

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

**Approved Minutes of the May 9, 2019 Meeting**

**Members Present**

Thomas Brletic, MDJ, Allegheny Co.  
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  
Tracy Beaver, Constables' Program  
John Pfau, PCCD  
Debra Sandifer, PCCD  
Beth Romero, PCCD

**Visitors**

Jeff Watson, IUP  
Deidre Beiter, Temple University  
Anthony Luongo, Temple University  
Robert Harford, Penn State Fayette  
Ted Mellors, Penn State Fayette  
Deb Williams, PCCD

Janice Maruniak, Penn State Fayette  
Daniel Hollenbaugh, Adams Co.  
Joshua Fitting, Adams Co.  
Brian Webster, Perry Co.  
Antione Malloy, Allegheny Co.

**I. Call to Order:**

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

Chair Thomas Brletic called the meeting to order at 9:00 a.m. and asked all to join him in the Pledge of Allegiance.

The first Order of Business was the Election of Officers.

A motion was made by Chair Brletic to nominate Constable John Bruno for Chair and the motion was seconded by Constable Craig Westover.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

A motion was made by Chair John Bruno to nominate Constable Francis Peitz for Vice-Chair and the motion was second by Judge Thomas Brletic.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

Mr. Pfau updated the Board about Major White's retirement back in February and his replacement at the Pennsylvania State Police (PSP) Training Academy, Major Thomas Dubovi, has been appointed into the position. Major Dubovi was unable to attend this meeting, due to prior engagements, but will be present at future meetings. Chair Bruno advised the Board is still without a Court Administrator; which has been vacant since 2016.

## **II. Action Items:**

Chair Bruno asked if there were any questions regarding the February 14, 2019 Board Meeting Minutes. Hearing none, he asked for a motion to approve the February 14, 2019 Board Meeting minutes.

A motion was made by Commissioner Rodney Ruddock to accept the Board meeting minutes of February 14, 2019 and the motion was seconded by Honorable Thomas Brletic.

VOTING AYE: Brletic, 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 March 31, 2019, presented by Beth Romero. The Financial Report can be found on pages 8-13 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 third quarter were \$1,293,842.63. The total funds available as of March 31, 2019 were \$3,493,051.83. Under Expenditures and Commitments, the total cumulative expenditures as of March 31, 2019 were \$1,377,049.18. The total cumulative expenditures and commitments as of March 31, 2019 were \$2,871,491.24 and that includes \$474,137.61 of the Administrative Expenses and Commitments. The total of uncommitted funds as of March 31, 2019 is \$621,560.59.

Mr. Pfau noted for the first time in an extended period, the uncommitted balance is not a negative amount. He stated the reduction in Firearms and Continuing Education hours, as per the guidance of the Board, has given the Program the bulk of the savings. The Program is starting to see the financial benefit of the reductions. The Program also has to close out the previous year's contracts. Once that is completed, additional money will be uncommitted. The next fiscal report will look a lot healthier, but it is still undetermined how long that will last.

A motion was made by Judge Thomas Brletic to accept the Financial Report of March 31, 2019 and the motion was seconded by Constable Craig Westover.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

### **III. Discussion Items:**

The first Discussion Item was the Transition Policy for failures. Ms. Leffler advised this is an update to the Transition Policy which was brought forward from the Workgroup meetings. A constable who fails a basic training, basic firearms, continuing education, or firearms qualification course shall bear the financial responsibility to attend an additional course regardless of the training year in which the failure occurred. This discussion item will be presented as an action item at the August 2019 Board meeting and then taken to the Commission to be added into the Board Regulations.

Commissioner Ruddock commented on how the Program is starting to reduce the financial burden. Some hard decisions must be made to accomplish this task. Judge Brletic, in agreeance, stated the Board has made some necessary difficult decisions that has helped reduce the financial burden on the Program's Fund.

A motion was made by Constable Craig Westover to bring this discussion item back as an action item in August 2019 and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The second Discussion Item was an update on the Workgroup. Ms. Leffler advised the Workgroup met on April 2, 2019 and the focus of the meeting was to create a defined list of constable duties. Board members Constable Westover and Constable Bruno were in attendance. A list was made of duties covered under the Fee Bill and defined in the Statute and a second list containing other duties performed by constables was created. The next Workgroup meeting is May 16, 2019. Constable Westover stated the Workgroup did identify all the different jobs constables are performing and which jobs are being covered by training. Training is not provided for a lot of services constables do across the state. He feels it is important the General Assembly knows how deeply constables are involved in the criminal justice system and how important they are to the courts.

The third Discussion Item was the Administrative Office of Pennsylvania Courts (AOPC) Data Comparison. Mr. Pfau and staff looked at how many constables work for the courts. Data came back from AOPC listing certified constables and how many dockets each constable processed. The data shows of the 1,150 certified constables in 2017, only 742 constables served at least one docket for the courts. The most dockets a constable served was 13,000. Staff then received data for years 2016 and 2018. Staff reached out to Mr. Rob Orth, a statistician consultant for the PCCD, to have the data analyzed. Mr. Pfau stated Mr. Orth went through some of the questions researchers would want to know and what kind of

revenue would be generated for the Board. Mr. Pfau then explained Mr. Orth's methodology and based upon average class costs for both continuing education and firearms, the Board invests money to train constables who in turn bring revenue back into the Training Fund. Staff sampled five constables to look at the variety of work and determine how much money a working constable would put back into the fund. Based upon the numbers, an average constable serves between 700 and 1,000 dockets per year. Mr. Orth looked at the training costs per year, per individual, and revenue to the fund. This gives the Program an idea of how many dockets would need to be served by a constable to have a return on investment. Mr. Pfau and Ms. Leffler met with AOPC to determine what other services are being provided by constables, like prisoner transports, that require a constable to be trained, but do not have the surcharge applied to the service. Commissioner Ruddock asked what is the function of the Board? Is the mission of the Board to make sure the citizens of Pennsylvania are safe and secure, and then what role do the constables play in this mission? Also, at what price does this cost or are the costs whatever they may be? The other angle is if the Board is an organization that operates a business in Pennsylvania, then the Board needs to look at where the money is coming and going. This is where the analysis of the AOPC data is beneficial. Commissioner Ruddock feels there should be a balance between the two functions. He also asked who decides the need of constables? Does the President Judge decide on the number of constables needed for the function of government? If this was the case, the responsibility and accountability would fall back on the President Judge, but there is no responsibility of the constable on any township or borough. Commissioner Ruddock noted, of the five constables sampled, only two, or 40 percent, met their standard of training costs by serving enough dockets to offset the training costs; 60 percent of the constables did not meet that training standard of revenue to offset their expenses. If staff look at a three-year period for a constable and that constable is not bringing in the revenue to support the training expense, then the constable should be held financially accountable. Constable Westover wants the Board to look at constables paying to attend the 80-Hour Basic Training and bring back the idea of non-constables being able to pay to attend the 80-Hour Basic Training. Ms. Leffler advised the Board did away with non-constables attending Basic Training as they were taking seats away from constables who had a valid term of office.

A motion was made by Constable Craig Westover for the Board and staff to develop the regulations and policies necessary to make an elected or appointed constable or a non-constable eligible to attend Basic Training and Basic Firearms must pay for the expense of class, starting in 2020, and the motion was seconded by Judge Thomas Brletic.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Judge Brletic asked where staff were at in giving active police officers, who are constables, a waiver for their firearms certification. Ms. Leffler advised the waiver was for new constables who were already either Act 235 or Act 120 certified. Mr. Pfau advised the Board did away with this waiver as Municipal Police Officers' Education and Training Commission (MPOETC) has a recommended course of fire, not a mandatory course of fire. Each department across the state could shoot a different qualification course of fire. She provided an example of a constable who successfully passed the waiver exam for Basic Training and double failed the qualification course this year.

A motion was made by Constable Craig Westover that starting in year 2020, a constable entering Basic Training would be required to, at their own cost, provide a psychological exam and the motion was seconded by Judge Thomas Brletic.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

#### **IV. Informational Items:**

The first Informational Item was an update on the 4-Hour Annual Qualification. Ms. Leffler advised 58 annual classes were scheduled, with a maximum of 20 students per class, for a total of 1,160 spots available. 273 constables have taken the 4-Hour Annual Qualification class. Of those constables, 251 successfully qualified and 16 constables failed, one of whom was a second class failure. Of the 16 failures, three failed Phase 1 on two attempts, thirteen failed Phase 2 on two attempts, one constable was a no show, two constables had malfunctions, and 3 constables were excused. There are 38 classes remaining, with 119 spots still available for failures. There were five first time failures on the annual firearms written test. Ms. Leffler advised the courses are finishing up early, not needing the full four hours. Constables are coming to the class prepared to shoot the qualification course. There is no remediation for constables who fail a phase of the Qualification Course of Fire.

The second Informational Item was an update on the Online Training presented by Mr. Pfau. Staff is in the process of executing a contract with a vendor to provide a Learning Management System (LMS) and is working with Penn State-Fayette to develop the curriculum. Penn State-Fayette is converting previously developed curriculum to an online format so it can be uploaded easily onto the LMS. The next step is the integration of the LMS and CCETS. Mr. Pfau feels the Program is on target to get the one online module started for constables in year 2020. Classroom modules for 2020 will consist of the Perry County shooting and judgmental use of force shooting with the Laser Shot trainers.

The third Informational Item was the Status of Certifications presented by Ms. Leffler to the Board. As of April 15, 2019, there were 1,071 constables and deputy constable currently listed as active and certified. Of these, 881 or 82% 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 4,583 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

Before moving to Public Voice, Judge Brletic recognized Ted Mellors' retirement from Penn State-Fayette in June 2019. Mr. Mellors has worked with the Program since its inception. Judge Brletic thanked Mr. Mellors for everything he has done for the Program over the years.

## **V. Public Voice:**

Brian Webster (Constable, Perry County) thanked Judge Brletic for his service as the Chair last year. Constable Webster recently attended the 4-Hour Annual Qualification Course and enjoyed the structure of the class. He feels the psychological examination and a background check is a good idea for constables. Vice-Chair Peitz advised Allegheny county does background checks on all county constables.

Daniel Hollenbaugh (Constable, Adams County) also thinks psychological exams and background checks are a good idea for constables. He is in support of constables paying to attend the Basic Training. There are many constables who do not do any court work, but earn their living from being a constable. Constable Hollenbaugh advised his county's President Judge makes it a requirement that constables go through the Mandatory Child Abuse reporting classes. He also questioned the survivor rate of new constables who go through Basic Training but do not seek recertification the following year or work for the courts.

Joshua Fitting (Constable, Adams County) is in support of making constables pay for the Basic Training; however, if a constable fails the course, he would like the Board to reconsider making a constable pay for the Basic Training failure. Constable Fitting also supports the psychological exam. He took his mandatory reporting training online and this could be offered as a prerequisite to the Basic Training class. He also informed his township has access to training money at the end of a year to give to local businesses in the form of grants. He feels a township might be able to sponsor a constable to help reduce the financial burden.

Antione Malloy (Allegheny County) does not think Act 235 should be considered with Act 49 training. He feels there would be a lot of backlash from the constabulary for the psychological exam. He is in support of requiring constables to pay for Basic Training. He also suggested constables should be financially responsible for a portion of the annual updates.

## **VI. Adjournment:**

Chair Bruno asked for a motion to adjourn the meeting at 10:40 a.m. A motion was made by Constable Craig Westover to adjourn the meeting and the motion was second by the Vice-Chair Francis Peitz.

VOTING AYE: Brletic, Bruno, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on August 8, 2019 at PCCD's Office in Harrisburg.