

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

Approved Minutes of the February 14, 2019 Meeting

Members Present

John Bruno, Constable, Dauphin Co.
Francis Peitz Jr., Constable, Allegheny Co.
Rodney Ruddock, Indiana County Commissioner
Craig Westover, Constable, Venango Co.

Commission Staff Present

Sherry Leffler, Constables' Program
Wayne Hower, Constables' Program
John Pfau, PCCD
Beth Romero, PCCD

Members Absent

Honorable Thomas Brletic, MDJ, Allegheny Co.

Visitors

Mike Marcantino, IUP
Deidre Beiter, Temple University
Anthony Luongo, Temple University
Robert Harford, Penn State Fayette
Deb Williams, PCCD
Chris Savage, Montgomery Co.
Jack Garner, Dauphin Co.

Ronald Quinn, Centre Co.
Alex Farganis, Lancaster Co.
Antione Malloy, Allegheny Co.
Daniel Hollenbaugh, Adams Co.
Lou Marcozzi, Delaware Co.
Terry Morgan, Clearfield Co.

I. Call to Order:

The Constables' Education and Training Board (Board) meeting was held at 9:00 a.m. on Thursday, February 14, 2019 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Vice Chair Craig Westover called the meeting to order at 9:00 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:

Ms. Leffler advised the first order of business is the election of officers; however, Chair Brletic was not available, due to court, so elections will be held during the May 2019 meeting. Major William White from Pennsylvania State Police has retired from the Training Academy and Ms. Leffler thanked him for his service to the Board. The Board still needs a Court Administrator position filled.

Ms. Leffler asked if there were any questions regarding the November 15, 2018 Board Meeting Minutes. Hearing none, she asked for a motion to approve the November 15, 2018 Board Meeting Minutes.

A motion was made by Commissioner Rodney Ruddock to accept the November 15, 2018 Board Meeting Minutes and the motion was seconded by Constable Francis Peitz.

VOTING AYE: Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The second Action Item on the Agenda was the Financial Report of December 31, 2018, presented by Beth Romero. The Financial Report can be found on pages 7-12 of the Board Packet and is for State Fiscal Year 2018-2019. Under receipts, the balance carried forward from the previous fiscal year was \$1,762,587.83. The fees collected for the second quarter were \$884,433.82. The total funds available as of December 31, 2018 were \$3,493,051.83. Under Expenditures and Commitments, the total cumulative expenditures as of December 31, 2018 were \$1,074,424.62. The total cumulative expenditures and commitments as of December 31, 2018 were \$3,743,296.17 and that includes \$412,679.29 of the Administrative Expenditures and Commitments. The total of uncommitted funds as of December 31, 2018 is (\$250,244.34).

A motion was made by Vice Chair Craig Westover to accept the Financial Report of December 31, 2018 and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The third Action Item was the Act 233 Stipend Payments for Training Year 2018. A few years ago, Ms. Leffler tried to get the Board to do a blanket approval for the payments to not be approved until the health of the Fund improves. The Board voted to continue to vote on an annual basis. The stipend payment has not been approved since 2008. Based upon the status of the Fund, staff recommends that no payments be made under Title 44 Section 7149(f) to constables and deputy constables for the Training Year 2018 until sufficient funds are available to allocate those surplus funds to a stipend payment.

A motion was made by Vice Chair Craig Westover to not reimburse the Act 233 Stipend Payments and the motion was seconded by Constable Francis Peitz.

VOTING AYE: Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The fourth Action Item is a draft of the Act 49 Constables Training Grievance Process Policy. This was originally approved by the Board and the Commission in 2017. During the year, the Program receives grievances and they are presented to the Board at the last meeting of the year. Staff would like a time frame established for when a grievance can be filed. Under Section 3, Subparagraph 2, “the Act 49 Constable Training Grievance Form must be filed with the Board Supervisor within one (1) year of the start of the training class in which the circumstances giving rise to the grievance arose.” Discussion followed about what types of grievances are received and how long it takes a constable to file a grievance after a class. Commissioner Ruddock questioned the appeal process. Mr. Pfau explained the hearing process that all state agencies use.

A motion was made by Constable Francis Peitz to approve the change to the Training Grievance Policy and the motion was seconded by Vice Chair Craig Westover.

VOTING AYE: Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The fifth Action Item is the PA Constables’ Training Code of Conduct. This was previously named the PA Constables’ Classroom Code of Conduct. The name was changed to cover all types of training; classroom, online, and on the range. Under Section 1, Testing, Subparagraph D. “It is the responsibility of each individual user to secure and protect their User ID and password for any computer systems utilized by the Program. Sharing of or providing the User ID and password, allowing someone else to take your online training or mandatory tests and proficiency examinations, or sharing or receiving mandatory test and proficiency examination questions/answers will be considered cheating.” This was added in the section that references cheating in the classroom and it is grounds for dismissal. Under Section 2, Attendance, Subparagraph B, “A constable or deputy constable must attend and complete all hours of the training course to receive credit for the course. Constables and deputy constables are required to be on time for all training courses and to remain until the completion of the training as determined by the instructor.” These are the two main changes to the Code of Conduct. Since there are changes being made to the Code of Conduct, each constable and deputy constable will need to sign the new Code of Conduct. Before enrollment for 2020 classes, a constable and deputy constable will sign the new form through Constables’ Certification, Education, and Training System (CCETS).

A motion was made by Vice Chair Craig Westover to approve the changes to the PA Constables’ Training Code of Conduct and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

III. Discussion Items:

The first Discussion Item was Court Costs and Fee Comparison. At the November 2018 Board Meeting, Major White suggested staff find out how other fees collected by Administrative Offices of Pennsylvania Courts (AOPC) are increased. Mr. Pfau advised other fees are increased based upon the Consumer Price Index (CPI). He looked at the last 24 years and what would have happened if the Constables' Education Training Act (CETA) fee had the CPI applied to it. On average, there was a 2.23 percent change added each year. If that percent was added to the current \$5.00 surcharge fee, over the last 24 years, the surcharge fee would currently be \$8.55. The idea would be to have the CPI added in addition to the initial increase. Senate Bill 927 addressed the initial surcharge increase and then every year after that, the CPI was added. Vice Chair Westover wanted to incorporate the CPI language in the letter that was brought forward at the November 2018 Board Meeting. Commissioner Ruddock wants to come up with a plan to create additional funding, as the surcharge increase is only going to stabilize the fund, not bring in additional revenue. Mr. Pfau advised the surcharge fee is only assessed on civil and criminal dockets. There are duties, like transports, that constables perform, but the surcharge fee is not added and therefore not collected. The surcharge fee needs to be added to all duties on which constables are trained and perform. Commissioner Ruddock questioned what the actual cost is per constable for training and all the other expenses associated with training. Mr. Pfau advised there are almost 1,200 active and certified constables and the budget is projected at \$1.4 million for 2019. He stated the Sheriffs and Deputy Sheriffs Program is in the same situation with their fund. To help eliminate duplicate overhead, both Programs are going to two combined Online Training and Curriculum Development contracts. There are similar subjects between the two Programs and this will help lower expenses for both Programs. Commissioner Ruddock questioned the risk of online training versus the face-to-face training. Mr. Pfau advised Ms. Leffler is going to get the Board Workgroup together to determine which topics would be suitable for online and which ones need to be completed in classrooms. There is also discussion about a skills day for subjects like defensive tactics. Vice Chair Westover discussed the decline in fee collections and the revenue coming in to the Program. Mr. Pfau advised there are multiple issues staff are going to discuss with AOPC and their data and see what impacts there are to the fund, like offenders being able to pay online. Vice Chair Westover stated problems need to be identified so solutions can be created. Mr. Pfau will provide data on the breakdown of number of constables working and the number of dockets being served at the next Board meeting in May 2019. Staff are also tracking the 425 constables who went to Basic Training in 2016 to see how long they do work for the courts. Vice Chair Westover wishes there was a way to get exit interviews of why constables who were certified are no longer certified. The response staff have received is the constable cannot get work in the county.

During the November 2018 Board meeting, Commissioner Ruddock requested information on the difference between the original budgets and the revised budgets of the training delivery contracts for a one-year period. Ms. Leffler provided a handout containing this information. Commissioner Ruddock suggested looking at creative ways for online training to expand the operational capabilities as opposed to the administrative oversight. Mr. Pfau advised the Program is going to a combined online training since the training is similar between the Constables' Program and the Sheriffs and Deputy Sheriffs Program. A draft work statement has been submitted to the vendor for the combined Learning Management System (LMS) and staff are waiting for a draft budget. The Programs will negotiate budgets and then once the budget is acceptable, a contract can be executed. Over the last month and a half, staff has been looking at the architectural structure of the Programs and integrating the online LMS. A constable will log into CCETS and see a training link that will take them to the online training platform. Each year the constable will take the required topics and grades will be submitted electronically, which will reduce other

administrative costs. Online training will be up and running for 2020. The Workgroup will be meeting again in the future and discussing how to move forward with the type and style of training. Constables do enjoy and benefit from the personal in-class training. Vice Chair Westover asked if there was enough money available to run training classes in the future. Mr. Pfau advised with the transition to online training in 2020, training expenses will be cut and there will be enough to continue with training in the years to come. Vice Chair Westover's main concern is the firearms training. Mr. Pfau advised there is the possibility of taking the training and test online and constables who pass will then be eligible to enroll in a firearms class. Constable Bruno asked if staff looked at purchasing firearms training from other agencies who provide this type of training. Mr. Pfau advised the Program has not. The Act states the Board will establish the standard for qualification and certification. It does not say how often or how many hours. There is still an option with the Workgroup to look at accepting firearms training from other entities. Vice Chair Westover wants to look at incorporating a psychological standard for firearms training. He asked about how the firearms qualifications were going this year. Ms. Leffler stated she went to one training class in the South-East region and the constables enjoyed it and there were not any failures. Mr. Pfau advised some of the more marginal shooters are going to wait until the end of the year to attend firearms training, so the failure rate may increase.

Mr. Pfau advised the Board that Penn State-Fayette, in working with University of Pittsburgh Medical Center (UPMC) for the Stop the Bleed Training, will be able to provide tourniquets to every constable who attends the training during Continuing Education classes. For those constables who have already attended training, tourniquets will be mailed to them by the Program. Constable Bruno stated he attended the Continuing Education class last weekend and the Stop the Bleed Training was one of the best topics he has taken. He mentioned Social Media was a great concept, but he felt the class missed the mark completely. He stated it gave an overview of what Social Media was, not on how to really use it as an investigative tool.

IV. Informational Items:

The first Informational Item was the Status of Certifications presented by Ms. Leffler to the Board. As of January 23, 2019, there were 1,208 constables and deputy constable currently listed as active and certified. Of these, 982 or 81% were also certified to carry a firearm in the performance of their constable duties.

Since the inception of the Program in 1996, there have been a total of 4,582 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

As of January 23, 2019, there are 1,674 active registered constables and deputy constables who are CCETS users. These are constables and deputy constables who have a valid term of office in CCETS.

A total of 1,141 active and certified constables and deputy constables are CCETS users, which is 94% of the currently active and certified constable population. Active and certified indicates that they have a valid term of office, have valid professional liability insurance and have met the training requirements to be certified.

Of the total active registered CCETS users of 1,674, 1,540 have chosen email as their preferred correspondence method.

Of the total active registered CCETS user of 1,674, 543 active registered constables and deputy constables are sharing their personal information in CCETS.

There are currently 63 registered users from 33 County Clerk of Courts Offices.

Since December 3, 2018, CCETS has handled 1,660 total enrollments.

V. Public Voice:

Antione Malloy (Constable, Allegheny County) had a question about the estimated time frame of when the tourniquets would be mailed. Mr. Rob Harford, from Penn State-Fayette, advised he only received one order so far and it was not enough to bring to the meeting. He advised UPMC needs to order the tourniquets and once they send them out, he will forward them to the schools and PCCD to be mailed. Constable Malloy's second point was related to the new Code of Conduct. His Constable Association was looking at doing group training and wanted to know if that was acceptable or if the constables had to do the training individually. Mr. Leffler advised online training is designed to be completed individually. Vice Chair Westover stated he agreed that online training should be done individually. Constable Malloy wants the Associations to step up and help the constables with the training. His last point was he feels Act 235 is not comparable to Act 49 training and recommends not using Act 235 as an acceptable training to replace the constables' firearms qualification requirement.

Ronald Quinn (Constable, Centre County) presented a press release stating PA Fraternal Order of Constables (PAFOC) passed a resolution to endorse a bill to increase in CETA fees if the bill added a CETA fee to every Magisterial District Judge (MDJ) docket number and the bill section on fees must provide fees for two constables for landlord possession and evictions. Mr. Pfau stated he went to a special court meeting and advised MDJs are in favor of having two constables serve evictions.

Daniel Hollenbaugh (Constable, Adams County) discussed the letter Vice Chair Westover presented at the November 2018 Board meeting. He questioned about the CPI and wanted that included in the letter. Mr. Pfau advised there were some changes that needed made to the content and the focus of the letter. Constable Hollenbaugh stated his Association is working hard with legislature to sponsor a CETA fee increase and they are very aware of the problem with the funds. He feels the letter from PCCD and the Board would be the final push to help get the fee increased. His last point was that out of the 1,200 certified constables only 678 did work for the courts. He wanted to know if there was a list from AOPC containing the names of those who do not do work for the courts. Mr. Pfau advised staff already has that information, but there is some data that is still missing, like those who do prisoner transports but do not collect the CETA fee. Constable Hollenbaugh is upset with the constables who go to the training and get certified, but have no intentions to do work for the courts.

Christofer Savage (Constable, Montgomery County) introduced the President, Lou Marcozzi, of the PA State Constables' Association. He thanked the Board members and those who traveled to attend the meeting. He commented on how constables need individual accountability with online training. He would like staff to monitor certification dates and times to help track multiple constables taking the training at one time. He loves the good training constables receive, but thinks there should be more in-depth training that is applicable to the tasks they do. Constable Savage feels the online training is a huge

advance in the future of training. He is concerned with the cost of the online training being split 50/50 between the constables and deputy sheriffs as the number of each group is not 50/50. Mr. Pfau stated the administrative costs will be 50/50. Once the training is running, each Program will be billed accordingly. Ms. Leffler advised timesheets are required of the contractors' staff members. It may not always be split in half. Constable Savage is glad to hear the CETA is still an issue of concern and there is a letter being drafted. He had concern over the projection of the budget in year 2022 as there will be an increased cost in training due to a huge election year in 2021. Constable Savage questioned the accuracy of the data coming back from AOPC due to the questions asked to obtain the data. Mr. Pfau advised the meeting with AOPC will try and clean up some of the data resulting in more accurate information. Constable Savage thinks the Minnesota Multiphasic Personality Inventory (MMPI) should be added to the requirements for firearms certification.

Ronald Quinn (Constable, Centre County) had concern about the data listing constables who are not able to work in their home county, but still work for other counties. Mr. Pfau advised the data does list the counties each constable works in and how many dockets are served for the county. Ms. Leffler stated the Workgroup wanted constables who do not do work for the court to have to pay, whether all or a portion of, the training costs.

Jack Garner (Former Constable, Dauphin County) stated that during the November 15, 2018 Board meeting he was recognized by the Board Chair. He stood up and the Chair told him to sit down as he did not want to hear from a former constable. He feels this is a violation of his constitutional rights. He would like to know what PCCD's policy is on citizens having public voice. He would like to receive a letter back from General Counsel, since they were not present, as to what PCCD's policy is on public voice and on whether everybody could be heard, within reason of time limitation or getting off topic. He thinks constables should be at the same level of training as Municipal Police Officers' Education and Training Commission (MPOETC) and Deputy Sheriffs in the maximum number of training hours. Mr. Garner feels that if constables get back to providing peace keeping services, they can provide a tremendous service to the Commonwealth. He does not understand why constables cannot do school security or mall security. He feels it is not really security, it is peace keeping.

VI. Adjournment:

Vice Chair Westover asked for a motion to adjourn the meeting at 11:24 a.m. A motion was made by Constable Francis Peitz to adjourn the meeting and the motion was second by Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on May 9, 2019 at PCCD's Office in Harrisburg.