeting. Chairman Graybill asked if there were any questions to be brought up during the Fiscal Committee meeting. Commissioner Schlechter questioned the expense of \$1,056 for one meeting that was documented on Dave Mink's expense report. Chairman Graybill commented that the expense actually covered several meetings. Commissioner Libby said there was a Safety Committee meeting during that period, and Advisor Young stated that a range was held during that time as well.

- **FISCAL COMMITTEE:**

- ✓ Nothing to report; did not meet.

- **POLICY COMMITTEE:**

- ✓ Nothing to report; did not meet.

- **CURRICULUM COMMITTEE:**

- ✓ Committee Mr. Burkholder reported that the Curriculum Committee met on November 19, 2014.
- ✓ Mr. Burkholder announced that Commissioner Christensen and Mr. Ken Smith worked on developing Course 9, specifically the precision part of the marksmanship shooting. The Curriculum Committee reviewed their ideas and thoughts, which were very good. A pilot program will be in place for Course 9 before the next Commission meeting. The next Curriculum Committee meeting will be held at the range to enable a dry run of the course to work out the snags. It is their hope to run multiple Train-the-Trainer classes in 2015. Instructors who are teaching Course 8 are seeing a deficiency in marksmanship and fundamental aspects of shooting. Everyone knows that at seven yards in, you can have a major error in the fundamentals and still score well on the target. However, when you start back at ten, 15 and 25 yards, those errors in the fundamentals are magnified. We are hoping that through the instructor development course, we would have them shoot the course then have teach backs. This would be a two-day course. We would have to run multiple two-day courses to train as many instructors as possible. It is hoped that this can be accomplished in 2015.
- ✓ Mr. Burkholder discussed raising the minimum qualifying score because the minimum score of 225 is low and puts us below the standard requirements for the sheriff's academy, constables and municipal police officers. The sheriffs, constables and Act 120 officers shoot a similar course but their Phase 1 and Phase 2 are scored separately. Their Phase 1 is 30 rounds and Phase 2 is 30 rounds. Our Phase 1 is 36 rounds and Phase 2 is 24 rounds. If we hold those officers to 80% by scoring Phase 1 and Phase 2 separately, we are actually holding them to a higher standard in Phase 2. This could be problematic to the counties. It is a high score because out of 120, it's 96. As it stands now, if you shoot a perfect score in Phase 1 (which is 180), the officer would only need to shoot 45 in Phase 2 to receive the minimum of 225. This means there are 85 points that can be discarded. It was discussed at the previous meeting how this would be implemented. The Committee agreed that Phase 1 and Phase 2 would be scored separately. However, those scores would be a minimum 75%. That would keep the minimum qualification score at 225. An officer would have to shoot a minimum of 135/180 on Phase 1 and 90/120 on Phase 2. This will hold them more accountable for the precision marksmanship. The Curriculum Committee would like to ask the Commission to let the counties know that these standards will be released in 2016 and the standards will be enforced in 2017. The goal is to run the instructor development course during 2015 to allow officers get up to speed on proper teaching theory, adult learning theories, how to instruct and how to correct errors.

They will be given an opportunity to qualify their officers in 2016, with enforcement of the new standards beginning in 2017. Commissioner Schlechter inquired if Course 9 would have the officer stand still or would it be a course requiring movement. Commissioner Christensen said it would be a standstill course to concentrate on accuracy. The instructors from the Curriculum Committee will be put through the course. Once an officer can shoot well, they can move on to the movement. Commissioner Schlechter stated that this is a difference of philosophy. The intent of the Commission to put money forth to send instructors away was to develop a course that got officers moving and now we have two course where the officers are standing still. Commissioner Schlechter stated that he understands the accuracy aspect but in a real gunfight, sight and alignment go out the window and you are just going by instinct when shooting. A course should be developed where officers are moving. Commissioner Christensen stated that they are not looking to abandon what is taught now and nationwide, but to beef it up and move forward. The focus is to work on the accuracy aspect, which will benefit the officers and enable the addition of movement to the training. Commissioner Libby stated that this is one time opportunity for officers. The problem is the officers don't likely practice enough. That falls back on the counties and becomes a challenge. Hopefully, the officers will go out and practice on their own. Commissioner Christensen said that the only way to be better at instructing is to instruct, that there are some successful models nationwide. We want to make sure this information is passed on, so we are going to focus teaching the instructors on how to teach better. The Curriculum Committee hopes to meet at the HACC range before the next Commission meeting. They were unsure if they needed permission from the Commission to do this. Advisor Manning suggested making that decision on the record. Chairman Graybill said that Mr. Burkholder gave his recommendations with clarity and where we stand with other agencies. Chairman Graybill asked if Mr. Burkholder could come back with a summarization of what was said. All this information will need to be communicated to the constituency, and the counties will need to come into compliance. It will take some resources to guide the counties. Commissioner Libby questioned the date that the new standards will be implemented. Commissioner Christensen stated that this would begin next year, which would allow for Course 9 and the instructor development course to be ironed out. During 2016, standards would be applied and by that time the instructors would hopefully be trained to teach. In 2017, the standards would be enforced. Chairman Graybill asked Mr. Burkholder if he could come back to the next meeting with more detail. Mr. Burkholder replied that the Curriculum Committee has not completed Course 9, and they would prefer to run a pilot of it before the next Commission meeting. Chairman Graybill said it would be helpful to have an endorsement of the report and the concept along with expending money before the next Commission meeting. Commissioner Libby suggested that it would be helpful to make the counties aware of the new course now. Commissioner Christensen said in order to save some expense, the instructor development course would be a small two-day course with instructors on the range on the first day to teach them the course, then have do teachbacks on the course on day two. We would need to be aware of time off from the office. This would require the Curriculum Committee going to the range in January. Chairman Graybill asked if there was a curriculum in place to run this pilot? Commissioner Christensen responded that yes, there is and the Curriculum Committee needs to run this to make sure it will run smoothly. Mr. Burkholder stated that with the Course 8 Train-the-Trainer class, they had the opportunity to run it then work out the problems. With Course 9, they would like to have all the issues worked out before it is taught. Commissioner Schlechter asked if there was a problem with the BTA trainings, that the instructors aren't trained with the skills the Curriculum Committee is referring to? It seems as though there is a Course 8 and a Course 9 which is going back to basic training whereby the instructors are not proficient in the proper training skills. Commissioner Christensen

responded that they have found the instructors are lacking in certain skills. The instructors are placed at the 20-yard line and can't hit the target, when they are qualified for the 25-yard line. Commissioner Schlechter asked if there was a lack of good instructors at basic training that are failing to train the officers. Advisor Young believes the course is extremely scripted. The instructors seem more concerned with hitting the points than they are with watching the shooters to make sure they are actually learning the skills. He believes the Curriculum Committee is being very proactive by training the instructors more proficiently. Commissioner Schlechter said it seems like the basic training needs to be fixed so they are getting better trained right away so we don't have to come out with a Course 8 and a Course 9 to fix what wasn't done during basic training. Commissioner Christensen questioned that perhaps Course 9 should be strictly instructor development? Commissioner Libby stated that he thought Course 9 was for the instructors and if not, he was going to suggest doing something further for the instructors. He believes that Advisor Young's point was well taken because when he ran the line, he found that some of the instructors really struggled. Commissioner Christensen stated that the idea would be to build Course 9 for students and for instructor development. This could be offered to those students who are struggling. Commissioner Libby stated that he likes the idea of looking at the officers' score. He would suggest that if Course 9 was done for both instructors and students, instructors be trained separately. He agrees that this a proactive approach and is appreciative of the work the Curriculum Committee is doing. Our reputation has always been exceptional by comparison. Commissioner Libby agrees with the standards and just getting a better skill set among our instructors. Commissioner Shurtleff stated that he is concerned with the cost. He also couldn't understand why the minimum score was only 225. He said their officers average around the 240 score, with most shooting near a 290. He would suggest passing a motion to accept the Curriculum Committee's proposal to revamp Phase 1 and Phase 2. Commissioner Christensen added that there will be cost added to the instructor development portion of the course because it will be a two-day class and it is more hands-on. The course will need to be limited to a smaller class.

**MOTION 1411.02:** Commissioner Shurtleff recommended adoption of the proposal from the Curriculum Committee to increase the qualification standards for Phase 1 and Phase 2 at 75% level. Phase 1 scores would be 135/180 and Phase 2 scores 90/120 and both would be scored separately. The standards would be implemented in 2016 and enforced in 2017. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

- ✓ Chairman Graybill asked if the Curriculum Committee thought of ways to communicate and positively encourage counties to do better. He suggested a forum for the counties, as it would be a way to communicate and air grievances. Commissioner Libby said he would be able to obtain some feedback from the counties. Chairman Graybill stated that there is only so much the Commission can do, and he believes the Commission has been doing a good job but there is always room for improvement. It all comes down to the local level with safety and proficiency. It helps keep the community safer and also increases the integrity of the Commission. Chairman Graybill thanked everyone for their efforts, especially the Curriculum Committee. He said there is another aspect of Course 9 that needs to be addressed, which would be the approval of expenses involved in running the pilot. Mr. Burkholder stated that taking the Curriculum Committee to HACC to utilize their range for the pilot run would involve

expenses for the range and travel costs. Mr. Burkholder said they would provide targets and instructors will bring their own ammunition. The expenses would be the same as any other Curriculum Committee meeting; it would just be held in Harrisburg instead of State college. The Curriculum Committee recognizes this is a challenging task they have undertaken and want to do it right. It will entail some costs to the instructors, but all agree that it is necessary. Commissioner Dombrowsky stated that HACC's range fees may increase in January. Chairman Graybill asked how many rounds would be fired for the pilot class. Mr. Burkholder responded with 200-300 rounds. Chairman Graybill asked if the Curriculum Committee would be content to be reimbursed for payment of the range, hotel, meals and mileage. Commissioner Dombrowsky stated that she can offer a conference room at no charge to conduct the Curriculum Committee meeting.

**MOTION 1411.03:** Commissioner Schlechter moved that the Commission allocate money for the Curriculum Committee members to run a pilot for Course 9 at HACC to compensate hotel, mileage, meals and range time. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote. Commissioner Dombrowsky abstained.

**Break at 10:15 a.m. Readjourned at 10:43 a.m.**

- ✓ Chairman Graybill stated that the Commission meeting schedule should be established for 2015. He referred everyone to the upcoming calendar and noted the upcoming Juvenile Executives', Juvenile Chiefs' and Adult Chiefs' meetings. The following dates were chosen for the 2015 Commission meetings: January 15, March 19, May 21, July 16, September 23 (1:00 p.m. at Toftree's Resort) and November 19. The meeting schedule will be posted on the FETC website.

**5. REPORTS of SPECIAL COMMITTEES:**

- **OFFICER SAFETY RESEARCH:**

- ✓ Nothing to report; did not meet.

- **FISCAL COMMITTEE:**

- ✓ Nothing to report; did not meet.

**6. UNFINISHED (OLD) BUSINESS:**

- ✓ Nothing to report.

## 7. NEW BUSINESS

- **Request for Initial of CFI Status**

- ✓ Jordan L. Dananay, Butler County Adult Probation
- ✓ Stephen S. Esswein, Allegheny County Adult Probation
- ✓ Shawn M. Pugh, Butler County Juvenile Probation
- ✓ Richard Rok, Cambria County Adult Probation

**MOTION 1411.04:** Commissioner Christensen made a motion to approve Jordan Dananay, Stephen Esswein, Shawn Pugh and Richard Rok for initial CFI status. Commissioner Beaver seconded the motion and it was passed by a unanimous voice vote.

- **Request for Renewal of CFI Status**

- ✓ Robert Baylor, Dauphin County Adult and Juvenile Probation
- ✓ Christopher Franceschi, Armstrong County Adult and Juvenile Probation
- ✓ Douglas Lauver, Dauphin County Adult and Juvenile Probation
- ✓ James Grassi Jr., Fayette County Adult Probation
- ✓ Richard Nikolishen, Indiana County Adult Probation
- ✓ Dan L. Prichard, Venango County Adult and Juvenile Probation
- ✓ Mark E. Rhoads, Forest County Adult Probation
- ✓ Tracy L. Veri, Butler County Juvenile Probation

**MOTION 1411.05:** Commissioner Schlechter made a motion to grant the renewal of CFI status for Robert Baylor, Christopher Franceschi, Douglas Lauver, James Grassi Jr., Richard Nikolishen, Dan Prichard, Mark Rhoads and Tracy Veri. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote. Commissioner Libby abstained.

- **Request for Renewal of MI Status**

- ✓ Justin Anderson, Dauphin County Adult & Juvenile Probation

**MOTION 1411.06:** Commissioner Christensen made a motion to grant the renewal of MI status for Justin Anderson. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote. Commissioner Libby abstained.

- **Petition for Extension**

- ✓ Daniel Reck, Adams County Adult & Juvenile Probation
- ✓ Jason Baer, Lehigh County Adult Probation

**MOTION 1411.07:** Commissioner Christensen made a motion to grant the extension for Daniel Reck until June 30, 2015 unless we receive documentation that he needs additional time to recover from his current physical condition. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

- ✓ Chairman Graybill stated that if Officer Reck requires additional time, he would need to reapply. Commissioner Shurtleff commented that 13 months, which was originally requested for an extension, was a long time.
- ✓ Commissioner Schlechter stated that he received a request for extension from Jason Baer, who is the officer who received death threats from the gangs in Allentown. During that time, he underwent surgery for his shoulder. Officer Baer returned to full duty on September 29. He will be able to qualify within the next two weeks. Chairman Graybill asked if Officer Baer was a CFI. Commissioner Schlechter stated that Officer Baer is not a CFI, that this request for extension is to complete the requalification for the state.

**MOTION 1411.08:** Commissioner Shurtleff made a motion to approve the request for extension for Jason Baer until December 16, 2014. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote. Commissioner Schlechter abstained.

- ✓ Chairman Graybill asked if there was a motion to accept the FETC's 2013-14 Annual Report submitted by former Administrative Officer Nick Klimowicz.

**MOTION 1411.09:** Commissioner Shurtleff made a motion to accept the FETC's 2013-14 Annual Report. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

## 8. Legal Issues and Comments / Executive Session

- ✓ Recessed for Executive Session at 11:20 a.m. to discuss personnel issues. Executive Session included all the Commission members as well as Advisors Young and Manning. The meeting resumed at 11:52 a.m.

**MOTION 1411.10:** Commissioner Schlechter made a motion that the job description for the FETC Executive Director include that applicants have five years of current experience providing firearms training and be certified by a nationally acknowledged organization such as the FBI, NRA, PSP, Secret Service or other equivalent instructor school. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote.

**9. PUBLIC COMMENT AND QUESTIONS.**

✓ None

**10. ADJOURNMENT:**

**MOTION 1411.11:** Commissioner Shurtleff made a motion to adjourn at 11:55 a.m. Commissioner Dombrowsky seconded the motion and it was passed by a unanimous voice vote.

Respectfully Submitted,

*Shannon Bennett*

Secretary