

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

Approved Minutes of the June 2, 2016 Meeting

Members Present

Fred Contino, Constable, Delaware Co.
Rodney Ruddock, Indiana County Commissioners
Julie Sokoloff, Constable, Montgomery Co.

Commission Staff Present

Sherry Leffler, Constables' Program
Wayne Hower, Constables' Program
Robert Merwine, PCCD
John Pfau, PCCD
Norma Hartman, PCCD
Rob Irving, PCCD
Debra Sandifer, PCCD

Visitors

Todd Brothers, Penn State Fayette
Craig K. England, Blair County Constable
Mike Marcantino, IUP
Deidre Beiter, Temple University
Anthony Luongo, Temple University
Shawn D. Vinson, Commonwealth Constable Association
David Wright, Commonwealth Constable Association
John Weiser, Commonwealth Constable Association

Clinton Wakefield, Montgomery County
Daniel Hollenbaugh, Sr., Adams County
Thomas Impink, PSCA
Ronald Quinn, PAFOC

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, June 2, 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 then made to audience members. Ms. Norman Hartman wanted to introduce a new employee, Rob Irving, who will replace her, since she will be retiring next week.

II. Action Items:

Chairman Contino asked if there are any other questions regarding the February 11, 2016 meeting minutes. Ms. Leffler asked if the board members that are present have any discussion or changes to the meeting minutes. Ms. Leffler indicated we will bring forth these action items to the August meeting for vote, since there is no quorum at today's meeting.

The next Action Item on the Agenda was the Financial Report of June 2, 2016. Ms. Hartman reported it begins on page eight and is for the third quarter of the 2015-16 state fiscal year that ended March 31, 2016.

The balance carried forward from the previous fiscal year was \$4,306,832.78. The fees collected during the third quarter were \$1,329,263.19. The total estimated funds available as of June 30, 2016 were \$6,148,468.78. The total Cumulative Expenditures as of March 31, 2016 were \$1,639,397.56. The total Cumulative Expenditures & Commitments as of March 31, 2016 were \$8,423,156.14 and that includes \$512,117.31 of Administrative Expenditures & Commitments. The breakdown of these costs can be found on page ten. The total uncommitted funds as of March 31, 2016 was a negative (\$2,274,687.36).

Just as a reminder, page nine reflects the actual expenditures, liquidations and commitments for the purchase orders. The commitments listed in the far right column equals the commitments listed on page eight. On page 12, it shows the quarterly revenue and expenditures for the entire 2015-16 state fiscal year.

Ms. Hartman asked if there are any questions. Chairman Contino asked if Ms. Hartman is going to report the Administrative Costs on page ten. She indicated she generally does not report on it unless there are questions. Chairman Contino said for the Board, he would like to get a breakdown of these timesheets every month, instead of every six months. He would like to see the totals for each month of which PCCD staff are charging CETB account and what these expenses are. Ms. Hartman indicated that would be cumulative for the year. She said they run their reports on a quarterly basis. We do timesheet transfers at the end of a quarter. The transfers are not done every 30 days and are done in October for July through September. Then, they are done in January for October through December. Chairman Contino asked if there a monthly breakdown of what those bills are? Ms. Hartman said it would be a special report that we would need to run. Ms. Hartman said since you are doing the fiscal report on a quarterly basis, wouldn't it make more sense instead of a breakdown for the three months, the total for that quarter because all these numbers are being recorded on a quarterly basis. Chairman Contino asked if those quarterly reports could match up with the Board's quarterly meetings. Ms. Hartman said yes, the report today is for the period that ended March 31, 2016 and in July, a new fiscal report would be generated through June 30 which would get reported at the August meeting. Chairman Contino asked Mr. Merwine if he could provide the breakdown of people who are charging CETB's account. Mr. Merwine stated that it could be done on a quarterly basis. Chairman Contino said it would be easy to track in that way rather than looking at the \$73,764.31 that was submitted for the last two quarters. Ms. Hartman indicated we are always one quarter behind with transfers. There will probably not be any transfers for May and June because it is the end of the fiscal year. Chairman Contino asked if we could get those transfers so we could have them on the Agenda for the August meeting. Chairman Contino then asked Mr. Pfau if the fund projections were showing three years out? Mr. Pfau answered that if you look at the projections on page 12, around fiscal year 2018/19, we commit contracts so many years out and you are going to get into a problem of maybe not being able to commit to a contract for more than a year at a time. They are still showing money but you are down to \$2 million, \$1 million. Chairman Contino said another issue is with the Supreme Court coming up with this ruling we can't put people in jail, the collections aren't there either. Constables Fees Collections are down \$50,000 a year compared to every other year. Mr. Pfau wanted to point out the deputy sheriff's account saw the same thing. The worse the economy is, the busier the sheriff's offices were and people fall behind and the same is true with the MDJ level; until the economy improves, it is less work for the constables. Mr. Pfau is looking at the years 2008/09/10 when the collections were up compared to the last quarter. Constable Sokoloff asked when did they switch the fees from \$17.50 to \$27.50? Mr. Pfau said the constable fee increased in 2009. Chairman Contino said we used to be first on the payment list. If someone had a \$200.00 fine, the first money paid was to the constable and the constable education fee was collected. AOPC changed their computer system and now we are third or fourth on the payment list, so the county doesn't have to pay that surcharge until they collect it. Mr. Pfau mentioned in the last few years. AOPC rolled out the online payment access, where summaries can be

paid online with a credit card, which would normally be work that might have been assigned to the constable.

Ms. Leffler mentioned at this time we can't do any of the certifications for the instructors. We will work with the contractors to ensure we can get the availability of any instructors from other schools until these new instructors can be voted on by the Board.

Chairman Contino asked if there are any discussion items listed on the Agenda. Ms. Leffler said we have nothing.

III. Informational Items:

Ms. Leffler reported on the 2016 Newly Elected and Appointed Constables and Deputy Constables Update. She stated that there were 12 Basic Training Classes scheduled for 2016 and that the South Central class was held in January-February and was opened with 60 seats. So that would have been 13 classes that were held but in reality it was only 12 because we doubled up on that one class. There are currently, as of the date of this report, 393 seats available for Basic Training Classes and we had 382 enrolled which left us with 11 seats available throughout the remainder of the classes. As of March 21, 2016, there were 408 newly elected or appointed constables and deputy constables in our system. We have 17 who registered with us, but we still have not had any other paperwork filed. In the North West region, we had 42, South West region 79, North Central 27, South Central 95, North East 65 and South East 100.

Ms. Leffler continued to report that there are 14 Basic Firearms classes scheduled with 331 seats available, currently 144 have enrolled with 187 seats available with six Basic Training Classes still yet to be run this year. The schools have been very accommodating and staff is trying to get everyone in as soon as possible to get them trained this year. Ms. Leffler said Dee at Temple had added on an additional class in the North East region to accommodate the newly elected constables and deputy constables however we are not going to be able to get a Basic Firearms class in this year. Ms. Leffler said we are still getting appointments for constables for the vacant positions as well. Mr. Pfau said this is a great impact financially. We normally run six or seven Basic Trainings a year and now we are running 12 essentially 13. Like Ms. Leffler said, additional firearms classes are needed this year and then we will feel the impact again next year with additional continuing education and annual firearms trainings. The impact will be felt financially for this year into next year and into a third year. Ms. Pfau also stated that a large majority of new constables coming into Basic Firearms classes are scoring 88s or higher so that actually would make them eligible for advanced firearms. The instructors had indicated the maximum for advanced firearms classes is 12, so rather than run an annual firearms class of 24, we are going to run two advanced firearm classes of 12. That is also going to have a fiscal impact as well on the fund. Chairman Contino asked if it is possible to lower the 20 hours to ten hours for the firearms. Mr. Pfau said the issue the Board would have to look at is from a training perspective and even a liability standard. In 2005-06, the Board voted to reduce firearms to an eight hour day and as the Act says, the Board shall with the review and approval of the Commission. It went to the Commission and the Commission rejected it. The Board voted a second time for eight hours and the Commission rejected it a second time. When it comes to firearms, there is a huge liability.

Ms. Leffler then reported on the Status of Certifications Update and stated that as of April 14, 2016, there are 1,136 constables and deputy constables currently active and certified. Of these, 820 or 72% were also certified to carry a firearm. Since the inception of the Constables' Training Program in 1996, there have

been a total of 4,241 individuals who successfully completed basic training or the waiver examination and were certified by the Board. Constable Sokoloff asked did you look at how many new people from the last six years cycle is more or about the same new people coming in. Ms. Leffler said the last cycle we had 749 new constables coming in and that year we held 18 basic training classes. Mr. Pfau said because of the new CCETS system, we are going to track anyone that came in new this election year through that six year cycle.

Ms. Leffler then reported on the Constables' Certification, Education and Training System (CCETS) Registered User Update: Ms. Leffler reported that as of April 14, 2016, there are 1,450 active registered constables and deputy constables as users, 88% are active and registered in the system. Of those, a total of 1,136 were active users in the system which was 93% of our currently active and certified constable population. 946 have chosen email as their preferred correspondence method, which saves on postage. We have 361 sharing their personal information in CCETS. We have 53 registered users from 30 County Clerk of Courts Offices. Ms. Leffler and her staff are going to attend the Clerk of Courts Association Conference in Wilkes-Barre in July.

Executive Session with Legal Counsel to discuss legal issues: Commissioner Ruddock made a motion to go into Executive Session at 10:30 a.m. Chairman Contino called the meeting back to order at 11:00 a.m. and informed the audience that the Board talked with Legal Counsel on legal issues during the Executive Session and nothing was voted on.

IV. Public Voice:

Mr. Ronald Quinn, PAFOC, from Centre County stated that we constantly hear how we are losing money as collection fees are not up, but part of the problem is that the constables are losing work. Two of the counties said they are not going to use constables anymore, as they don't feel we are adequately trained. Why isn't this body more pro active as far as training for the courts? Chairman Contino said we are an education board, an advisory board to PCCD. We make decisions for our education and make sure the constable is being treated right and we are trained properly. We can't get involved in politics only in the sense we are not a union for constables. Mr. Pfau advised they hear constables expect the board to be an advocate for their issues at the county level and when you read the act, the board was established to provide training and certification. The act does not state the Board needs to advocate. Counties contact us, judges contact us and we do educate them about the training and certification process. Mr. Pfau advised the board does advocate for the surcharge, just because the constables don't see it, does not mean it is not getting done. He advised Mrs. Leffler was working with AOPC to try and get a partnership together. County Commissioner Ruddock spoke on behalf of the County Commissioners advising that Commissioners change every four years and they often lose sight of what constables need. He advised the constable work is driven by AOPC, due to constables working with the lower level of courts, not the County Commissioners. The only time they reach out to the constables is during the election time. He advised there is not a clear understanding on how constables can be used. Mr. Quinn advised the only thing he is looking for from the county commissioners is to work with the President Judges. Mr. Pfau explained about the job task analysis that advised constables need more basic training hours. If the judges are saying constables are not trained, then the constables need to step forth and ask the legislators to pass laws stating more hours of training are needed. Chairman Contino advised he thought the same thing about the usage of the Board; however, the Board is not set up to push for legislation. When he goes and speaks with politicians, he cannot say he is from the PCCD. He advised it has to go back to the organizations to push for more beneficial legislation. It comes down to a problem of the Constables not being able to ban together to get the legislation changed. Mr. Pfau advised the information is in the

annual report for politicians to see that the Program is not going to be able to financially continue on to provide training. Mr. Merwine stated we did make inquiries about the status of the fund, but we are not going out and seeking sponsors to write legislation.

Clinton Wakefield – Montgomery County: He asked Mrs. Leffler for how many email addresses we have listed in CCETS. She responded with we have 946 constables who have chosen email as their preferred method of correspondence out of 1450 constables registered to use CCETS. He is inquiring about training online as part of the training could be done online. Mr. Pfau advised a couple of years ago, the Board did look at online training. Since they did not have the current CCETS, the older system could not validate people. The issue was to determine how to verify who was going in and taking the training. Now that we have CCETS, online training is more plausible. Chairman Contino advised the training development would have to be outsourced. Mr. Pfau advised there is an issue with trying to get the certificate received at the end of the training to link up to CCETS to get the credit for the course and put it in the constable's profile. That is where the financial aspect comes in to play and was not financially reasonable. Mrs. Leffler advised the current curriculum developer would have to create an online version for all of the different courses as well as the in class version as there are still over 500 active constables who have not become registered CCETS users. County Commissioner Ruddock advised in some of the rural communities, there is no computer access, which does create a problem. The Urban sectors do have better access to computers. Only 40% of people in Indiana County are served by computers. It is a challenge they are working on as not everyone has direct access to a computer. IUP is reaching out and finding out the same things. Mr. Marcantino advised they are still receiving many enrollment and registration forms by fax or mail. Mrs. Leffler advised the new constables have a large majority who have selected email as their method of correspondence.

Constable Wakefield also wanted to know why there was no firearms class held in Montgomery County. Chairman Contino stated that he cannot speak for Temple but he advised it has to do with the availability of ranges and the condition of the ranges. Mr. Pfau also advised that in larger urban areas there is also a lot of competition to get into ranges by local police departments and other agencies. Constable Wakefield also stated that he wanted to thank the instructors for their knowledge and expertise that they have shared over the years. Constable Wakefield stated that there always seems to be an issue with the LaserShot systems not working correctly. Mr. Pfau advised that the LaserShot systems were replaced in the past two years however, there were some software issues that needed to be resolved. We are aware of the issues with the software and are working with the company on these issues. Mr. Pfau stated that overall the system has provided beneficial training to constables.

John Weiser, Commonwealth Constable Association: He is wondering what constables can do to help with the deficit and make sure the budget is consistent. Mr. Pfau advised the associations need to go to the legislators and advise them that constables need a surcharge increase, at the very minimum. Mr. Pfau also relayed that there should be an increase in the number of training hours so we can do a better job at training the constables. He advised that Joint Government Commission's Study Recommendations did advise that the surcharge bill needs to go to a minimum of \$9.00 to sustain the budget. Chairman Contino advised it is costing about \$2.1 million dollars to run the Program. Chairman Contino stated that the constable fees collected in 2007 were only \$2 million and in 2015 the fees brought in \$1.8 million. The \$5 surcharge has dropped drastically but it does come down to the constables doing the work.

He is also concerned about where the meeting minutes are located on the PCCD website. He stated the last ones he saw were from May 14, 2015. Ms. Leffler stated that Program Staff must wait until the minutes are approved in order to post them on the public site. Ron Quinn wanted to know if the Board

Packets, not just the agenda, could be placed on the website as well before each Board Meeting, this way constables are aware of the topics to be discussed before each Board meeting. Mrs. Leffler advised the only information provided now is the agenda, not the Board packet. Ms. Debra Sandifer advised they will have to look into this matter as there may be information to discuss only in the executive session. Chairman Contino advised they are given the executive session information right as they walk in to the meeting. Ms. Sandifer advised this decision would have to be made on a case by case basis.

Daniel Hollenbaugh, Sr., Adams County: His concern is he does not see any references documented to where Penn State obtains the information. Mr. Pfau advises some situations run in together. A lot of the information comes from what constables actually do in the field; how they go from one scenario into a different scenario. He went on to explain that each year they come up with topics to discuss and the curriculum developer needs to determine if there is enough sources and information to actually create a module and teach it. Mr. Pfau stated that most of the information comes from case law and that we do have a source document that provides where information is found to develop the curriculum. The information is located on the take home CDs and there is also additional information on the take home CDs that may not be presented in class due to the amount of time. Chairman Contino advised Penn State does create little handbooks that are passed out to constables for reference out in the field. John Weiser advised the instructors could market the CDs better so the constables know about the additional information is on the CDs. He thought the CDs only contained the classroom information. He did not realize there was additional information on the take home CDs.

V. Adjournment

The meeting adjourned at 11:50 a.m by Chairman Contino.

The next Board meeting will be held on August 11, 2016 at PCCD's Office in Harrisburg.