

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

Approved Minutes of the November 4, 2021 Meeting

Members Present

Chair John Bruno, Constable,
Dauphin County
Craig Westover, Constable, Venango Co.
Vice-Chair Francis Peitz, Constable,
Allegheny County
Major George Bivens, PA State Police
Patricia Norwood-Foden, Court Admin,
Chester County

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Beaver, Constables' Program
Nicholas Hartman, Constables' Program
Sally Barry, PCCD
John Pfau, PCCD
Theresa Ford, PCCD
Megan Staub, PCCD
Debra Sandifer, PCCD
Diane Morgan, PCCD
Beth Romero, PCCD

Visitors

Steve Shelow, PSU JASI
Deidre Beiter, Temple University
Tony Mucha, PSU JASI
Anthony Luongo, Temple University

Constable-Elect Scott Davis, Dauphin County
Constable-Elect Abraham Smith,
Westmoreland County
Constable-Elect Michael Ludwig,
Montgomery County
Constable-Elect Charles Rodgers, Schuylkill County

Please note, additional Constables were attending the Board Meeting, but did not elect to be recognized.

I. Call to Order:

The Constables' Education and Training Board (Board) meeting was held at 9:00 a.m. on Thursday, November 4, 2021 via in-person, and Teams. The Board Meeting was held in a hybrid style according to the Sunshine Act to make in-person an available option.

Rollcall was introduced by Chair Bruno, and quorum was established with Chair Bruno, Constable Craig Westover, Vice-Chair Francis Peitz, Major George Bivens, and Ms. Patricia Norwood-Foden.

PCCD Staff were introduced by Ms. Sherry Leffler.

Chair Bruno read the declaration from the Pennsylvania Senate reappointing Constable Craig Westover to the Constables Education and Training Board for another three-year period.

II. Action Items:

Chair Bruno introduced the first Action Item: Unapproved Draft Minutes of August 12, 2021 Meeting. This can be found on pages 3 through 8 of the Board packet. The Board did not request the item be read and did not offer any discussion. There was no comment by Public Voice. Chair Bruno made a motion to approve the Unapproved Draft Minutes and seconded by Ms. Norwood-Foden.

VOTING AYE: Peitz, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Bruno introduced the second Action Item: Unapproved Financial Report for November 4, 2021. This can be found on pages 9 through 13 of the Board packet. Ms. Beth Romero provided the balance from the previous year as \$2,478,756.38, reported that from fee collections for July 1, 2020 thru September 30, 2021 as \$301,721.85 which leaves a total funds available as of September 30, 2021 of \$2,780,478.23. Both the financial expenditures and financial commitments totaled \$185,268.52, and \$2,219,768.21 respectfully as of September 30, 2021 for a grand total of \$2,405,036.73. The uncommitted balance as of September 30, 2021 was \$375,441.50. The Board did not offer any discussion. There was no comment by Public Voice. Chair Bruno then asked for a motion to approve the Unapproved Fiscal Report for November 4, 2021. This motion was made by Vice-Chair Peitz and seconded by Major Bivens.

VOTING AYE: Peitz, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Bruno introduced the third Action Item: Approval of Revised Instructor Policy. This can be found on pages 14 through 25 of the Board packet. Ms. Leffler introduced the policy and explained that changes were made on the policy to keep language in line with terms used by the Bureau of Training Services. Ms. Leffler also explained clarifying language was added regarding the use of Constables as instructors, Constable Instructor testing of the materials regarding continuing education, and firearms. Ms. Leffler explained that Ms. Sandifer had reviewed and approved the documented changes. There were no comments made by the Board. There was no comment by Public Voice. Chair Bruno asked for a motion of the revisions. Ms. Norwood-Foden made the motion, with Chair Bruno seconding the motion.

VOTING AYE: Peitz, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Bruno asked Ms. Leffler to introduce the fourth Action Item: Act 233 Stipend Payment. This can be found on page 26 of the Board packet. Ms. Leffler recommended due to the health of the fund, that no payments be made under Act 233 be made for training year 2020-2021. Ms. Norwood-Foden asked what the required amount of money would be needed to be present in the fund for future payments to be allowed. Ms. Leffler said there is not an exact figure, but that it depends on the health of the fund. Mr.

Pfau explained that the drop-in revenue from courts being closed also had a direct impact on the health of the fund. There was no comment by Public Voice. Chair Bruno asked for a motion. Major Bivens made the motion, and Vice-Chair Peitz seconded the motion.

VOTING AYE: Peitz, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Bruno introduced the fifth Action Item: 2022 Board Meeting Schedule. Chair Bruno asked Ms. Beaver to go over this item. This can be found on page 27 of the Board packet. Ms. Beaver explained that the Board Meetings would consist of a hybrid function, as to follow the Sunshine Act. Chair Bruno asked for a motion. Constable Westover made the motion, with Ms. Norwood-Foden seconding.

Constable-Elect Davis asked if it were possible to have guides, or meetings to help new Constables navigate enrolling into CCETS. Mr. Pfau explained that Program Staff provides a document to new Constables addressing the concern that Constable-Elect Davis was asking, and that this information is provided when a new Constable reaches out to Program Staff to begin enrollment in the CCETS system. Ms. Leffler added that additional information regarding Basic Training could be found on the PCCD website. There was no comment by Public Voice. Ms. Norwood-Foden provided that a Constable can reach out to the Court Administration Officer that deals with minor judiciary that may have information specific to the Constable's county.

VOTING AYE: Peitz, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Bruno introduced the sixth Action Item: Request for Exception to Board Regulation for Recertification. This can be found on pages 28 through 29 of the Board packet. Mr. Pfau explained that staff received a request for exception by Deputy Constable Thomas Pauley for recertification. Deputy Constable Pauley was initially certified by completing Basic Training in May of 1999, with his certification expiring in December of 1999. Deputy Constable Pauley applied for a Law Enforcement waiver and was denied on July 1, 2021 due to Board Regulations citing a lapse of more than 5 years of being appointed. At the August Board Meeting, Deputy Constable Pauley asked for a reconsideration of the Board decision. Mr. Pfau explained that he, and Ms. Leffler worked on creating an information document regarding Training Waiver Information. The document goes back to 1996. From 1996 to 2021, there have been 156 Waiver Applications received, with 96% of the applications being accepted; and 134 of the 156 took the exam, with 94% passing the exam. The average score was a 76. Mr. Pfau explained only five (5) Waiver Applications were denied, and four (4) was for the same reason that Deputy Constable Pauley was denied the Waiver Exam. Mr. Pfau explained that the motion is to deny Deputy Constable Pauley a request for exception. There was no comment by Public Voice. Chair Bruno made the motion, with Constable Westover seconding.

VOTING AYE: Peitz, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

III. Discussion Items:

Ms. Leffler introduced that she will be providing a Supervisor's Report at each Board Meeting, which will provide the Board with an update of what activities Program Staff are working on towards the benefit of the program.

Ms. Leffler introduced statistics regarding Continuing Education to the Board, of 62 training classes scheduled, with 30 being held, and 27 canceled. These statistics were as of November 1, 2021. For Online Classes: Cultural Diversity is 54%, or 608 completions; Effective Communication is 49%, or 556 completions; Ethics is 47%, or 525 completions. There were only 306 Constables who were required to complete only the Online Classes to retain certification, with only 140 having completed all three classes. Ms. Leffler provided a reminder that the due date to complete classes is quickly approaching.

Ms. Leffler introduced statistics regarding Annual Firearms to the Board, of 47 classes scheduled, with 38 being completed, and 9 canceled. 684 Constables had successfully completed Annual Firearms with their primary weapon, or primary, and secondary weapon. There was a 6% total failure rate of annual qualifications.

For the 2022 training schedule, Temple, and PSU- JASI are currently working on entering the classes into the CCETS system. Ms. Leffler explained that Ms. Beaver will be working on the training document that will have the classes listed, and it will be posted/mailed for the Constable population to view. The email regarding training enrollment will be sent out on December 6, 2021 for Constables to enroll into 2022 training classes.

All Constables will need to enroll into an 8-Hour Continuing Education class, which will also include three online Continuing Education classes for 12-Hours. (This total is 20-Hours of Continuing Education for the 2022 year.) All Constables, whom wish to retain their firearms certification in 2023, will need to enroll into a 5-Hour Annual Firearms Qualification course.

Ms. Leffler explained that there are currently three Basic Training classes scheduled: one in the East that will run Monday through Friday for two weeks, and two in the West that will run Friday night, Saturday, and Sunday for four weekends. More information can be found in the 2022 Training Schedule. There will be Basic Firearms Courses (four, in total) following each Basic Training Courses for new Constables to enroll into, and there has been a fourth Basic Firearms course added to accommodate the number of potential Constables due to Basic Firearms being a smaller class size.

Program Staff will be printing the Constable Certification Cards the week of December 10, 2021 and will be mailing them after they are printed. Ms. Leffler also reminded Constables to please submit their Certificates of Election into staff as soon as possible, so that the card will be printed. If Program Staff do not have the new Certificate of Election, then a new Constable ID Card cannot be issued, even if training requirements have been completed. Also, if the Certificate of Election has not been updated, a Constable will lose access to the CCETS system as of December 31, 2021. Not having a new Certificate of Election

submitted will also impact a Constable into not being able to enroll into Continuing Education and Annual Firearms, if the Constable is currently Firearms certified.

Ms. Leffler also explained that PCCD would be hosting an Instructor Update for Expandable Baton, OCAT, and MOAB December 1, 2, and 3, 2021. It is anticipated to be over 20 instructors. An Informational Session will be presented for the instructors regarding the 8-Hours of Defensive Tactics that will be presented as the classroom training in 2022.

Ms. Leffler explained there are 912 Constables, and Deputy Constables who are active, and certified. 728 of the 912 Constables, and Deputy Constables are Firearms Certified. 4763 Constables have either completed the Basic Training or passed the Waiver Exam through the life of the program. There are only 46 active, and certified Constables for 2022, and 34 are Firearms Certified. Of the 912, 866 have a Term of Office that will expire on December 31, 2021. Ms. Leffler asked that the Constable population please be patient with Program Staff as they will be busy processing Certificate of Elections, and Liability Insurances.

Ms. Norwood-Foden asked if Certificate of Elections had to be faxed, and Ms. Leffler clarified that they can be faxed, or scanned, and sent to Bureau of Training Services. Ms. Leffler discouraged mailing Certificate of Elections.

Ms. Norwood-Foden asked what the capacity of the Basic Training classes would be, and Ms. Leffler said the capacity, at that time, was 25 students in a class, with the cost being \$1,125.00; which is due prior to enrollment. Ms. Leffler did add, that if Program Staff need to increase a class size, Program Staff can increase to 30, if the increase is not maxing out the capacity of the location.

Mr. Pfau added that if a Constable knows that they are not planning on running again, or is planning on letting their term expire, to please alert Program Staff. This information will help Program Staff better prepare for Basic Training availability. Mr. Pfau reiterated that Program Staff has received some feedback about Constables who are not returning but alerting Program Staff will be useful. Chair Bruno asked if any of the Constables in attendance are part of any of the Constable Associations, and if they could pass along Mr. Pfau's request. Chair Bruno said that he would take this request to Constable Associations. Chair Bruno also praised Program Staff for their hard work regarding training.

IV. Informational Items:

Chair Bruno asked Ms. Staub to introduce the training subjects for the 2022 Continuing Education classes which is the 2022 Curriculum Overview.

Ms. Staub explained that the subjects were determined by Program Staff, and that Program Staff worked with Subject Matter Experts on the creation of the materials. Ms. Staub explained that Program Staff meet with a Curriculum Developer to identify who would be the Subject Matter Experts for the trainings. The Curriculum Developer works with the Subject Matter Expert to meet benchmarks to ensure the completion of the subject. Program Staff will vet the content at various points to ensure that the materials are relevant to Constables and meet the vision of the subject. This process can take 12-14 months from start to completion. Ms. Staub said course descriptions can be found in the Board packet on pages 30 through 31. Chair Bruno asked if there were any questions, and Constable Westover had a question regarding how far in advance is Program Staff with selecting the subjects that will be trained. Mr. Pfau

stated that Program Staff is not, but if the Board wanted to identify subjects for future years, a work group could be created. Mr. Pfau also explained that Legal Updates would need to be considered. Constable Westover agrees that a work group would be beneficial, and requested that it be Constables who are active, and are currently working who should be included in the group.

Chair Bruno asked were Constables involved in the process of creating the Continuing Education classes. Mr. Pfau explained that the primary Subject Matter Expert for Service of Criminal Warrants is an active Constable. Mr. Pfau explained that Constables have been used in the past, as well as Board Members when it came to the creation of the materials used in the Continuing Education classes. Chair Bruno asked that Board Members also be a part of the creation process for Continuing Education. Mr. Pfau said that Board Members could be a part of the work group that Constable Westover referenced.

Ms. Leffler provided information regarding Training Grievances that had occurred during the 2021 Training Year. This information can be found on page 32. Three Act 49 Grievances were filed. Grievance 1, and Grievance 2 were regarding the denial of a Law Enforcement Waiver Exam, and Grievance 3 was regarding “No Show” Absences for Annual Firearms Courses, and lapse in certification. The Constable was asking to be able to attend an Annual Firearms, versus having to retake Basic Firearms. The outcomes of the Grievances are explained on page 32.

Ms. Leffler provided an update regarding Law Enforcement Training Waiver Application Update. This can be found on page 33. No waiver applications were received in 2019. Program Staff received five Law Enforcement Waiver Applications in 2020, and 2021. Two of the five applicants have taken the waiver examination and passed.

V. Other Business:

Chair Bruno introduced Other Business.

Constable Westover explained that his insurance carrier, Capitol Indemnity (which is a carrier that other Constables use), will no longer be writing Commercial Packaged Insurance plans in the state of Pennsylvania. Constable Westover’s concern is that this will impact Constables with insurance renewal. Chair Bruno asked if Constable Westover is looking for other insurance companies. Constable Westover explained he was surprised that this was happening and wanted to make other Constables aware of Capitol Indemnity planning on dropping the package. Mr. Pfau explained in the past Program Staff has reached out to the Insurance Commission to find insurance carriers who provide the type of insurance that Constables need to complete their job and provide the list of providers in Pennsylvania. Mr. Pfau also stated that the largest turnover date of insurance happens in February.

Constable Westover asked for clarification regarding Ms. Leffler’ statistics regarding the completion of in-person classes, and Annual Firearms, but did not complete the online subjects. Ms. Leffler estimated that 40% of all Constables did not complete the online subjects. Constable Westover observed that near the end of the calendar year, staff becomes inundated with Constables taking all the classes at once before the date of the online subjects closed. Constable Westover asked would it be possible with the technology, in the future, to make it required that Constables complete the online courses before being able to enroll into their Annual Firearms, or in-person training component of Continuing Education to avoid Constables waiting until the end of the year to complete their online training component of Continuing Education. Ms. Leffler explained that she could see the same problems occurring with Constables waiting to take the

online courses, and that this would impact Program Staff by needing to extend the training year to accommodate Constables to be able to complete the required trainings. Constable Westover explained that his thought was by having a deadline it would help Program Staff with knowing how many in-person Continuing Education classes to schedule, and to have a better idea of the number of Constables whom would be returning. Constable Westover also added the point that there are Constables who have taken Annual Firearms and completed the in-person component of Continuing Education but will be retiring at the end of the year. Constable Westover explained that his idea of having to take the online training component first would eliminate the ability for Constables whom are not returning to take up spaces in the in-person classes, and Annual Firearms. Ms. Leffler confirmed that this has happened. Ms. Leffler also explained that counties are not alerting Program Staff as to when a Constable is leaving office. Mr. Pfau offered that this subject will be discussed in the workgroup that's focused on long term decisions regarding Continuing Education. Ms. Leffler explained that projections are used to ensure that enough spaces are available for Constables to attend in-person training, and Annual Firearms, for those who are certified. Ms. Leffler also reiterated that over half of the Continuing Education in-person classes were cancelled this year due to not meeting the required number of Constables to hold the class. Mr. Pfau added that cancelled classes do not incur a cost to the Bureau of Training Services. Constable Westover added that his questioning came from the health of the CETA Fund and based on the Fiscal Report of the amount of money that was collected during the First Quarter, and if funds would be back to the level of collections pre-COVID.

Ms. Norwood-Foden was able to attend Every Constable's Worst Nightmare and provided feedback that the training would be of use to Magisterial District Judges (MDJ). Ms. Norwood-Foden had reached out to the Minor Judicial Training Board and recommended that they use the training in their 2022-2023 Education Year. Ms. Norwood-Foden said that if she receives any feedback from the Minor Judicial Training Board, that she will pass the information along to Ms. Leffler. Ms. Norwood-Foden said that the training would be useful for MDJs to understand what happens, and the risks that can occur during an eviction. Ms. Norwood-Foden also mentioned how the fee bill allows for a second Constable to be in attendance of an eviction as authorized by the MDJ who is ordering the eviction to occur.

Constable Bruno, speaking as an individual Constable and not as Chair of the Constables' Education and Training Board, provided feedback regarding the Diversity in the 21st Century online subject. Please note that Constable Bruno's comments do not reflect the opinions of the Constables' Education and Training Board, or PCCD/PCCD Staff. Constable Bruno felt that the materials presented were political in nature. Constable Bruno questioned examples being used, as he felt that they were not supportive of Law Enforcement. Constable Bruno questioned the depth of the training, and why it was important that culture, and diversity were explained as heavily as they were, rendering the education of the online class ineffective. Constable Bruno felt that how the materials were presented made it difficult for Constables to apply the education to their practices. Constable Bruno questioned how the materials had any application in Continuing Education. Constable Bruno had reached out to other Constables for feedback and said that he did not receive any positive feedback. Constable Bruno provided the quote "Bro. If I told them what I really thought of this training. It becomes part of my record, and if I am ever involved in a critical incident or situation where I had to use deadly force. Those comments could be used against me." Constable Bruno then compared the training to indoctrination rather than it being useful training. Constable Bruno asked one of two follow-up questions: Are Constables feedback a part of their permanent record? Mr. Pfau stated he had been with the program since it has started and has seen many types of criticisms of training none of which has ended up in a Constable's permanent record. Constable Bruno said he felt that it (Constable's feedback) has not been effectively communicated to the Constable population, and that

Constables can freely give it (feedback). Mr. Pfau explained that BTS has worked on letting Constables know they can provide feedback (and that it is not part of their permanent record), but it is a difficult perception to overcome. Constable Bruno recommended that trainings be viewed by the Board before going live, so that the Board can determine if they are “controversial,” and be discussed at the Board level because this cannot be determined by a description of the class. Ms. Norwood-Foden asked if Learning Objectives are presented ahead of time. Mr. Pfau said no, due to it being more of a concept, and the product is being completed. Mr. Pfau explained developing trainings can be tricky due to statutes that are not always clear, and what the role of the Constable is, or there may not be enough material that will occupy the four hours of training.

VI. Public Voice:

There were no requests to make Public Voice.

. Adjournment:

Chair Bruno asked for a motion to adjourn the meeting at 10:17 a.m. A motion was made by Vice-Chair Peitz to adjourn the meeting and the motion was second by Ms. Norwood-Foden.

VOTING AYE: Bruno, Westover, Norwood-Foden, Bivens, Peitz

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

The next Board meeting will be held on February 10, 2022 at 9 a.m. via Teams, and in-person at PCCD.

