

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY  
CONSTABLES' EDUCATION AND TRAINING BOARD

**Minutes of the February 20, 2014 Meeting**

**Members Present**

Fred Contino, Constable, Delaware County  
Major Adam Kisthardt, PA State Police  
A.R. DeFilippi, Court Administrator, Beaver Co.  
Honorable William Wenner, MDJ, Dauphin Co.  
Rodney Ruddock, Commissioner- Indiana County  
Harry Walsh, Constable, Allegheny County  
Julie Sokoloff, Constable, Montgomery Co (Phone)

**Commission Staff Present**

John Pfau, Manager, Bureau of Training Services  
Sherry Leffler, Bureau of Training Services  
Kathy Clarke, Bureau of Training Services  
Wayne Hower, Bureau of Training Services  
Norma Hartman, OFMA  
Robert Merwine, Director, OCJSI

**Visitors**

Jeff Watson, Indiana University  
Anthony Luongo, Temple University  
Van Scott Sr, Temple University  
Todd Brothers, Penn State Fayette  
Louis Solt, Constable, Lehigh County  
Barry Betz, Constable, Lehigh County  
Mike Garvin, Constable, Delaware County  
Ronald Clever, Solicitor, PAFOC  
Jack Garner  
Jennifer McConnell, PCCD  
Deb Williams, PCCD

**I. Call to Order**

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, February 20, 2014, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Chairman Fred Contino called the meeting to order at 10:00 a.m. and asked all to join him in the Pledge of Allegiance. Board and Program Staff introductions were then made to audience members.

**II. Election of Officers**

Mr. Defilippi made a motion to nominate Constable Fred Contino as Chairman of the Board, seconded by Judge Wenner. There were no other nominations.

**ROLL CALL VOTE:**

VOTING AYE: Contino, DeFilippi, Sokoloff, Kisthardt, Wenner, Ruddock, Walsh  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

Mr. Wenner made a motion to nominate Major Adam Kisthardt as Vice-Chairman of the Board, seconded by Constable Walsh. There were no other nominations.

ROLL CALL VOTE:

VOTING AYE: Contino, DeFilippi, Sokoloff, Kisthardt, Wenner, Ruddock, Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

### **III. Action Items**

Chairman Fred Contino moved to the first action item on the agenda, **Amended Minutes of the August 8, 2013, Meeting**, pages 1-13 of the Board packet, Chairman Contino asked if there were any questions or comments concerning the minutes.

Major Kisthardt made a motion to accept the **Amended Minutes of the August 8, 2013, Meeting**. Commissioner Ruddock seconded the motion.

VOTING AYE: Contino, DeFilippi, Sokoloff, Kisthardt, Wenner, Ruddock, and Walsh.

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Fred Contino moved to the second action item on the agenda, **Minutes of the December 6, 2013 Meeting**, pages 14-25 of the Board packet, Chairman Contino asked if there were any questions or comments concerning the minutes.

Mr. Defilippi made a motion to accept the **Minutes of the December 6, 2013, Meeting**. Judge Wenner seconded the motion.

VOTING AYE: Contino, DeFilippi, Sokoloff, Kisthardt, Wenner, Ruddock, and Walsh.

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Contino moved to the next action item on the agenda, **Financial Report for February 20, 2014, Meeting**, beginning on page 26 for the second quarter of 2013/14 State fiscal year. Ms. Hartman indicated Under Receipts the balance carried forward was \$5,951,535.86. The fees collected during the second quarter were \$501,599.06. That can be found on page 29 of 36. The total funds available as of December 31 were \$7,956,176.86. Under Expenditures and Commitments, the total expenditures as of December 31, 2013 were \$1,579,670.45. The total expenditures and commitments as of December 31,

2013 were \$5,319,568.73 which includes \$746,416.64 of Administrative Expenditures and Commitments. The breakdown of these costs can be found on page 16 under the Administrative Costs. The actual account balance as of December 31 was \$2,636,608.13.

Constable Contino asked what the Laser Shot training was for. Mr. Pfau answered by saying the schools purchased new Laser Shot systems this year and this training was a “Train the Trainer”. Several instructors were sent to this training to learn about the new system and then they will go back to train their school’s firearms instructors. Because of how the schools have budgeted their money, it was easier for PCCD to pay directly for this training.

Constable Contino asked Ms. Hartman about the estimate for the Constables fee collections for State Fiscal Year 2013/14. He asked would that be equivalent to 2006, 2007 and 2008 because they are all around those numbers. Ms. Hartman explained a fee collection projection was given to the Board in August 2013 and it is an average of all previous years including last year. Constable Contino said it looks like we started to bring up our bottom line compared to the last three years of our Constables fee collections. Mr. Pfau explained we know what the expenses are that the Program is committed for a year or two out. It is hard then to make an accurate projection of what the fees would be like next year or even this year. It usually isn’t until the end of the current year that we will get an accurate picture of what our actual fee collections are. Ms. Hartman indicated that the projection is reflected on the main fiscal page, up at the very top where it says receipts, she reports the actual receipts but then it is based on what we are projecting to receive within a specific 12-month period.

Constable Contino asked how we doing with the computer programming since he asked the same question at the November meeting, do we still have the same number of IT staff? Ms. Leffler indicated that yes, we do at this time. Ms. Leffler indicated that IT and Program Staff are currently in the testing phases of the new CCETS System and that we are hopeful to have it up and running by the end of March or early April.

Constable Contino asked if there are any questions on the financial report.

Chairman Contino asked for a motion to accept the financial report. Commissioner Ruddock motioned to accept the financial report. Major Kisthardt seconded the motion.

VOTING AYE: Contino, DeFilippi, Sokoloff, Ruddock, Kisthardt, Wenner, and Walsh.

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Contino moved to the next action item on the agenda, **Instructor Certifications**. Ms. Kathy Clarke, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

**Penn State Fayette:**

Craig Christensen

New Topic Certifications:

Physical Skills

## Temple University:

Stacy Wertman

New Topic Certifications:

Law

Program Staff recommended Board certification of each instructor for the subjects listed above. Ms. Clarke asked if there were any questions from the Board. The Board was advised that both instructors are currently Board certified in other subjects. Constable Contino asked why we were certifying Stacy Wertman again because he thought she was already certified. Ms. Clarke indicated Ms. Wertman was originally certified for criminal but now will be certified for civil. Mr. Pfau mentioned if he conditionally certifies someone it is only for a specific class and that is due to the fact that the school is desperate for an instructor. Mr. Pfau indicated that conditional certifications are rare, but we consider the circumstances and why the instructor is needed when approving these conditional certifications. Constable Contino said Ms. Wertman is very knowledgeable and on top of things with the men at the recent class. There were no other questions.

Constable Contino asked for a motion to approve the instructor applications. Major Kisthardt made a motion to approve the new instruction applications. Mr. Defilippi seconded the motion.

VOTING AYE: Contino, DeFilippi, Sokoloff, Kisthardt, Walsh, Ruddock and Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The last Action item on the agenda is the **Revised Code of Conduct**. Ms. Leffler indicated the PA Constables' Classroom Code of Conduct was put in place in 2009 because we had some issues within the classroom environment so the Board decided at that time to put a Code of Conduct in place. The changes that were made are basic housekeeping changes, the references to non-constable have been removed since this language as been removed from the Board Regulations. We also replaced the word "class" to "course" and expanded constable to include deputy constable. One of the other significant changes that the Board had talked about previously was regarding electronic usage during class times, which is listed on Page 33. Language was added under "Unprofessional Conduct" to include that it is disruptive and disrespectful to the instructors and other students to be using your cell phone or other electronic device, when you are in the classroom environment. Under Section B of Unprofessional Conduct, we also added language regarding constables and deputy constables coming to class being under the influence of drugs or alcohol. Such action could result in immediate dismissal from the class, because we have had a few issues with this, so Program Staff decided it was time to add this to the Code of Conduct.

Program Staff are recommending that all constables and deputy constables who previously signed the Code of Conduct will be grandfathered in with these changes, however, any new constable or deputy constable will have to sign off on the revised Code of Conduct. We are asking the Board to approve this new version and Program Staff will make it accessible to any new constable or deputy constables. Constable Contino made note that it does give the constables a right to file a grievance if they feel a disciplinary action taken against them was wrong.

Constable Contino asked for a motion to approve the Revised Code of Conduct. Judge Wenner made a motion to approve the Revised Code of Conduct. Major Kisthardt seconded the motion.

VOTING AYE: Contino, DeFilippi, Sokoloff, Kisthardt, Walsh, Ruddock and Wenner

VOTING NAY: None

ABSTAINING: None

**IV. Discussion Items** – None presented.

**V. Informational Items**

Ms. Leffler indicated there was an additional handout given to everyone, which is the actual approval from the Independent Regulatory Review Commission that on January 16 the Independent Regulatory Review Commission approved the Board Regulations. The proposed Regulations have now gone forward through the Office of Attorney General (OAG) for approval and they have 30 days to come back to our Chief Counsel with any recommendations/changes. Once OAG approves they the Regulation changes will be published in the PA Bulletin and Program Staff will place a link on the PCCD website to the approved Regulations. Constable Contino asked if OAG could challenge that Regulation changes and Ms. Leffler responded that it was her understanding that this step is just a formality. Mr. Pfau indicated the Regulations have been through almost three years of the House and Senate Judiciary Committees, the OAG and they were published for public comments. Major Kisthardt asked if it eliminates 10mm caliber firearm from training and Constable Contino replied that the Board voted on that before it was a cost saving initiative. Constable Contino added that there were very few constables that were carrying 10mm and to purchase that much ammunition was outrageous. Ms. Leffler elaborated that the Program will no longer provide 10mm training ammunition for a first weapon but that a constable can still qualify with a 10mm as their second weapon because the Program does not supply training ammunition for second weapons. There were no other questions.

WebEx Usage Update:

Ms. Clarke updated the Board on the use of WebEx for Board meetings and advised that Program Staff do not currently know how long WebEx will be available for use even though the State extended the contract. Ms. Clarke further explained that the reason WebEx is not being utilized for today's meeting is that there was an upgrade with WebEx and the video portion is no longer available to us. PCCD's IT staff are currently trying to get this situation worked out and Program Staff are planning to use WebEx for our next meeting as long as the video portion is working.

Ms. Clarke also updated that Board on the use of OpenScape which is currently under contract with the State. Program Staff found out that OpenScape does not have recording capabilities and that is one of the things we wanted to do with the WebEx so that the entire meeting could be recorded and then posted to the PCCD website to give constables and deputy constables the capability to view the actual meeting at a later time or during the meeting itself. Mr. Pfau indicated PCCD's IT staff have put in a request to allow the video to occur because the State has put in some proxy services with enhanced security measures. Constable Contino stated that he would really like this to be up and running since Judge Richard Opiela started this discussion and it was handed over to him. Constable Contino also stated that constables have to give up a day's pay to attend one of these meetings and they want to be involved.

### Demonstration on County Information:

The next informational item on the agenda was a demonstration of the new Constables' Certification, Education and Training System (CCETS) on the County Clerk of Courts Offices access. She highlighted the notifications that will be generated by CCETS to the County Clerk of Courts and how the Clerk of Courts will enter liability insurance, election certificates, appointment orders and other information. Ms. Leffler explained that CCETS will automatically define a constable's certification end date based upon the liability insurance, training dates and term of office. CCETS will provide the users with the most up to date information on an individual's certification period.

Commissioner Ruddock asked if a listing of the certified constables and deputy constables will be accessible by other county staff. Ms. Leffler responded that there has been discussion on creating a user role for County Court Administrator in CCETS. However, CCETS will retain a version of the "Constable Finder" that will be available to other county staff and the general public. She also stated that law enforcement and other county staff will still be able to access the "Constable Query" through the Justice Network (JNET) as well.

Constable Contino questioned staff regarding the section of the Act that refers to liability insurance and that the Board is supposed to have availability of liability insurance coverage. Mr. Pfau stated that the Act does state that in conjunction with the Insurance Commission, the Board is supposed to monitor the availability of the liability insurance coverage. He also stated that we have published the most commonly used insurance companies because we have to be careful that we are not endorsing a particular insurance company.

Ms. Leffler also provided the Board with an overview of the Board's Private Area on the PCCD website. She informed the Board that Program staff have uploaded the class evaluations to the Private Area for the Board's review. Program staff will continue to upload the class evaluations as they are received from the Curriculum Developer.

Mr. DeFilippi asked what type of reporting capabilities CCETS will have. Ms. Leffler replied that CCETS will have extensive reporting capabilities, there will be numerous reports that will be generated by CCETS that Program Staff currently track using Excel Spreadsheets. Program Staff will be able to access numerous reports in CCETS that are currently only accessible by the IT Staff.

The last informational item on the agenda is the **Status of Certifications Issued**, page 36 of the Board Packet. Ms. Leffler indicated as of January 14, 2014 there were 1,268 constables and deputy constables currently listed as active and certified. Of those, 988 were certified to carry a firearm in performance of their constable duties. Since the inception of the Program in 1996, there have been a total of 3,985 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

## **VI. Executive Session**

At 11:02 AM, Chairman Contino requested that an Executive Session be held. Chairman Contino asked PCCD Staff and the Board Members to remain in the room but asked the audience members to leave the room.

The meeting adjourned at 11:25 AM.

## **VII. Public Voice**

Constable Ronald Clever asked if there was an Executive Session held and what exception to the Sunshine Law was the Executive Session held. Mr. Pfau responded that it was “Legal”.

Constable Louis Solt from Lehigh County asked who is enforcing the new Supreme Court Rules that you need to have a cage, etc. Mr. Pfau responded that it is up to the President Judge and the Court Administrator of each county to enforce these new Rules.

## **VIII. Adjournment**

Chairman Contino asked for a motion to adjourn the meeting at 11:30 a.m. Major Kisthardt made the motion and Constable Walsh seconded the motion. The next Board meeting will be held on May 15, 2014 at PCCD’s Office in Harrisburg.