

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

Minutes of the November 17, 2011 Meeting

Members Present

Judge Richard Opiela, Allegheny Co, MDJ, Chairman
Fred Contino, Constable, Delaware County
A.R. DeFilippi, Court Administrator, Beaver County
Teresa O'Neal, Juniata County Commissioner
Julie Sokoloff, Constable, Montgomery County
Captain Adam Kisthardt, PA State Police

Commission Staff Present

John Pfau
Donald Horst
Sherry Leffler
Kathy Clarke
Mary Taylor, PCCD Legal Counsel
Norma Hartman
Bob Merwine

Members Absent

Harry Walsh, Constable, Allegheny County

Visitors

Mike Marcantino, Indiana University
Bill Fraley, Indiana University
Garry Kimmel, Indiana University
Barbara Butcher, Mansfield University
Teresa Conley, Temple University
Ted Mellors, Penn State University
Jed Friend, Penn State University
Terry Morgan, Constable, Clearfield County
Emil Minnar, PA State Constables Association (PSCA)
Tom Impink, Constable, Berks County, PSCA
Jermaine Richardson, Constable, Delaware County
Craig England, Constable, Blair County
Daniel Watkins, Constable, Adams County
Jack Garner

I. Call to Order

The Constables' Education and Training Board (Board) meeting was held at 10:00 a.m. on Thursday, November 17, 2011, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North Front Street, Harrisburg, Pennsylvania.

The Honorable Richard Opiela, Chairman, called the meeting to order at 10:00 am and asked all to join him in the Pledge of Allegiance. Board members and staff then introduced themselves to the audience.

II. Action Items

Chairman Opiela asked if there were any questions concerning the minutes of the **August 4, 2011, Meeting**, pages 1-12 of the Board Packet. There were no questions. Captain Kisthardt motioned to accept the minutes. Commissioner O'Neal seconded the motion.

VOTING AYE: Opiela, Contino, DeFilippi, O'Neal, Sokoloff, and Kisthardt

VOTING NAY: None

ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, **Financial Report for November 17, 2011, Meeting**. Chairman Opiela had questions/corrections needed on page 15 and 16 of the Financial Report regarding the dates on the top of the pages. It says March 31, 2011, but should be September 30, 2011. Ms. Hartman said she would make the corrections to the dates.

Ms. Hartman said she will be reading from the report for the State Fiscal Year 2011-2012 as of September 30, 2011, page 13 of the packet. Under receipts, the balance from the previous year was \$6,513,974.24. The fees collected for the first quarter (7/1/11-9/30/11) were \$479,877.77. Based on the estimated collections of \$2,004,431.00 for the entire 2011/2012 state fiscal year, the total funds available as of September, 30, 2011 is \$8,518,405.24.

Ms Hartman said that under Expenditures and Commitments the total expenditures as of September 30, 2011 were \$643,906.44. The total expenditures and commitments as of September 30, 2011 were \$5,772,986.39 which includes \$216,541.50 of administrative costs. The breakdown of the administrative costs can be found on page 15. On page 15, the dates at the top of the page are not correct. The dates for this page on administrative costs should be July 1, 2011 to September 30, 2011. The estimated balance of the account as of September 30, 2011 was \$2,745,418.85. On page 16 is the list of purchase orders. There is an error with the date at the top of the page. The date at the top of the page should say PO Status as of 9/30/11, not 3/31/11. The difference between the PO Status page and the list of PO's on the fiscal report is that the status page is based on the entire term of the purchase order which is usually 24 months whereas the list of PO's on the fiscal report is based on the fiscal year July 1, 2011 through June 30, 2012. Ms. Hartman asked if the Board had any questions on those issues.

Chairman Opiela asked if the numbers on page 15 are correct. Ms. Hartman said those numbers are correct and that the numbers reflect the first quarter of the state fiscal year. Mr. Horst said that Chairman Opiela inquired several meetings ago what all was included in the line "Personnel Services." Ms. Hartman said that line includes staff salary and benefits for the constable staff as well as anyone within PCCD who spends time working on constables programs. Mr. Horst asked Ms. Hartman how many people that includes. Ms. Hartman said there are several people especially in the financial management staff that would have time charged against the Constable program. She could not provide an exact number of people, but said the vast majority of the number would be from the Constables' Training Program staff. It includes salaries and benefits. Mr. Horst asked Ms. Hartman for an approximate number of staff besides the staff in the Board meeting that are included in this number. Ms. Hartman estimated that it would include approximately 10 other partial salaries of PCCD employees.

Chairman Opiela said that what confused him is that when you look at the prior fiscal report the administrative costs were reported from July 1, 2010 to June 30, 2011. The prior report was not a quarterly report, but this report is. Ms. Hartman explained that the last report was a cumulative report for the entire 12 month period. Chairman Opiela said that he takes the prior fiscal reports and compares them. Ms. Hartman said that a better comparison would be to look at the first quarter of last year to compare to the current report.

Chairman Opiela asked Ms. Hartman if she could explain the Constables' Education and Training Fund Projection on page 17 of the packet. Ms. Hartman stated that previously there was not a lot of cumulative data to use in a comparison. As we get more information every year, we can project more accurately. In the previous minutes, there was a reference that it looks like in 2015 the funds will go in the red if nothing changes. Based on the current information we have, that date extends much further. Mr. Horst said that the fund will remain solvent until fiscal year 2018/19 based on the fund projections. The expenditures decreased by 2.36% from fiscal year 2009/2010 to fiscal year 2010/2011 and revenue decreased by .062%. The averages of the percentages on the top half of page 17 are used for the projected calculations that are on the bottom half of page 17.

Mr. Pfau stated that we may see an improvement on this report in the spring or summer when more of the administrative cuts that have been made over the past year begin getting reflected. Chairman Opiela said that we should have this report done again this time next year in this same type of format.

Chairman Opiela said that the projection report is very helpful and he wondered if we should send a copy to State Representative Caltagirone and/or Darren Breslin so they see what the CETB is dealing with. It would be helpful for them to especially see the left hand side of page 17 which shows the revenue being fairly stagnant.

Ms. Hartman also pointed out that the 1st line on the projection for the revenue for the 2011/2012 year is \$2,004,431. This amount was used on the 1st page of the actual fiscal report as what we are projecting to collect during this state fiscal year. The projection number is being tied to the fiscal report.

Constable Contino stated that these numbers could also change; there are bills on the floor of the legislature now that could affect these numbers. Mr. Pfau stated that the bill that Mr. Caltagirone introduced last year included some things that would have effects on the training program and increase some costs. Without an increase in the surcharge, this process will be accelerated. Historically, in the early years, there was a 3 or 4 year period that the surcharges for the training fund were being collected, but there was no board or training. So, there were about 3.5 million dollars in the fund at the beginning of the program. In 2004/05, the program started expending on a yearly basis about the same amount of money that was coming in to the program. The reason why the program has self-sustained this long is because there was this cushion. Mr. Pfau stated that when the surcharge in the Deputy Sheriff fund increased, it took about two and a half years to actually achieve. PCCD did not make the recommendation to the legislature; it came from the Office of the Budget. The Office of the Budget made the recommendation to the legislature as to how much the surcharge should go up. They did it incrementally. First, it was \$5, then it went up to \$7.50, then 2 years later it went up to \$10. Then two or three years later, the surcharge went up to \$12.50 and that is where it has stayed.

Chairman Opiela said the reality is that Mr. Breslin and Justice Castille could still be involved in legislation that may affect how the \$5 surcharge is interpreted. It could buy us some time if under the new legislation there was a multiple CETA fee on the same warrant on the same defendant if the warrant is re-issued multiple times. This may help us put a small patch on things.

Constable Contino said that there is legislation now about 3rd class cities being able to go to collection agencies. These would be large communities which includes a lot of \$5 surcharges. Constables would not even see these warrants. If this legislation gets passed, revenue is going to decrease fast. There would be an authority that would make decisions regarding warrants, etc. A similar example of this would be the Philadelphia Parking Authority. Constables used to serve the warrants before the Philadelphia Parking Authority was formed.

Mr. DeFilippi thanked Ms. Hartman for preparing this report because it was very helpful. Ms. Hartman added that each year this report is done, the accuracy of the report increases.

Chairman Opiela asked for a motion to accept the financial report. Mr. DeFilippi motioned to accept the submission of the financial report. Constable Sokoloff seconded the motion.

VOTING AYE: Opiela, Contino, DeFilippi, O'Neal, Sokoloff and Kisthardt

VOTING NAY: None

ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, the **2012 Board Meeting Schedule and the 2013 Board Meeting Schedule**, pages 18 and 19 of the packet. Ms. Leffler explained that staff wanted to get dates on the calendar so that the PCCD Commission Room can be reserved before there are conflicts with the room.

Constable Sokoloff had a question about May 10, 2012. In a presidential election year, the primary is earlier in May and she wanted to make sure that wasn't the week of primaries. Ms. Leffler said the information she has shows the primaries being April 24, 2012 and election day November 6, 2012.

Chairman Opiela asked if there were any other questions on the dates. Ms. Leffler mentioned the locations for the dates that are outside of PCCD have not been contracted yet. Chairman Opiela asked if everyone was okay with meetings on Thursdays. Mr. Pfau said the meetings that are held at PCCD do not have any room costs; whereas, other Harrisburg locations have costs associated with them.

Chairman Opiela asked if a vote was needed on the 2012 and 2013 CETB schedule. Constable Contino said that the Board used to have the meeting in Harrisburg every other meeting, but now they are held in Harrisburg the beginning and end of the year. Mr. Pfau said that it was done this way to try to avoid going to certain areas in bad weather. Mr. Pfau also said that when the schedule is announced early, more constables may have the opportunity to attend. The dates for the 2012 meeting schedule are: February 16th in Harrisburg, May 10th in Cranberry Township, August 9th in West Chester area, and November 16th in Harrisburg.

Chairman Opiela asked if any of the newer Board members had any problems with travelling for some Board Meetings. He mentioned that it is important for constables to be able to attend a meeting a year if they choose to without having to travel a long distance. None of the Board members indicated they had a problem with travelling for Board Meetings.

Chairman Opiela said the meetings dates have been unanimously approved and asked if any Board members had any objections. There were no objections.

The next item on the agenda is **Act 233 of 1994 (Stipend Payments)**. Mr. Horst stated that given the current financial situation, staff *does not* request the Constables' Education and Training Board to approve Act 233 Stipend payments to constables under Section 7149(f) for Training Year 2011. These payments usually go out in the spring for the previous year. Chairman Opiela asked if there were any questions. Chairman Opiela asked Ms. Taylor if this is something the Board needs to take a vote on. Mr. Pfau said that the Board has always voted on this because the paragraph in the statute says "the Commission" makes this decision; but historically, staff does not take things to the Commission until the Board has voted one way or the other. The Commission *does* ask PCCD staff what the Board's position is on items.

Chairman Opiela asked for a motion to not provide the stipend payment for Training Year 2011. Commissioner O'Neal made the motion to not provide the stipend. Captain Kisthardt seconded the motion.

ROLL CALL VOTE:

VOTING AYE: Opiela, Contino, DeFilippi, O'Neal, Sokoloff, and Kisthardt

VOTING NAY: None

ABSTAINING: None

The motion carried. Chairman Opiela noted that Board member Constable Harry Walsh is not in attendance at today's meeting.

Chairman Opiela moved to the next action item on the agenda, **Instructor Certification**. Ms. Clarke reviewed the applications and gave staff recommendations, as follows:

Temple University

Dennis Madarang

New Subject Certifications

- Role of Constable in Justice System
- Professional Development
- Criminal Law and Process
- Use of Force
- Mechanics of Arrest
- Prisoner Transport and Custody
- Court Security
- Crisis Intervention
- Firearms

Joseph Dalton

New Subject Certifications

Role of Constable in Justice System
Professional Development
Criminal Law and Process
Use of Force
Mechanics of Arrest
Prisoner Transport and Custody
Court Security
Crisis Intervention
Chemical Aerosol
Expandable Baton
Defensive Tactics

Harrisburg Area Community College

Jason F. Cleck

New Subject Certifications

Role of Constable in Justice System
Professional Development
Criminal Law and Process
Use of Force
Mechanics of Arrest
Prisoner Transport and Custody
Court Security
Crisis Intervention
Civil Law and Process
Chemical Aerosol
Expandable Baton

Lackawanna College

Willard M. Oliphant

New Subject Certifications

Defensive Tactics

Thomas Roccograndi

New Subject Certifications

Criminal Law and Process
Use of Force
Court Security
Chemical Aerosol

Mr. Oliphant and Constable Roccograndi are currently Certified Instructors for the Constables Training Program. They are requesting the additional certifications listed above. Mr. Cleck, Mr. Dalton, and Mr. Madarang will be new instructors for the program.

Staff recommended certification of each individual for all subjects listed. Ms. Clarke asked if there were any questions from the Board regarding the applications.

Chairman Opiela questioned Jason Cleck's qualification to teach Civil Law and Process. Ms. Clarke said he is certified to teach Civil Law for the Deputy Sheriff's Act 2 Program.

Chairman Opiela asked for a motion to accept the five instructor applications. Captain Kisthardt made a motion to accept the instructor applications. Constable Sokoloff seconded the motion.

VOTING AYE: Opiela, Contino, DeFilippi, O'Neal, Sokoloff and Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried.

III. Informational Items

Chairman Opiela turned the floor over to Mr. Ted Mellors to discuss the **Penn State-Fayette Searchable Curriculum Overview**. Mr. Mellors advised that he was asked to provide a demonstration to show how the curriculum will be made available to Constables in the "new" Constable Information System. The software program they are using is called Zoom Search. It will be split into two sections: instructor material and constable/student material. The demonstration at the Board meeting today will only show three sections which are all instructor-based materials including Lessons Learned, Court Security, and a civil course. The final version of the searchable curriculum will include all training materials from 2005 to the present including reference material, videos, and power point presentations. A constable would go into the system and could search for any term or phrase and the software will bring up a list of documents that contain the terms that were searched. The software is very flexible.

Mr. Pfau stated that past curriculum will be available to search and every year new continuing education material and basic training updates will be added. Mr. Pfau pointed out that this information will only be accessible through the Constable Information System.

Chairman Opiela asked how far back the curriculum material will be available. Mr. Mellors said they are prepared to go back to 2005 and the cost will be no more than the existing contract. Chairman Opiela said we will not have to worry about not providing CDs and Legal Reference Guides to constables. Mr. Pfau stated that the curriculum development contractor would be required to keep this material up to date.

Chairman Opiela said he thinks this will be an effective tool for constables to use. Constable Contino asked if the material was just going to be the curriculum. Mr. Pfau said yes, it is just the curriculum material that will be online including any reference material and power point presentations, etc.

Constable Contino asked Chairman Opiela if he was saying that having this will alleviate the need for Constables to have the Rules of Court. Chairman Opiela says he thinks it will help, but constables should have the Rules of Court. There will be a reference point to go back to when a question comes up about curriculum. Mr. Mellors said it will also show a historical perspective on how some information and rules have changed over the years.

Constable Sokoloff asked what material a constable will see when they do a search. Will they be able to see the instructor guides? Mr. Mellors said the constables will have access to the power point presentations, study guides, workbooks, etc., but they would not actually see the instructor guides.

Mr. Pfau said that when the searchable curriculum is up and running, take-home CD's will not be provided to constables during their continuing education training. Commissioner O'Neal had a concern about what happens when rules have changed. For example, a constable may be searching for a particular rule and then they proceed with their duties according to the way the rule used to be, not the current revised rule. Her concern is the constables may use the rule incorrectly because they did not find the most current rule.

Mr. Pfau said this has happened in the past mainly with the Minor Court Civil Rules. When a rule changes in the middle of a training year, the curriculum change gets out to the constables who have not attended their continuing education training yet for the year. The constables who had already attended training in the earlier part of the year not get the new information until PCCD sends out a training bulletin. Chairman Opiela stated that we could put a disclaimer such as "This is a guide. Please reference the current statute." Penn State also will be putting the year before the title of the curriculum topic.

Commissioner O'Neal said there should be a disclaimer put on the material to prevent a constable from using an outdated rule. She said searchable curriculum could be a great tool, but there should be a disclaimer put on the material.

Mr. Mellors stated that Penn State will take the steps to put in some disclaimer wording relating to checking civil rules, etc. Mr. Pfau said this will not be a replacement of the Legal Reference Guide, the main reason for the searchable curriculum is because some topics are only taught every few years and a constable could look back at those materials for reference.

Mr. Pfau said that the CD's that are handed out in Continuing Education Training contain some reference materials that are not actually handed out in class and all of this material will be available online.

Chairman Opiela read a disclaimer, "Search results depend upon the accuracy of information entered into the search query. To ensure the accuracy of the search, please double check the spelling of all search terms." Chairman Opiela said that there is a new application for some cell phones called "Docket in your Pocket." It links into PA's AOPC website and constables should be made aware of it. It costs about \$2.99 and the disclaimer he just read is on it.

Commissioner O'Neal wanted to make sure that our disclaimer will have some additional wording as well regarding the rules that may have been updated. Chairman Opiela agreed and said we'll make sure we have disclaimer wording.

The next item on the agenda is **Status of Certifications Issued**, page 25 of the board packet. Ms. Leffler said that as of October 19, 2011, there were 1,404 constables and deputy constables listed as active and certified. Of these, 1,070 were also certified to carry a firearm in the performance of their constable duties. Since the inception of the Constables' Training Program in 1996, there have been a total of 3,776 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

The next item on the agenda is the **Legal Reference Guides**. Chairman Opiela stated that the Board rejected having the guides via CD/DVD because of the information being outdated before it went to print. Mr. Horst said he wanted to first mention that for basic trainees, the Title 246-Minor Court Civil Rules, was given out in Basic Training in 2010 and in 2011. These rules will continue to be a part of all Basic Trainee materials and trainees will continue to receive these in hard copies.

Chairman Opiela advised that Ms. Taylor provided a handout with a legal opinion regarding the Legal Reference Guide. Ms. Taylor said the opinion addressed Chairman Opiela's concern as to whether the CETB and PCCD are required to provide the Constables' Legal Reference Guides. Ms. Taylor said that we are not inconsistent with the statute or regulation in terms of the decision not to provide the Legal Reference Guides. She did not see anything in statute or regulation that would place this duty on the CETB or the PCCD. In fact, there is a requirement that the Board promote the most efficient and economical program for constables and deputy constable training. She said that given the availability of access to Pennsylvania's Consolidated Statutes via the Internet, it would be consistent with the "efficient and economical" program language to cease publication of a hard copy volume, which requires an annual supplement, and to encourage Internet use.

Chairman Opiela asked PCCD staff how many people attended Basic Training last year. Mr. Pfau stated, in 2010, there were 17 or 18 Basic Training classes held. In 2011, there were probably 200 attendees at Basic Training. In 2010, the number of Basic Training attendees was much higher. Chairman Opiela said he wonders why we couldn't negotiate a deal with West to provide the Legal Reference Guides. Mr. Pfau said we could get in touch with West again to talk to them about it. When the Board first provided the Constables' Legal Reference Guides, PCCD had approached West to get a quote.

Chairman Opiela said the reference book that he is talking about includes the Minor Court Rules, Civil Rules, Criminal Rules, Rules of Evidence, Appellate Court Rules, and Supreme Court Rules. There is a guide book that West puts out that includes just these things and does not include the Criminal Statutes.

Chairman Opiela said that if we asked West to tailor the book to what the constables need, the price will be very high. If you give constables what an attorney gets, it will cover everything. They would be getting more for less. Mr. Pfau said that it was a concern by the Board, originally, that the Board would be providing information to constables that they cannot use.

Mr. Pfau said we would have to approach West again, but constables would end up with a two book issue, and, for the price we were looking at originally, it was much cheaper to contract with Fry Communications, Inc.

Chairman Opiela said his thoughts are that the reference book would be purchased by the Board and given to Basic Training attendees only. After that, constables and deputy constables could purchase updates or other books on their own.

Mr. Pfau said that the original intent of the Board at the time was to be able to provide current information to constables and deputy constables. The Board provided the updates to constables and deputy constables. Chairman Opiela asked if we ever did a survey to see how many people actually updated their books when they received the updates. Mr. Pfau said no. Constable Contino said he always updated his book when he received the update. He is also of the understanding that, legally, as long as he is acting in the belief that he is doing it the right way, he is covered. Mr. Pfau said that the updates used to be mailed around May.

Chairman Opiela said we need to convince constables and deputy constables to access the relevant information they need electronically, because books could be out of date. Constable Contino said he thought the Board talked at the last meeting about having the Rules of Court, etc., on PCCD's website. Ms. Leffler said this information has been added to PCCD's website.

Mr. Horst said that we could ask West to tailor something for the program. Chairman Opiela said that if we can't purchase something that everyone else in the Commonwealth purchases, it would be too cost prohibitive and we should abandon the whole idea.

Chairman Opiela moved to the next informational item on the agenda, the **CETA Surcharge Opinion**. He asked Ms. Taylor if she could talk about the written opinion she gave. Ms. Taylor said she examined the legislative history of the CETA surcharge starting from when constable law was in Title 13. In the mid-90's it was placed in the judicial code and then eventually it ended up as a consolidated chapter Title 44. In the initial statute, the model was \$2 per service performed. In 1994, when the consolidated statute was bifurcated, the per service model was with regards to Civil, the per docket model was with regards to Criminal and the fee increased to \$5. This same pattern was carried over to Title 44. AOPC sent out a laser fax to the Minor Judiciary upon the enactment of the legislation and then followed up when the legislation was transferred over to Title 44. There is a clear record of legislative intent which is corroborated by the AOPC legal interpretation in terms of \$5 per docket number for Criminal cases and \$5 per named defendant in civil cases in which a constable or deputy constable performs a service.

Constable Contino asked if we are getting the \$5 per service performed for civil cases. Chairman Opiela said the data we have shows that the fund is getting the fees from civil cases. This is likely because these fees are paid up front for civil cases. It is the summary fines and costs warrants that we are not always receiving the \$5 fee.

Mr. Horst said that Ms. Leffler will give an update to the Board on the regulation changes. Ms. Leffler said that on November 10, 2011, the regulation changes were published in the PA Bulletin. The public comment phase will be 30 days and then it will go to IRCC. At this time, there hasn't been any public comment on the regulation changes.

Chairman Opiela said these are the regulations the Board put in place, as policy, at the meeting held in August 2011.

IV. Discussion Items

Mr. Horst said that Mr. Pfau gave him a copy of an article relating to a Constable Handbook for Fayette County. Mr. Pfau said that he received a news article from Jim Hazen, the former Executive Director of the PA Sheriff's Association. It looks like Fayette County is adopting a formal Constable Handbook. Mr. Pfau said it seems like every year, there are more counties adopting some sort of constable handbook.

Chairman Opiela said that Allegheny County's handbook is in the final stages and should be coming out before the end of the year.

V. Executive Session

At 11:25 a.m., Chairman Opiela said the Board will be going into Executive Session and said the Board would reconvene for public comment after Executive Session.

The Board reconvened the meeting at 12:40 p.m. Chairman Opiela said the Board discussed Requests for Proposals. He asked for a motion to approve staff's recommendation for the RFP and release of Work Statement to PA's Department of General Services.

Constable Contino made a motion to approve staff's recommendation. Commissioner O'Neal seconded the motion.

ROLL CALL VOTE:

VOTING AYE: Opiela, Contino, DeFilippi, O'Neal, Sokoloff and Kisthardt

VOTING NAY: None

ABSTAINING: None

The vote was unanimous and staff's recommendation was approved for the RFP and release of Work Statement to PA's Department of General Services.

VI. Public Voice

Chairman Opiela announced the Board would take public comments and questions at this time.

Constable Daniel Watkins, Adams County, said had several questions. He said that some local magistrates are not collecting the \$5 Constable Education fee. If this is state law, why are they not doing this?

Chairman Opiela said that this has been a topic of discussion for a while now. We have been going over data from AOPC and we do know that on Civil cases, the \$5 CETA fee is being collected. The money has to be paid upfront in Civil cases. We have tried to get AOPC to make it a mandatory field so it can't be overridden by Magisterial District Judges. In education updates for MDJ's, AOPC is going over the CETA fee to make sure they understand that the CETA fee is not optional. Unfortunately, AOPC will not actually make it a mandatory field in their computer system. Magisterial District Justices and their staff are not always educated enough or they sometimes make errors in what they input in that field. Constables also need to educate their Magisterial District

Judges that this is something that should they should not be opting out of. In order for the Commonwealth to work in the proper manner, the Magisterial District Judges need to apply the \$5 surcharge. This fee does not go into the constable's pocket, it goes towards education and training of constables and deputy constables. Hopefully, with education, this fee will get collected more consistently.

Constable Daniel Watkins' second concern is about new constables coming out of the Basic Training. He said that constables should be teaching constables in the training classes because they know what constables do on a daily basis. He said that state troopers, probation officers, and other police officers do a good job teaching, but they need to be more educated about what constable do on the street day every day. Is there any protocol or influence the Board has to educate them more on what a constable actually does on the street?

Mr. Pfau said that historically, the Board has put out a call for constables to apply to become instructors because constables have asked for more constables to become certified as instructors. He said one of the biggest problems with this is that although constables had the work experience needed, many of them did not have the instructional experience needed to become certified as an instructor. The Board put together a 40 hour Instructor class. There were 12 constables who completed this training the first year it was offered and then they would team teach and then they would go before the Board to become certified. Of this original group of constables who became instructors, there are probably only 5 or 6 who are still instructors for a variety of reasons. Mr. Pfau said that the Board has tried various efforts to get more constables to become instructors, but there have not been large numbers.

Constable Contino said that a really good course in continuing education is the module on Lessons Learned. The training developer talks with constables to develop this training module.

Constable Watkins also asked what the Board speculation is on Taser training. Mr. Pfau stated that the Board looked at Taser Training around 2 years ago and it was a cost issue. It was going to add a lot of costs to the overall training program.

Chairman Opiela said he raised the Taser training issue to the state committee trying to develop a state constable handbook. It is one area that Chairman Opiela feels is incumbent and when there is more money in the program he would like to have more less than lethal force training like Taser training.

Emil Minnar, PA State Constables Association (PSCA), said he thinks we should be aware of House Bill 1803. It has been introduced and it addresses 3rd class cities (there are 53) and it gives them the authority to establish their own parking authorities and their own collections. There is the potential of losing a lot of CETA money from this. Many different groups will suffer from lack of funds if this bill goes through. He said it is extremely important that this gets addressed because of the Board's focus on the CETA fund. Mr. Minnar also said that he feels the Legal Reference Guide and the Minor Court Civil Rules are a valuable tool to give new Constables.

VII. Adjournment

Chairman Opiela adjourned the meeting at 12:54 p.m. The next Board meeting will be held February 16, 2012 in Harrisburg.