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

Approved Minutes of the February 9, 2023 Meeting

Members Present

Chair Craig Westover, Constable, Venango Co.
Major William Cawley, PA State Police
Patricia Norwood-Foden, Court Admin,
Chester County
Francis Peitz, Constable,
Allegheny County
Harry Albert, Constable,
Lebanon County
Honorable Wilden Davis, Delaware County

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Beaver, Constables' Program
Nicholas Hartman, Constables' Program
John Pfau, Constables' Program
Dorthey Jacobelli, PCCD
Theresa Ford, PCCD
Megan Staub, PCCD
Sally Barry, PCCD
Debra Sandifer, PCCD
Rob Orth, PCCD
Charles Gartside, PCCD

Visitors

Steve Shelow, PSU JASI
Tony Mucha, PSU JASI
Anthony Luongo, Temple University
Constable David Kneller, Lebanon County
Constable Terry White, York County
Constable Talaura Gonzalez, Berks County
Constable Abraham Smith, Westmoreland 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, February 9, 2023 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.

Chair Westover explained that the meeting is being recorded. Chair Westover established that a quorum of Board members was established. However, the video cameras were not functioning.

II. Introductions:

Chair Westover introduced the newest Board members and gave each new Board member a chance to provide some of their history.

Major William Cawley provided his history as a Pennsylvania State Trooper which contains his background of working at the academy, research, and development, and being stationed at various Troop Barracks across the eastern part of the state.

Honorable Walden Davis provided his history of serving Chester County as a Magisterial District Judge, and prior to being a Judge, worked in Adult Probation.

Constable Harry Albert from Lebanon County provided history as both a Constable, and a small business owner. Mr. Albert has background in finances.

Ms. Sherry Leffler asked for a role call to establish a quorum, and all Board members are present. Ms. Leffler asked Pennsylvania Commission on Crime and Delinquency (PCCD) Staff introduce themselves.

III. Election of Officers:

Ms. Leffler introduced the Election of Officers. Ms. Leffler asked for a nomination for Board Chair, and Ms. Norwood-Foden, nominated to reappoint Chair Westover as the Chair, and this was seconded by Constable Albert.

VOTING AYE: Peitz, Norwood-Foden, Albert, Cawley, Davis

VOTING NAY: None ABSTAINING: None

Chair Westover was reappointed as the Board Chair for 2023.

Ms. Leffler asked for a nomination for Vice-Chair, and Chair Westover, nominated Ms. Norwood-Foden as the Vice-Chair, and this was seconded by Constable Albert.

VOTING AYE: Peitz, Westover, Albert, Cawley, Davis

VOTING NAY: None ABSTAINING: None

Ms. Norwood-Foden was elected the Vice-Chair for 2023.

IV. Action Items:

Chair Westover asked Ms. Leffler to introduce the first Action Item: Motion to Deny Request for Exception which can be found on page 3. Ms. Leffler explained that the Board had met and discussed the issue during Executive Session, where the Board agreed to deny the exception. Ms. Leffler explained that Program Staff is asking that the Board make a motion of denial in an open Board meeting.

Chair Westover made the first motion for the Action Item: Motion to Deny Request for Exception, and Vice-Chair Norwood-Foden seconded the motion.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden

VOTING NAY: None ABSTAINING: Cawley

The motion passed.

Chair Westover asked Ms. Leffler to introduce the second Action Item: Motion to Restrict Constable from Basic Training, regarding an incident that occurred during a 2022 Basic Training. Ms. Leffler explained that this was also discussed at Executive Session, and that Program Staff is requesting that the individual be restricted from attending any 80-Hour Basic Training Courses in 2023. This individual would be permitted to attend an 80-Hour Basic Training Course in 2024, after receipt of the required class payment. Ms. Leffler explained that Program Staff is asking that the Board make a motion in an open Board meeting.

Vice-Chair Norwood-Foden made the first motion for the Action Item: Motion to Restrict Constable from Basic Training, and Constable Albert seconded the motion.

Constable Terry White from York County asked why the Constable's name was not listed, and Mr. John Pfau explained it was recommended by Legal Counsel to not mention the individual constable's name.

Constable Talaura Gonzalez from Bucks County asked if this decision was applying to all new Constables, and Chair Westover explained the restriction was only happening to this one Constable.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: None

The motion passed unanimously.

Chair Craig Westover asked Mr. Nicholas Hartman to introduce the third Action Item: Unapproved Draft Minutes of February 9, 2023 Meeting, which can be found on pages 5 through 16 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.

Constable Peitz made a motion to approve the Unapproved Draft Minutes, with Vice-Chair. Norwood-Foden as the second.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the fourth Action Item: Unapproved Fiscal Report for February 9, 2023. This can be found on pages 17 through 22 of the Board Packet.

Ms. Jacobelli provided the balance from the previous year as \$3,086,320.04, reported that from fee collections for July 1, 2021 thru June 30, 2023 as \$726,935.76 which leaves a total funds available as of December 31, 2022, of \$3,435,410.48. Both the financial expenditures and financial commitments totaled \$474,952.93 and \$3,143,043.14 respectfully as of December 31, 2022 for a grand total of \$3,617,996.07. The uncommitted balance as of December 31, 2022 was \$195,259.73.

Chair Westover then asked for a motion to approve the Unapproved Fiscal Report for February 9, 2023.

The motion to approve the Fiscal Report was provided by Vice-Chair Norwood-Foden and seconded by Major Cawley.

Chair Westover asked to draw attention to Page 20 of the Board Packet to discuss the revenues received this year, and the projection for the 2023 year. Chair Westover addressed the concern of the Board being able to spend monies due to the Department of Revenue having restrictions on monies available before the Department of Revenue limits spending. Mr. Pfau said that he did not know the number, but that the Program is required to list off all commitments in the budget, but also made clear that not all of the money may be used by that specific commitment, and any unused money comes back to the Program at the end of the budget period. Mr. Pfau said that Program Staff will meet with fiscal to determine what the drop-dead number is for spending. Mr. Pfau also explained that the forecasting with training also impacts the amount of committed monies to be spent, and that Dr. Robert Orth's presentation may shed some light on the Fund projections. Chair Westover addressed how he has been challenged on the money and knows Department of Revenue can freeze accounts. Mr. Pfau added that it is a balance between what can we afford, versus what is coming into the fund. Mr. Pfau provided the example that a new election cycle increases the number of 80-Hour Basic Training Courses. Ms. Leffler also explained where on the PO Listing to find the liquidation of funds not spent. Mr. Pfau also explained that Program Staff has not paid the full amount on any contract due to classes being cancelled. Chair Westover asked about Alutiiq and Mr. Pfau explained that is the Curriculum Manager, Ms. Megan Staub's contract and that Ms. Staub is very busy with both the Constable and Sheriff's Curriculum. Constable Albert asked if we are looking at actual versus allocated costs. Mr. Pfau explained that Program costs are both.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the fifth Action Item: Weapon Mounted Optics at Basic Training Courses, which can be found on page 23 of the Board packet. Mr. Pfau explained that at the August Board meeting this topic was presented to the Board, and that the Board had decided to not allow Weapon Mounted Optics at the 40-Hour Basic Firearms Training Courses. Mr. Pfau explained that some Constables are attending Basic Firearms with no formal training, and that the Board views

using "iron sights" as a fundamental learning tool for firearms. Mr. Pfau explained that weapon mounted optics can fail, and how would a Constable adapt to the failure of their optics. Mr. Pfau explained that if the Board is recommending that it should be an Action Item to be voted upon. Chair Westover also voiced his concerns about optics at Basic Firearms and provided experience as a Firearms Instructor. Chair Westover explained his philosophy that optics are an advanced skill, and that a Constable needs to show that they are able to handle their firearm at the basic of levels. Mr. Pfau explained that Program Staff have updated the Range Sheet that are used at the Annual Firearms Qualification Courses, so that Program Staff can track the number of optics currently being used during qualifications. Chair Westover explained that Firearms Instructors would need to attend a Firearms Course on the use of optics to be able to teach how to use optics. Chair Westover asked Major Cawley for his opinion, and Major Cawley agreed with Chair Westover's concern that the optics may not always work. Judge Davis differed to Chair Westover, Major Cawley, and Mr. Pfau based on their knowledge of firearms. Vice-Chair Norwood-Foden also agreed to differ. Constable Albert agreed with the suggestion of not allowing at the 80-Hour Basic Firearms Training but allowing at Annual Firearms Qualifications. Constable Peitz agreed with Constable Albert.

The motion to approve the denial of weapon mounted optics at Basic Training was provided by Judge Davis and seconded by Constable Albert.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the sixth Action Item: Approval of Revised Board Regulations, which can be found on page 24 of the Board packet.

Ms. Leffler explained that the edits have been brought to the Board for approval over the past year and that all of the requested edits, and suggestions have been completed. Ms. Leffler is asking that the Board approve this final product so that the Regulations can begin the internal review process at PCCD. Ms. Leffler explained any of the edits that come from the internal review at PCCD will be presented back to the Board for approval. Ms. Leffler explained that this review process may take a year to complete. Chair Westover explained that the changes to the Regulations were more to keep language consistent, and Mr. Pfau said yes.

The motion to approve the changes was made by Vice-Chair Norwood-Foden and seconded by Constable Peitz.

Constable Abraham Smith from Westmoreland County asked if the proposed changes were available in the Board Packet. Mr. Pfau explained that there is a specific process that must be followed, and that the proposed changes will be made available in the future for public comment.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Vice-Chair Norwood-Foden thanked Program Staff for their work regarding the changes to the Regulations.

Chair Westover introduced the seventh Action Item: Act 233 Stipend Payment, which can be found on page 25 of the Board packet.

Ms. Tracy Beaver read the history of Act 233 and explained that due to the health of Constable Education Training Act (CETA) fund, and that the request is made annually to the Board for the Act 233 Stipend Payments. Program Staff is asking that the Act 233 Stipend Payments be suspended until the CETA fund is stable and healthy enough to provide these payments.

The motion to deny Act 233 Stipend payments was made by Chair Westover and seconded by Major Cawley.

VOTING AYE: Peitz, Westover, Albert, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: Davis

The motion passed.

Chair Westover introduced the eight Action Item: Instructor Certifications.

Ms. Beaver was asked to introduce the PSU-JASI instructors for Board approval: Neil Fry (PSU-JASI – General, Physical Skills, and Firearms); Garrett Kimmell (PSU–JASI – General, Law, Communications and Firearms); Alexander Lee (PSU-JASI – General, Communications, Physical Skills, and Firearms). Mr. Hartman was asked to introduce the Temple instructors for Board approval: Louis Csaszar (Temple – General, Physical Skills, and Firearms); Trevor Daddis (Temple – General, Communications – Crisis Intervention, Physical Skills – OCAT, and PPBT, and Firearms), and Mark Titus (Temple – General, and Firearms). All the instructor candidates met the requirements for Board certification to teach their requested topics.

Chair Westover made the motion for approval, with Vice-Chair Norwood-Foden seconded the motion.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: None

The motion passed unanimously.

V. Discussion Items:

Ms. Leffler introduced the first Discussion Item: Constables' Program Supervisor's Report.

Ms. Leffler introduced statistics as of February 7, 2023, regarding the 2023 Continuing Education Courses: 38 training classes scheduled, with 1 being completed, and none canceled. Program Staff is working with Temple to receive online grades.

Ms. Leffler introduced statistics regarding the 2023 Annual Firearms Qualifications to the Board: 43 classes scheduled, with none being completed, and none canceled as the first class happens after the Board Meeting. 502 constables are currently enrolled into Annual Firearms.

Ms. Leffler explained that there are currently six Basic Training classes scheduled: SE01BT23, with 19 enrolled, and 1 make-up (whom completed his make-up, and is now certified); SE02BT22, with 4 enrolled; NE01BT23 with 10 enrolled, and 1 make-up; SW01BT23, with 30 enrolled; SW02BT22, with 1 enrolled; and NW01BT23 with 1 enrolled. Ms. Leffler explained that Program Staff will be meeting to discuss the consolidation of the smaller classes due to low enrollment. Mr. Pfau explained that Program Staff will reach out to the individuals affected by the class consolidation and offer them a Course at a different location.

There will be four 40-Hour Basic Firearms Training Courses following each Basic Training Course. The first Basic Firearms Training Course, SW01BF23, had 16 successful completions, and 1 failure. The last three Basic Firearms Courses are currently accepting enrollments, SE01BF23 with 4 enrolled, SW02BF23 with 2 enrolled, and NE01BF23 with 1 enrolled.

Ms. Leffler provided the statistic that Program Staff have processed over 300 class payments for Basic Training, Basic Firearms, No Shows, and Failures in 2022.

Ms. Leffler reported that as of February 7, 2023, there are 805 certified constables and deputy constables. 611 of the 805 are firearms certified and a total of 4,765 constables and deputy constables have either completed the Basic Training or passed the Waiver Exam since 1996.

Chair Westover asked how does the 805 certified constables compare to the numbers from last year, and Ms. Leffler explained that she does not know the exact number but believes that the number is down by at least 100. Mr. Pfau also explained that a drop occurred during COVID, and established constables were lost during the election cycle.

VI. Informational Items:

Mr. Pfau introduced Dr. Robert Orth, and Mr. Charles Gartside, explaining their background is in data, and analysis. Mr. Pfau explained that the Program worked with Administrative Office of Pennsylvania Courts (AOPC) to obtain constable-docket data. Mr. Pfau explained this is the second round of data requested from AOPC.

Dr. Orth provide basic introduction of how CETA funds are collected and used to provide trainings to constables. Dr. Orth explained that a multi-pronged approach will be used to look at constables, dockets, and potential collection fees. Dr. Orth explained what type of data was received as in dockets, constable number, etc.

Dr. Orth explained the re-certification process. Dr. Orth presented statistics showing a decrease in the number of certified constables over a six-year period from 2016 (1469) to 2021 (1020) of 31%. Dr. Orth went through a year-to-year analysis of the decreases. Judge Davis asked about 2020, and how COVID impacted the numbers, and Dr. Orth stated that while it did have an impact, the trends were still decreasing.

Dr. Orth looked at 2019-2021 and was able to show there are less certified constables doing court work, yet the amount of court work assigned is staying the same.

Dr. Orth presented attrition on the 2019 cohort. Over time, attrition increased with the 2019 cohort, but the amount of court work also experienced some attrition. There is a drastic reduction from 2019 to 2021 as to how many constables are staying certified, and how many are performing court work.

Dr. Orth looking at the 2016 cohort, of those eligible of the 506, 353 were certified. From 2016 to 2021, only 186 of the 506 are still certified, and working for the courts. Judge Davis asked a clarifying question about the 30% who did not pass training, and Dr. Orth explained that they did not pass either Basic Training, or Basic Firearms; this data excludes Continuing Education, and Annual Firearms. Mr. Pfau also explained constables also drop out during Basic Training, or do not acquire liability insurance.

Dr. Orth presented data on dockets served. During a three-year period (2019-2021), constables served 1,242,125 dockets at an average of 415,708 a year. While there was a decrease in 2020 of constable work being due to courts closing, and a housing moratorium, there was an increase in 2021 with work being completed by constables. However, comparing 2019 to 2021, there had been an overall 30% decrease of dockets served. Constable Albert asked a clarifying question about dockets, and Dr. Orth explained that if multiple constables worked a docket, and it had a CETA fee attached, that the docket would be counted more than once. Dr. Orth also explained that unique dockets to unique constables was also analyzed but said that data was less impactful as the data being presented.

Dr. Orth introduced server fees versus CETA fees. The data is showing that there is a decrease in CETA fees being assessed which is also being mirrored by the number of dockets being completed. Some constables are producing more CETA fees based on their docket work compared to others. Dr. Orth mentioned a limitation on the data that it does not tell us all the work that a constable is completing, such as prisoner transports. Dr. Orth stated that there is a decrease each year.

Dr. Orth provided the types of dockets that were analyzed and stated that there is a decrease overall of all of the dockets decreasing. Traffic, non-traffic, and landlord-tenant are the three major areas of dockets that constables are serving; 4 out of 5 dockets served. There is a decease in criminal dockets, and an increase in traffic dockets.

Dr. Orth provided the statistic that the top 10 counties completed 60% of the dockets processed. Dr. Orth stated that the areas listed tend to have higher populations. Traffic is the largest type of docket being served. Dr. Orth then presented a chart that breaks down the top 10 counties, and

where the largest number of dockets fall into a category that Dr. Orth had broken out; the categories are as followed: Landlord-Tenant; Criminal, Civil, Traffic, Non-Traffic, and Secure.

It is implied that training should occur in those areas according to Dr. Orth. However, Dr. Orth clarified some constables work in multiple counties. Dr. Orth also explained that the data cannot determine if a constable is part-time, or full time. Dr. Orth also provided the data of highest dockets per constable.

Dr. Orth explained that of the certified constables in a county, it is not 100% of the certified constables completing the court work. Over 50% of constables are completing 1-100 dockets for the courts as shown by the data.

Dr. Orth presented his three major themes from the data: Less, and less each year; Pronounced Attrition, and Court Work Concentration. Less, and less each year meaning that there are less constables certified to perform court work, and less constable showing up to complete the court work, less dockets being completed by constables which means less CETA fees. Pronounced Attrition is showing that less constables are staying certified. Court Work Concentration that there is a shift in work being completed that generates CETA fees, and there is a concentrated number of constables completing court work.

Mr. Pfau clarified that the data is all from Magisterial District Justices with other work for the courts, such as Common Pleas, is a smaller number.

Chair Westover asked is the money we are spending, are we getting the return in constables staying in the program and completing work that generates CETA funds. Chair Westover also said the data suggests potential locations where trainings could be held, and what subjects could be the topics of training based on the data showing the denser areas of constables receiving work, and the type of work constables are completing. Chair Westover also addressed the rumors that the CETA fund is low because PCCD used monies to support other programs, but also said that PCCD is a large organization that covers different types of programs in the state. Chair Westover said that this presentation shows how the money is shrinking, and that it is not because CETA funds are being misused. Chair Westover implored that constables start getting court work to help generate CETA funds so that training, and certification can continue to occur. With no increase in the surcharge, Chair Westover stated that people need to complete court work to generate CETA fees, or the Board looks at assessing fees for Continuing Education.

Mr. Pfau stated that the top 10 constables completed over 4,000 dockets. Mr. Pfau explained that it may not have to be many constables trained to complete the work, but Mr. Pfau explained that there are other factors such a geography that would impact the total number of needed constables to complete court work. Mr. Pfau also provided that some counties do not have enough work for full time constables, so they will need to use part time constables to complete the court work. However, the data shows that more constables are being trained than what courts need for work to be completed. Dr. Orth provided further clarification regarding the top 10 completing over 1% of the total work.

Mr. Pfau also explained that after election years, there is increase in the number of Basics being completed, and over time, the number of Basics drop off and the number of constables drop off until the next election cycle.

Vice-Chair Norwood-Foden was not surprised by the decrease in warrants due to ePay. Vice-Chair Norwood-Foden addressed that due to the decrease of certified constables in her county, constables are being focused into areas of higher priority, such as court security, and therefore may not be able to complete court work that generates CETA fees. Vice-Chair Norwood-Foden asked if case types were being weighted. Dr. Orth said there is no weighting and cannot determine what service was being completed by the constable because it is not on the data provided.

Chair Westover asked if there is a way that ePay data usage can be pulled, and to see how much of an impact this payment option is having on constables executing a warrant. The concern is defendants being able to pay fees using ePay means less warrants are being executed. Mr. Pfau stated that because of ePay less work is getting assigned to constables that generates CETA fees. Mr. Orth explained that this is the first round of data analysis, and what additional data is needed to provide the Board with answers.

Mr. Pfau said that there is a request to look at dockets that CETA fees were not assessed to, and to find out why there was not an assessment.

Chair Westover explained in certain counties, constables are only allowed to do certain types of court work, and that the court work assigned may not generate CETA fees. Chair Westover is hoping that this information can be provided to Dr. Orth for analysis. Vice-Chair Norwood-Foden said there would need to be a break down of how the constables are being paid, and she believes the data is out there, but it is not being tracked in the manner it was being spoken of. Mr. Pfau also explained that counties do have restrictions, such as County Rules in place, and that work may not have been shifted back to constables.

Judge Davis was asked if there are restrictions on constable work in Delaware County, and Judge Davis said there is a restriction on the amount of time a constable has to complete a warrant. This restriction is, if a constables is not able to complete a warrant in 90 days, then the warrant is retracted, and given to the police to complete. If a warrant is not completed by a constable in 90 days, the warrant is given to the police to complete. However, Judge Davis said that constables were still completing other court work that has been assigned to them such as landlord-tenant. Judge Davis also reiterated that in his court he is seeing the same constables working hard.

Constable Albert reiterated the importance of finding the data we are missing, and how to enter the missing data into the data we have to complete the picture.

Constable Terry White from York County said that he knows of constables in the 2016 cohort that are currently completing court work, and will provide the names to Program Staff, so that the data can be reviewed. Ms. Leffler also clarified that constables may have completed work for the courts, but a CETA fee was not assessed, which is why a constable may not have appeared in the data. Dr. Orth explained the data showed a server fee, not a CETA fee on the docket, and further

explained that if information was not properly entered into the system, this would negatively impact the data.

Constable David Kneller from Lebanon County addressed his concern about server fees being withheld from constables and said this would impact why constables do not stay certified. Constable Kneller also explained his concern about CETA fees not being generated when a person has multiple warrants against them, and constables only receiving one warrant to serve. Chair Westover explained that the issue can be fixed by education. Mr. Pfau reiterated that the Board does not have the direct ability to fix this issue. Chair Westover is hoping that the data that was presented today will start the conversation for Magisterial District Judges to understand the decrease in constables, and why constables need to be paid for all the warrants assigned to a defendant.

VII. Other Business:

Mr. Pfau provided an update on who is involved the Basic Firearms Curriculum Review. Mr. Pfau explained that the purpose of this workgroup is to review the curriculum to see what changes needed to be made to improve the course. Mr. Pfau is hoping in a year that recommendations can be made from the workgroup to the Board.

Ms. Leffler introduced that there is an informational item available regarding training grievances, and their outcomes in the Board Packet.

VIII. Public Voice:

Constable Abraham Smith wanted to remind the Board that for the past 10 years Westmoreland County had not used constables for activities that would generate CETA fees.

Constable Terry White thanked Mr. Pfau for taking time to speak to him and addressing his training grievances.

Constable Talaura Gonzalez was asking questions about certification, but due to technical difficulties, it was difficult to understand her questions. Ms. Leffler provided her number for Constable Gonzalez to call.

IX. Adjournment:

Chair Westover asked for a motion to adjourn the meeting at 11:16 am. A motion was made by Constable Peitz to adjourn the meeting and the motion was second by Major Cawley.

VOTING AYE: Peitz, Westover, Albert, Davis, Norwood-Foden, Cawley

VOTING NAY: None ABSTAINING: None

The motion passed unanimously. The next Board meeting will be held on May 11, 2023 at 9 a.m. via Teams, and in-person at PCCD.