

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

Minutes of the November 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
Julie Sokoloff, Constable, Montgomery Co (WebEx)

Commission Staff Present

Sherry Leffler, Bureau of Training Services
Kathy Clarke, Bureau of Training Services
Norma Hartman, OFMA
Wayne Hower, Bureau of Training Services

Visitors

Jeff Watson, Indiana University
Anthony Luongo, Temple University
Deidre Beiter, Temple University
Todd Brothers, Penn State Fayette
Ron Quinn, P.S.C., PAFOC
Deb Williams, PCCD (WebEx)
Mike Marcantino, Indiana University
Ted Mellors, Penn state Fayette (WebEx)
Thomas Impink, PSCA

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, November 20, 2014, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North 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 staff introductions were then made to audience members.

II. Action Items

Chairman Contino moved to the first Action Item on the Agenda, **Minutes of the August 14, 2014 Meeting**, pages 1-6 of the Board packet.

Commissioner Ruddock made a motion to accept the Board Meeting Minutes of August 14, 2014. Major Kisthardt seconded the motion. There was no discussion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Fred Contino moved to the second Action Item on the Agenda, **Financial Report for November 20, 2014**. Ms. Norma Hartman said the financial report beginning on page 7 is for the first quarter of the 2014-15 SFY that ended September 30, 2014. Under Receipts, the balance carried forward from the previous fiscal year was \$4,807,975.38. The fees collected during the first quarter were \$477,105.84 which is shown on page 10. The total funds available as of September 30, 2014 were \$6,740,475.38. The total expenditures as of September 30, 2014 were \$704,525.91. Under Expenditures and Commitments, the total expenditures and commitments as of September 30, 2014 were \$2,883,777.24 that includes \$357,325.42 of administrative expenditures and commitments. The breakdowns of these costs are on page 9. The account balance as of September 30, 2014 was \$3,856,698.14.

Ms. Hartman asked if there were questions. Chairman Contino asked if the \$357,325.42 on page 7 was for the Fiscal Year. Ms. Hartman indicated that \$158,320.31 has been spent already. There are commitments of \$199,005.11, so the total for expenditures and commitments for the Administration portion is \$357,325.42. This is the first quarterly report for this Fiscal Year but it is cumulative throughout the year. The next report will be for the first half of the year. Chairman Contino said on page 8, \$1,884,407.26 was paid to the schools. Ms. Hartman said administrative costs are not listed on this page, the only thing on this page are the contracts. The breakout of the administrative costs is on page 9 of 18. The commitments shown are for the entire year. Chairman Contino mentioned at the August 14, 2014 CETB meeting that the administrative costs were \$1,133,000. Ms. Hartman said we would not be spending that amount this year since our commitments are only \$199,005.11. Ms. Hartman said the computer work on the Constables' Certification, Education and Training System (CCETS) that has been done was a huge cost included on the August 14 financial report and it is her understanding that they are not doing as much now on CCETS. Chairman Contino said the IT costs were \$686,000 last year and this year we have committed \$199,005.11. Ms. Hartman said IT was a big portion of the last several years when they were working to update the computer system. Since that project seems to be complete, to get a better estimate for the entire year, you could multiply the expenditures by four and add the commitments. The commitment detail is for the entire year and the expenditures detail is what was spent so far.

Chairman Contino also asked if on the Constables Fiscal Report under Personnel Services, is it possible to get a breakdown of how many employees and who is getting paid out of the Constables' Fund. Ms. Hartman indicated that would be a total for Wayne Hower, Kathy Clarke and Sherry Leffler for the first quarter which includes salaries and benefits. Most of our staff is paid out of our General Government Operations Funds and the employees do timesheets and submit them. Based on the time they charge to the different programs, we do transfers of those amounts from the Constables' Account. This hasn't been done yet this year so this number is strictly three positions. Chairman Contino asked if anyone else bills out of the Fund, would we know it. Ms. Hartman said that she charges the Fund for the time she spends on working for the Constables' Program. There are other PCCD employees that also spend time working for the Constables' Program. That is the reason we do timesheets to account for whatever time they spend and charge to the appropriate program. Only PCCD staff would charge time to the Constables' Fund. It is on an as needed basis and not predictable. All the time that Ms. Hartman is spending will show up on the next quarter's report. Chairman Contino is looking for a better breakdown of the Personnel Services. Chairman Contino also wanted to know if it was possible to add another column beside the expenditure detail for the three year date. Ms. Leffler mentioned that on page 11, the projection for the ending balance of the 2018-19 Fiscal Year is going to be \$526,653. If you look at 2012-13, it was \$2,403,830. Ms. Hartman said what factors into this are when invoices are received and processed. Currently, we are working on the 2014-15 budget revisions. The invoicing is always a month or two behind because we

wait until December closes in order to get totals for December. These invoices would then be submitted in January and sometimes it doesn't happen until February and sometimes even later. The sooner we can get these budget revisions done the sooner we can start processing invoices. The expenditures for the program portion of it may be deceiving as of December because we have only received two invoices for all the different contracts. Ms. Leffler said basically we haven't received invoices because we are waiting for the rollovers to be approved. Ms. Hartman said in order for them to determine what money they need to rollover you have to wait until the June invoice is in which could be August or September. Chairman Contino said his questions were answered in that the big portion of money was because of the IT Costs. Ms. Hartman mentioned if you look at the expenditures and take out the IT Costs it doesn't look that bad.

Chairman Contino mentioned on page 10 of the Financial Report, for the Fiscal Year between 2010-11 and 2011-12, we dropped \$76,000 in Constables Fees that were collected at \$5.00. The net result is a decrease in approximately 15,000 services. This is about the same time the state computer system came online with the Administrative Office of Pennsylvania Courts (AOPC). Chairman Contino stated that the Constables' Program needs to have a liaison person with AOPC. What is currently going on in his County is that in the Deputy Court Administrator's Office there is a lack of clarity in the interpretation for when a Constable returns a warrant to the District Court within the 90 days. The Court Administrator's Office is saying to take the Constable's name off the warrant. Chairman Contino has letters from the AOPC Court Administrator from 20 years ago saying that once a Constable does this, if he leaves a card, letter or does anything to effectuate the services, he is entitled to his fee. Nowhere does it say the Constable relinquishes it. What has happened in his County is that the Constable's name is removed from the warrant and then the CETA fees are lost. Thus, there should be a liaison with AOPC since approximately 15,000 in services are being eliminated for collection to the Constables' Program.

Judge Wenner said in Dauphin County, the MDJ's collect the money upfront. Dauphin County does not pay Constables and the money would not come out of the County Treasurer's office. In most counties that is not the case. Judge Wenner stated that once the County Treasurers' Office gets involved, the fees begin to fall through the cracks. If he puts someone on a payment plan, the Constables' fees are in the payment plan, regardless of how much they are putting down for collateral. This is how they do things in Dauphin County and if every county would follow this practice, the problem would be solved.

Ms. Leffler stated that she would check with AOPC and bring an update to the February 2015 Board Meeting. She would contact AOPC and see if they would be willing to sit down with a few of the Board members and discuss how we can remedy this immediately rather than waiting until 2018-19.

Major Kisthardt asked in order to increase the Constable Education Fee that is collected; is it within the scope of this Board to discuss this issue and what the mechanics of that are? Ms. Leffler indicated that it would be a legislative change because they would have to open up the fee bill. Major Kisthardt asked if PCCD has a legislative liaison. Ms. Leffler said not at this time. She knows that Board members and staff could not go to the Legislature and ask for an increase. Ms. Leffler mentioned there have been discussions but she is not aware of any outcomes of those discussions but she will double check and get back to him.

Major Kisthardt made a motion to accept the Financial Report of November 20, 2014. The Honorable William Wenner seconded the motion.

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

Indiana University of PA:

Jeanne Fleming
Topic Certifications:
Physical Skills

Brian Gates
Topic Certifications:
Physical Skills

Daniel Hornbake
Topic Certifications:
Firearms

Penn State Fayette:

Scott Steva
Topic Certifications:
General
Law

Program Staff recommended Board certification for each instructor for the topics listed above. The Board was advised that Ms. Fleming, Mr. Gates, and Mr. Steva will be new instructors for the Program. Mr. Hornbake is currently Board certified in other subjects. Ms. Fleming and Mr. Gates were constables who completed the 40-hour PCCD sponsored Instructor Development Course and completed eight hours of student teaching in the Constables' Training Program at Indiana University of Pennsylvania. They have been recommended for full instructor certification by their Cooperating Instructor and School Directors.

Motion made by Commissioner Ruddock to accept the candidates for Instructor Certifications, seconded by Major Kisthardt.

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

The motion carried unanimously.

The next Action Item on the Agenda was **Act 233 Payments**. Ms. Leffler reported on Act 233 payments. She indicated when Act 233 was enacted; the Program would reimburse the Constables and Deputy Constables for their attendance at the Continuing Education classes. Each year, we have to recommend

either approval of making the expenditures to do the stipend payments or to not recommend the payments. Of all of the discussions that we had today and in the past, staff is bringing forward that we do not recommend that we do the stipend payments for training year 2014. We are hopeful that at some point of time we could get back to doing the stipend payments for the Continuing Education classes but right now with the cost of training increasing and the cost of ammunition increasing we do not recommend the stipend payments. The last time we made a payment was 2009 so it has been five years since reimbursements were made to the Constables. Staff is bringing this forward because we need to take this to the Commission at their December meeting. The Board will need a motion as to whether or not to accept staff recommendation of not providing the stipend payments.

Judge Wenner made a motion to deny making payments as per Act 233. Mr. DeFilippi seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Contino said just so everyone understands and for the record there is no surplus.

III. Discussion Items

Ms. Leffler indicated Staff doesn't have discussion items to bring forth to the Board at this time.

Infectious Disease (Ebola)

Chairman Contino mentioned he spoke to Ms. Leffler about the epidemic of Ebola and he faxed a copy from the Center for Disease Control and Prevention to her. Major Kisthardt said he took notice that staff put something on the website about infectious diseases. Ms. Leffler indicated a small clause about infectious diseases also was put in a training bulletin with and a link to CDC's website on Ebola and any other infectious diseases. Major Kisthardt mentioned if any public safety person came in contact with someone they suspected may have had an infectious disease, they should contact the 911 Center since they have protocols to handle the situation.

Chairman Contino wanted to discuss the issue of Constables acquiring cameras for inside their vehicles. Chairman Contino stated that one of his Deputy's was accused of making sexual comments to a female prisoner he was transporting. Chairman Contino was traveling ahead of him with two male prisoners. When they arrived at the detention facility, the female prisoner filed a complaint against the Deputy Constable which was investigated by CID. Chairman Contino stated that he discussed with the District Attorney the possibility of purchasing cameras to be placed in their vehicles which would also allow the audio portion to be taped as well as the video. Chairman Contino stated they purchased the cameras for their vehicles and all they have to do is place stickers in the vehicle advising the prisoners that they are being videotaped and recorded. His Deputies also advise the prisoners being transported that they are being recorded. This has led to much quieter transports. The cameras which he installed in his vehicles cost approximately \$125.00 and come complete with a card to download into your main computer for records detention.

IV. Informational Items

Constables' Certification Education and Training System (CCETS) Registered User Update

Ms. Leffler reported that as of November 19th, the Program had 653 (52%) Constables registered to use CCETS. Staff sent out a training bulletin approximately two weeks ago advising the Constables that the easiest way to enroll in the classes was to utilize CCETS. The 2015 Training Schedule is due to be released on Monday, November 24th. This has created a huge increase in the number of Constables registering to use CCETS.

Ms. Leffler reported that a survey, relative to the service of Protection from Abuse Orders, was included in Training Bulletin 78 which Constables were asked to complete. Penn State Fayette will be responsible for the analysis of the data. This will help for preparing for the development of the 2016 curriculum on Domestic Violence. Mr. Hower has been responsible for collecting the surveys. As of this date, the program has received approximately 125 surveys. One hundred of the surveys revealed that Constables do not serve PFA's while the remaining 25 have served PFA's in their respective Counties. There are several issues regarding how they are handled within each county relative to the confiscation of weapons as deemed by the court order. Once the analysis of the data is complete, recommendations will be made to the Board to decide if the training on the service of PFA's is necessary.

Status of Certifications

Ms. Leffler reported as of October 15, 2014, the Program had 1,252 constables and deputy constables who are active and certified in the system. Of those, there were 1,031 (82%) of Constables were certified to carry a firearm during the course of their duties. Since the inception of the program, there have been over 4,000 individuals trained through the program. A new statistic which was requested to be included on this report involved the number of firearm certifications that were removed due to prohibited hits on their respective criminal history background checks. Ms. Leffler reported that firearms certifications were removed for two constables due to prohibitive hits on their criminal history. This precludes them from possessing or using a firearm, per Board Regulation, Title 37§431.42. Eligibility for firearms qualification.

Chairman Contino asked Ms. Leffler why this information was included because it doesn't say what the constables did wrong. Ms. Leffler said criminal history information cannot be disseminated.

2016 Continuing Education Subject Overview (WebEx Presentation)

Mr. Ted Mellors gave a brief overview of the three classroom education courses that they will be running next year for the 2015 training year. They are Civil Law: Abuse of Power, Criminal Law: Defendant Contact Procedures and Lessons Learned: Landlord Tenant Disputes. The Civil Law portion will look at ethical issues that may confront the Constable in the performance of his duties. The Criminal Law section will review the defendant contact procedures and will allow the Constable to recite the legal authorities and constraints for searching person and a vehicle. The Landlord-Tenant course will examine what can happen when things go awry in a landlord tenant dispute as well as ways to prevent the dispute from deteriorating into a potentially deadly situation.

Chairman Contino voiced his concern with the Constables in the video presentation wearing golf shirts, and not the uniforms as described by the Supreme Court. Chairman Contino stated that Constables see these videos when attending the various classes and they must see the actors wearing the proper uniforms. Mr. Mellors advised the Chairman that these videos were created approximately a year or two ago in advance of the course delivery.

Chairman Contino asked Mr. Mellors if one section of the training video showed a subject being arrested in a motor vehicle. Mr. Mellors explained that it is a quick overview of a Constable safety search. Mr. Mellors stated in this scene, the constable is arresting a subject who is already in a motor vehicle; there was no motor vehicle traffic stop.

V. Public Voice

No public comments or issues were discussed.

VI. Adjournment

Chairman Contino asked for a motion to adjourn the meeting at 11:06 a.m. Major Kisthardt made the motion and Judge Wenner seconded the motion. The next Board meeting will be held on February 19, 2015 at the PCCD offices in Harrisburg.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.