

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

Approved Minutes of the February 11, 2016 Meeting

Members Present

Major Adam Kisthardt, PA State Police
Rodney Ruddock, Indiana County Commissioners
Honorable William Wenner, MDJ, Dauphin Co.
Julie Sokoloff, Constable, Montgomery Co
Fred Contino, Constable, Delaware Co.

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Clouser, Constables' Program
Wayne Hower, Constables' Program
Robert Merwine, PCCD
John Pfau, PCCD
Carolyn DeLaurentis , PCCD

Visitors

Jeff Watson, IUP
Deidre Beiter, Temple University
Todd Brothers, Penn State Fayette
Ronald Quinn, PAFOC
Ted Mellors, Penn state Fayette
Thomas Impink, PSCA
Deb Williams, PCCD

Steve Wilson, Constable, Dauphin County
Lisa Osman, PCCD
Anthony Luongo, Temple University
Beth Romero, PCCD
Mike Marcantino, IUP
Carmen Damiani, Constable, Delaware County

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, February 11, 2016 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Chairman Fred Contino called the meeting to order at 10:03 a.m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were made to the audience members.

Chairman Contino stated before he starts on the Agenda, speaking on behalf of the Board, we would like to offer our condolences to all involved in the Perry County shooting; the families, the constable and the victims. But as far as anything else, there is nothing the Board can discuss.

II. Election of Officers

Ms. Sherry Leffler asked for any nominations for Chair of the Constables' Education and Training Board. Constable Julie Sokoloff made a motion to nominate Constable Fred Contino as Chair of the Constables' Education and Training Board. Major Adam Kisthardt seconded the motion.

VOTING AYE: Kisthardt, Ruddock, Sokoloff and Wenner
VOTING NAY: None
ABSTAINING: None
The motion carried unanimously.

Ms. Leffler then asked for any nominations for Vice Chair of the Constables' Education and Training Board. Chairman Contino made a motion to nominate Major Kisthardt as Vice Chair of the Constables' Education and Training Board. Constable Sokoloff seconded the motion.

VOTING AYE: Contino, Ruddock, Sokoloff and Wenner
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

III. Action Items

Chairman Contino asked if there were any questions regarding the **November 19, 2015 Board meeting minutes**. Ms. Leffler said there was an additional packet provided to the Board with the amended minutes of the November 19, 2015 meeting. There were two significant changes made to the minutes (both highlighted in gray); one was on page 4 at the very top. In the minutes, it was noted erroneously that Ms. Carolyn DeLaurentis was the person who responded to the question but it was actually Mr. Robert Merwine. Second, on page 5 under the firearms policy in the middle of the section we also changed the language. Originally, it was noted that Ms. DeLaurentis stated that she had not had a chance to review but it should have been noted that we haven't had a chance to discuss at length. Ms. DeLaurentis said this was something when we listened to the recording she wanted to make sure was accurate. She also wanted to clarify on page 4 where we discussed Commissioner Rodney Ruddock question about engaging the Board in the grievance process and the appeals process and we discussed there should be separation. She wanted to add that was a prior agenda discussion based on the recording and we would look into it further. Also, she did get a little more information on the policy versus regulation process and we can discuss that at a different time but it is just a follow up. A motion was made by the Commissioner Ruddock to accept the Board meeting minutes of November 19, 2015 and the motion was seconded by Major Kisthardt.

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

The motion carried unanimously.

The next Action Item on the Agenda was the **Financial Report of February 11, 2016**, read by Ms. Leffler since Ms. Norma Hartman is on medical leave. If there are any questions that Ms. Leffler cannot answer she indicated that there were Fiscal Staff present to answer them. The Financial Report can be found on pages 13 to 17 of the Board packet and is for state fiscal year 2015–2016. Under receipts, the balance carried forward from the previous fiscal year was \$4,306,832.78. The fees collected during the last quarter of 2015 were \$921,147.86. The total funds available as of December 31, 2015 were \$6,148,468.78. The breakdown of fees that were collected by quarter can be found on page 16.

Under the Accumulative Expenditures and Commitments as of December 31, 2015, that total was \$8,606,603.30 which includes \$381,681.07 of Administrative Expenditures and Commitments. The breakdown of the Administrative Costs can be found on page 15. The total of Uncommitted Funds as of December 31, 2015 was a negative \$2,458,134.52.

A breakdown of the Purchase Orders and Funds Commitments that are currently placed with the program can be found on page 14.

Ms. Leffler indicated that on page 15 and 16 is the Fund Projections through state fiscal year 2019–2020, when the Program will be hurting for money.

Chairman Contino questioned on page 15 of the Financial Report if the checks that were being deposited for class reimbursement. Ms. Leffler explained that these deposits are for individuals who were no shows for classes or have failed a training class and are financially responsible if they chose to attend a second training class. She explained that the continuing education class is currently \$121.00, a basic training class is \$617.00, a basic firearms class is \$1,125.00 and an annual firearms class is \$366.00. Mr. John Pfau stated that when the Board put that policy in place for no shows, it really reduced the amount of individuals registering for class and not showing up. With the implementation of CCETS, now we can keep better track of those no shows and also class failures. Chairman Contino asked if the personnel services timesheet transfers is the same as specialized services (Inter-Agency Billing). Ms. Leffler indicated that the specialized services would be for when the Comptroller's Office reviews and pays our invoices from the contractors. She further indicated that the personnel services would be both the Program's full-time staff and any other indirect staff here at PCCD would come out of that amount. Chairman Contino asked what timesheet transfers were? He further asked that when we get timesheet transfers, does Mr. Pfau or Ms. Leffler or does anyone have to ok that or do we just accept that time? Mr. Merwine stated that the supervisor of the employee who is billing the time has to approve their timesheet. Chairman Contino asked if someone from the board. Mr. Merwine stated that if it is someone in his office, then he would be approving the timesheet, because he would be the supervisor. He further stated that if it is an employee from the fiscal office then the appropriate fiscal supervisor would approve that timesheet. Chairman Contino stated so no one on our board has control of our money from this account or has authorized any of that money being transferred. Chairman Contino expressed, so you are saying anyone could say charge it to the Constables' Program and the Board doesn't have a say in it. Mr. Merwine said you have to have support those activities from the Board to charge the Board. Chairman Contino said so we as a Board don't really know what is going on with this building shy of today and he would have hoped that someone on this Board or the Constables' staff would be overseeing these timesheets transfers. Mr. Pfau said that is how the agency does it and that it is above Mr. Pfau's pay grade to make those determinations.

A motion was made by Major Kisthardt to accept the Financial Report of February 11, 2016 and was seconded by Constable Sokoloff.

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

The motion carried unanimously.

Chairman Contino moved to the next Action Item on the Agenda, **Instructor Certifications**. Mr. Wayne Hower reviewed the applications and gave staff recommendations, as follows:

Penn State Fayette:

Roger Gunesch

Requested Topic Certifications:
Communication (MOAB)

John D. Hartman

Requested Topic Certifications:
Communication (MOAB)

Christopher R. Rosano

Requested Topic Certifications
Firearms

Commissioner Ruddock asked if we should be doing each of these as a separate item of approval as opposed to a blanket approval for all instructors. Chairman Contino said there was a time when we were going through 20 of these at a meeting and it was very time consuming so we did it as a blanket and if there was a question on one of them we would ask that then.

Program Staff recommended Board certification for each instructor for the topics listed above. Mr. Hower advised the Board that Christopher Rosano was the only new instructor for the Program and that the other two were already Board certified instructors.

A motion was made by the Honorable William Wenner to accept the candidates for Instructor Certifications. Seconded by Major Adam Kisthardt.

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

The motion carried unanimously.

IV. Discussion Items

Office Supporting the Training Programs Discussion - Mr. Merwine explained this was a follow up to the presentation he made at the last Board meeting. There was one question that came up regarding the individuals who were listed on the detailed spreadsheets, but were not on the PowerPoint presentation slides. Mr. Merwine indicated that he went through the detailed document and was able to map everyone listed on the spreadsheet to what type of activity they were performing on behalf of the agency or the Board.

Chairman Contino said back at the August and November meetings, it was talked about the ability to sit down with the Administrative Office of Pennsylvania Courts (AOPC) and form a workgroup to discuss the collection of the \$5.00 surcharges. He stated that the Board is trying to figure out why there are such large swings in the collection amounts received. At one time, constables were paid first and now we get paid third or at least that \$5.00 surcharge gets paid third. Mr. Merwine said he has reached out to AOPC and they are willing to have a conversation. Mr. Pfau stated that sometimes the DJ may not assess it and should have or the Fund may get what is left after all the other payments, and the Fund may get a dollar.

The other area is whether it is an educational aspect on the Magisterial District Judge (MDJ)'s part about when they should be assessed or how it should be assessed. Mr. Pfau stated that he knows Constable Bill Stoeffler, who is also a Board certified instructor, presented at the MDJ continuing education classes, to try and help educate MDJs in general about the constables. Chairman Contino said he knows there is legislation supposedly coming up to possibly increase the surcharge fee.

Ms. Leffler said before we go onto the Information Items she wanted to bring up that we had several policies that we were going to bring back to the Board at this meeting and asked Ms. DeLaurentis to speak about the policies. Ms. DeLaurentis said a lot of work was done over the past couple of weeks since the last meeting. We reached out to the Office of General Counsel to see if they had any insight for our draft firearms policy versus it being a Regulation. The information that she obtained is that we put something into a policy first, with the understanding that we want to put it through the Regulation process as well.

V. Informational Items

Ms. Leffler moved to the first Information Item on the Agenda. She reported that as of January 15, 2016, there were 1,113 constables and deputy constables currently listed as active and certified. Of those, 766 or 69% were also certified to carry a firearm in the performance of their constables' duties. Since the inception of the Constables' Training Program in 1996, there have been a total of 4,114 individuals who successfully completed basic training or passed the waiver examination and were certified by the Board. Chairman Contino asked if these numbers have dropped and Ms. Leffler stated a lot of that had to do with the election certificates coming in, especially for the deputy constables because their new term of office they would have not been listed as cert active, they would have not been counted in those counts. Mr. Pfau mentioned there are about 400 new constables coming in, so they are now just starting training and we don't know who was not re-elected. Ms. Leffler said at this time there have been no deputy constables appointed in Allegheny County. She also stated that with CCETS, Program Staff have more capabilities to gather this information on the numbers of new constables and deputy constables.

Ms. Leffler reported on the next Informational Item which was an update on CCETS. She reported that as of January 15, 2016, there are 1,311 active registered constables and deputy constables who are CCETS users, which is 88%. A total of 971 active and certified constables and deputy constables are CCETS users, which is 92%. Active and certified indicates they have a valid term of office, have valid professional liability insurance and have met the training requirements to be certified. Of the total registered CCETS users 1,311, 851 have chosen email as their preferred correspondence method and 293 active registered constables and deputy constables are sharing their personal information in CCETS. There are currently 50 registered users from 30 County Clerk of Courts Offices. Ms. Leffler was in contact with the Clerk of Courts Association and she is slated to do a workshop at their conference coming up in July to give the Clerk of Courts more information on the CCETS, what their role is with the constables, etc.

Ms. Leffler moved to the next Information Item which was an update on the Law Enforcement Training Waiver Applications. Ms. Leffler indicated we have not done an update to the board since 2014. This is for individuals who have applied for a Law Enforcement Training Waiver and have come in and sit for the 100 question waiver examination. Chairman Contino wanted to clarify this Law Enforcement Waiver Application is for Basic only. There are no waivers for Continuing Education and Firearms.

Ms. Leffler moved to the last Information Item which was an update on the PSU-Fayette Instructor Corrective Action Plan. Ms. Leffler reported as of November 19, 2015, the Board voted to suspend a firearms instructor for a period of six (6) months beginning July 14, 2015 and ending on January 14, 2016. Penn State-Fayette was asked to develop a Corrective Action Plan to mentor this firearms instructor for a period of six months to ensure incidents of this nature do not occur in the future. At the end of the six month Plan, Penn State-Fayette must provide a report to the Board on the outcome of the Plan. The Program Staff approved the Plan on January 29, 2016 and we are asking the Board for their consideration and approval of this Plan as well. The plan is going back to review training, principles of being an instructor, class management as well as reviewing firearms curriculum, safety rules, regulations, and procedures. All those evaluations are coming to staff and staff is aware of when he will be teaching.

Ms. Leffler indicated that although this was presented as an Informational Item, it should be voted on to accept the Corrective Action Plan as per the Board decision made at the November 19, 2015 Board meeting.

A motion made by Major Kisthardt to accept the PSU-Fayette Correction Action Plan and was seconded by Constable Sokoloff.

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

The motion carried unanimously.

Ms. DeLaurentis made an announcement that this would be her last Board meeting. She will be going to the Pennsylvania State Police as an Assistant Counsel on Tuesday, Feb. 23. Assistant PCCD Counsel, Matthew Leonard, has been involved with reviewing all three policies and he is up to speed on them. The new PCCD Chief Counsel will be Debra Sandifer. Chairman Contino and the Board members congratulated Ms. DeLaurentis and wished her the best.

Commissioner Ruddock wanted to mention that he received a request on January 28 from Michael Kane, Senior Counsel for the House Judiciary Committee, to serve on a committee involving modernizing the Title 44 Statute. He indicated that he could not attend that meeting, but he did get a hold of the County Commissioners Association and made them aware they could use the Court and Corrections Committee of the County Commissioners Association as part of this process. Commissioner Ruddock asked if Mr. Pfau was able to attend that meeting and Mr. Pfau indicated that he and Mr. Merwine were in attendance. Mr. Pfau mentioned we were able to answer questions on the training and certification process for the committee. Mr. Pfau said there is constable legislation coming and from our perspective they wanted to know about the training because we did a Job Task Analysis in 2007 that recommended improvements to the training but we are stuck legislatively to 80 hours for the basic training course.

Chairman Contino suggested to Commissioner Ruddock the next time he attends the County Commissioners meeting to inquire about our \$5.00 surcharges. Mr. Pfau indicated that the Board has tried to reduce costs but the surcharge hasn't increased in 20 year and the cost of training has gone up in the last five years and the cost of ammunition has sky rocketed. The House Resolution 138 Study recommended an increase to \$9.00.

Constable Sokoloff wanted to let the Board know she will be unable to attend the May 12, 2016 Board meeting.

VI. Public Voice

Mr. Ronald Quinn (Pennsylvania Fraternal Order of Constables) has heard complaints from constables who have submitted their invoices for warrants and come to find out the money they were expected to get back, they are not. His question is what can be done so there is more uniformity coming from AOPC and the county bookkeepers. Chairman Contino said we explained before every county interprets the fee bill differently. Chairman Contino further explained that the reason we want the AOPC workgroup is to sit down with them, we have the Act and it has what all our different charges are. Bottom line, every county interprets the fee bill on what they would like to pay and not what is in Statute.

Mr. Quinn said the second thing he needs to address is what is the difference between a declaration and a certificate, if the information is basically the same? Ms. Leffler said as long as the information is the same, it does not matter to us if the certificate of liability insurance or if it is a declaration page. Both come into us and it does give us the same information it is a different term used by the insurance companies.

Mr. Thomas Impink (President, Pennsylvania State Constables Association) stated that the CETA fund money that has not been collected needs to be taken into consideration of the Supreme Court Ruling of July 8 where you cannot be incarcerated for not paying fines. The threat of not going to jail has reduced income from defendants at arraignments. The reimbursement of funding has shrunk and naturally it is reducing the CETA fund money, not much you can do about it and the MDJs are doing what they can do. Judge Wenner said the problem with the incarceration is relative to not having the money or being destitute, etc. there are ways around that entire process. He indicated that he still has the ability to place them in prison and he doesn't feel the automatic interpretation would be that if you appear to be destitute that I cannot incarcerate you.

Mr. Steve Wilson (Constable, Dauphin County) congratulated the newly elected Board Chair and Vice Chair. He is currently attending the Basic Training classes at the Dixon University Center and he wanted to say in comparison to his past training experiences at MPOETC, Act 120 at HACC, National Guard and the U.S. Airforce, the training standards are excellent and the taxpayers of PA do get their monies worth. He wanted to say the representatives of PCCD made themselves available in class to speak with students and answered any questions and were very generous of their time and very patient about our questions and concerns. Ms. Leffler, Mr. Pfau and Ms. Tracy Clouser were there and he also wanted to thank Wayne Hower for answering his questions concerning the appointment of a deputy.

VI. Adjournment

Chairman Contino asked for a motion to adjourn the meeting at 11:15 a.m. Major Kisthardt made the motion to adjourn and the Honorable Rodney Ruddock seconded the motion.

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

The next Board meeting will be held on May 12, 2016 at PCCD's Office in Harrisburg.