

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

Minutes of the May 9, 2013 Meeting

Members Present

Fred Contino, Constable, Delaware County
Harry Walsh, Constable, Allegheny County
A.R. DeFilippi, Court Administrator, Beaver
Julie Sokoloff, Constable, Montgomery County
Hon. Rodney Ruddock, Commissioner,
Indiana County

Commission Staff Present

John Pfau, Manager, Bureau of Training Services
Donald Horst, Bureau of Training Services
Kathy Clarke, Bureau of Training Services
Megan Castor, PCCD Asst Legal Counsel
Robert Merwine, Director, OCJSI

Members Absent

Major Adam Kisthardt, PA State Police
Honorable William Wenner, MDJ, Dauphin County

Visitors

Mike Marcantino, Indiana University
Anthony Luongo, Temple University
Ted Mellors, Penn State University
Todd Brothers, Penn State University
Craig Westover, Constable, Venango County
Steve Chamberlain, Constable, Crawford County
Francis Peitz, Constable, Allegheny County
James Miller, Constable, Allegheny County
Rick Opiela

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:30 a.m. on Thursday, May 9, 2013, at the Hampton Inn, 11446 Dawn Drive, Meadville, Pennsylvania.

Constable Fred Contino called the meeting to order at 10:30 a. m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were then made to audience members.

II. Action Items

Constable Contino moved to the first action item on the agenda, **Minutes of the February 14, 2013, Meeting**, pages 1-15 of the Board packet. Constable Contino asked if there were any questions or comments concerning the minutes. There were no questions or comments.

Constable Contino asked for a motion to accept the CETB meeting minutes of February 14, 2013. Constable Sokoloff made a motion to accept the minutes. Constable Walsh seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff, and Ruddock
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

Constable Contino moved to the next action item on the agenda, **Financial Report for May 9, 2013, Meeting**, beginning on page 16 of the Board packet. The financial report reflects two changes consisting of changing from a calendar year to a fiscal year for budgeting and the bridging of two sets of contracts (retiring the old training contracts and the beginning of the new training contracts as of January 1, 2013).

Mr. Horst stated the balance from the previous year was **\$6,411,197.56**. The estimated fee collections through June 30, 2013 were **\$2,012,033.00**. The total funds available as of March 31, 2013 were **\$8,423,230.56**. The expenditures and commitments total **\$7,219,938.91** leaving a balance of March 31, 2013 of **\$1,203,291.65**.

Constable Sokoloff asked what the fiscal year dates are. Mr. Horst said the new cycle for the contracts is January 1, 2013 to December 31, 2014. They are split up into a fiscal year ending June 30, 2013. There will be a 12-month period in the middle July 1 to June 30, 2014 and then July 1, 2014 to December 31, 2014. Constable Contino asked about the expected solvency of the account. Mr. Horst said it is still good through 2018. Mr. Horst said he will ask Ms. Hartman to prepare a new report. Mr. Pfau said as the old contracts close out, the next fiscal report will show the bottom line numbers rebound back up. It always takes a dip when there is an overlap.

Mr. Horst indicated there are a few pages attached to the financial report which include the master spreadsheet, constable fee collections, purchase order and funds committed status of March 31, 2013. It also includes the administrative costs from July 1, 2012 to March 31, 2013. Mr. Horst asked if anyone had any questions on those pages. There were no questions.

Constable Contino asked for a motion to accept the financial report. Mr. DeFilippi motioned to accept the financial report. Commissioner Ruddock seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff, and Ruddock
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

Constable Contino moved to the next action item on the agenda, **Instructor Certifications**, starting on page 20 of the Board packet. Kathy Clarke, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

Penn State – Fayette

Jesse Cramer

New Subject Certifications:

Role of Constable in Justice System
Professional Development
Civil Law and Process
Criminal Law and Process
Mechanics of Arrest
Prisoner Transport and Custody
Court Security

Charles Moore

New Subject Certifications:

Role of Constable in Justice System
Professional Development
Civil Law and Process
Criminal Law and Process
Use of Force
Prisoner Transport and Custody
Court Security

Craig Christensen

New Subject Certifications:

Firearms

Craig Westover

New Subject Certifications:

Defensive Tactics

Indiana University of Pennsylvania

Daniel Hornbake

New Subject Certifications:

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

Mr. Cramer, Mr. Moore, Mr. Christensen and Mr. Hornbake will all be new instructors for the program. Mr. Westover is currently a Board-certified instructor.

Staff recommended Board certification of each individual above for all subjects listed. Ms. Clarke asked if there were any questions from the Board. There were no questions.

Constable Contino asked for a motion to approve the instructor applications for Mr. Cramer, Mr. Moore, Mr. Christensen, Mr. Hornbake and Mr. Westover. Constable Sokoloff made a motion to approve the new instruction applications. Constable Walsh seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff and Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Mr. Pfau explained there were two additional instructor applications. They are for John Hugya and Karen Hugya under Penn State – Fayette. These two individuals were instructors for Penn State – Fayette when Penn State had the training delivery contract prior to 2006. In 2006, through the RFP process, IUP received the contract for the Southwest Region. In 2005, the Board changed the scoring method on the firearms training. Every year at instructor updates, instructors come in and are advised on changes or issues in the curriculum. The explanation on how the scoring and score sheets were to work was covered in the update session that John and Karen Hugya were present at in State College. During 2006, in the first firearms training class that John and Karen Hugya instructed at for Penn State – Fayette, Mr. Pfau received the grades and reviewed the range sheets. There were a lot of mistakes on the range score sheets. Mr. Pfau contacted Penn State – Fayette and they had a staff person go out and sit down with the Hugya's because they are required to keep targets and other materials so they had to go through and sort out so we get corrected grade sheets. Later in the year, there was a similar incident when they were the instructors for a firearms class. There were a lot of score sheets that were incorrect and scores didn't add up which raised concern. At that point, Penn State – Fayette chose to no longer use the Hugya's as instructors. At the end of 2006, with the RFP process, Penn State – Fayette did not receive the contract for training delivery.

Mr. Pfau is objecting to the John and Karen Hugya as CETB certified instructors based on that past experience. When they found out they would no longer be utilized in 2006, Mr. Hugya contacted Mr. Pfau and was extremely unprofessional as to why he shouldn't continue to be an instructor. Based on this information, Mr. Pfau opposes having these two individuals as instructors.

Commissioner Ruddock said he received a phone call from Mr. Hugya the day after he was appointed to the Board. He was asking for reconsideration by the Board for certification. Commissioner Ruddock stated he did not have the background information. Commissioner Ruddock has known John Hugya as a former Marine. He was very supportive of Commissioner Ruddock's command as a former Major General of the United States Army. Mr. Hugya was instrumental in helping with a lot of issues to support soldiers. Commissioner Ruddock knows John Hugya can be very strong in his views and opinions and doesn't take exception to what Mr. Pfau stated. Commissioner Ruddock's only concern is if they been given a fair hearing to the process. Mr. Hugya told him they have not; he said he and his wife should be treated as separate entities in this particular process. Commissioner

Ruddock told the Board that he wants the opportunity for the John and Karen Hugya to have a voice and fair hearing to demonstrate why they have not been reconsidered for these positions.

Constable Contino said with these concerns, this action item should be tabled. With the personal connections Commissioner Ruddock has with the John Hugya, if he abstains from voting, the Board would not have a quorum. Constable Contino asked if we could table this for next month's meeting and get a little more background information.

Mr. Pfau indicated that instructors are at-will employees with the schools. Whatever employee/employer relationship the schools utilize is between them and the schools. The only example Mr. Pfau could think of an instructor appealing something was when the Board didn't approve an instructor based on his current qualifications for a certain topic. He felt his qualifications were equal or better. The Board tabled the application until more information could be gathered and the instructor was asked to come to the Board to plead his case. The Board listened and they discussed the issue with the instructor and then they voted. They did not approve him for the subject he was looking for because they felt the Board qualifications were clear in the application process. That is the only time we had any kind of appeal process on an instructor. Commissioner Ruddock asked if the decision on the Hugya applications were done in a public forum like it is today. Mr. Pfau said the past instructor who appealed did plead his case in a public forum. Commissioner Ruddock asked what year was that decision made regarding John and Karen Hugya. Mr. Pfau stated it was in 2006 after the second incident that Penn State – Fayette decided not to use John and Karen Hugya anymore. Commissioner Ruddock asked since that has been eight years ago, have John or Karen Hugya resubmitted an application any other years beside this year. Mr. Pfau said they did not submit applications to IUP to become instructors during that time period.

Constable Contino said he would like to put a motion up to possibly table this, but to also have John and Karen Hugya come in since the Board has given the appeal process before. Constable Sokoloff said it is not really an appeal process, the Board could allow them to have the opportunity to speak, but they would be employees of Penn State. They are the ones who get to decide who they are going to employ. If the Board votes to approve them, Penn State makes the decision if they will be hiring them or not. Constable Contino said this certification request came from Penn State, so they already approved them but need the Board's approval to use them. If Penn State did not like what John and Karen Hugya have done, they would not have submitted the request.

Mr. Pfau mentioned when Penn State submitted the instructor applications for John and Karen Hugya, he spoke to Penn State and they had forgotten about this incident in 2006. So, PCCD staff are still putting them forward because it is the Board's duty and authority to certify or not certify instructors. We are following the process to bring it before the Board. Penn State is under no obligation to utilize them as instructors. Mr. Pfau said schools have submitted instructors and they have been approved by the Board and then the school ends up not using them for multiple reasons. Sometimes schools find out something about the instructor after the fact and decide they are not going to use that individual.

Constable Walsh said that Mr. Pfau mentioned that Penn State forgot about the incident in 2006. Ted Mellors, the Penn State-Fayette training provider, mentioned that their applications were submitted as part of the instructional pool that was available to set the schedule for this year and coming years. Mr. Mellors said if their applications are approved, the schedule is already prepared for the year and instructor assignments are made at the beginning of the year. If they would be put in the pool of

instructors, Mr. Mellors indicated it would be rare if they would be utilized. Constable Sokoloff asked if Mr. Pfau could clarify the Instructor Review form the Board members were given. They applied for all the courses listed on the sheet and the ones on the right, they wouldn't be considered because they didn't meet the standards. Mr. Pfau said they did not meet the Board's requirements for those subjects. Constables Sokoloff said Karen wasn't on the qualified side for firearms, so if the Board approves it, it would be for the list on the left. Constable Contino said that Ted Mellors said their schedules are already made up for the year, so if he does get certified, he is not going to be utilized anytime soon. So this can be tabled for further discussion and possibly executive session at the next month's meeting.

Constable Walsh made a motion to table the instructor applications for John Hugya and Karen Hugya. Mr. DeFilippi seconded the motion. The motion carried unanimously.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff and Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Constable Sokoloff asked since the applications were tabled, what the next step is regarding their instructor applications. Constable Sokoloff's concern is if the Board doesn't get more information, they won't be able to go any further than they are right now. Commissioner Ruddock made a recommendation that he could sit down and talk with both of these individuals and find out exactly what their impression was over eight years and if they learned anything about the mechanics of how you are to live up to the expectations of the Board. Whether the applications are approved or not, he would feel comfortable knowing that he had that face to face dialogue and he would be glad to sit with anyone on the Board and sit and talk with them about this particular issue.

Constable Contino asked Mr. Pfau if this could be done in an executive session at the next meeting. Since it has been eight years, this should be discussed further to find out the facts before the Board makes a decision that is going to affect everyone. Mr. Pfau said he opposing the applications because it is firearms. His concern is about making sure firearms training is executed properly and safely. The score is in the constable's training record and if the constable gets involved in a shooting incident, the training and curriculum is almost always reviewed.

Mr. Pfau's concern with these two instructor applications is that it was the same incident so close together in the same year. The change in the scoring method was not that radical. It was a change to make sure there was accuracy on the training scores on the firearms course. Commissioner Ruddock said he agrees with Mr. Pfau, but his point is the Board doesn't have to approve all the certification areas. The Board can make a recommendation to have them be certified for everything except firearms, which could be considered at a later date.

Mr. Pfau gave an example of the instructor application for Craig Westover. Mr. Westover is already a Board certified instructor in some topics, but his application has to come back to the Board because he needed to get his Defensive Tactics certification back up to date. Those certifications expire after time. Mr. Pfau said Mr. Westover previously taught defensive tactics prior to 2006 and he was certified at that point because he had existing credentials. He just needed to catch up with his credentials, so it is totally appropriate. Commissioner Ruddock said he would be willing to make a

motion to approve the instructor applications for John and Karen Hugya for the subjects listed as currently qualified for, with the exception of the certification for Firearms.

Penn State – Fayette

John Hugya

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

Karen Hugya

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

Constable Walsh made a motion to rescind the first vote on the instructor applications for John and Karen Hugya. Constable Sokoloff seconded the motion. The motion carried unanimously.

Commissioner Ruddock made a motion to approve the instructor applications for the subjects presented except for Firearms. Constable Walsh seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff and Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Mr. Pfau stated that the final action item is an addendum to the Board packet, **Training Disclaimer**. Mr. Pfau explained that many times during the course of training, instructors are questioned or challenged by Constables regarding training that doesn't apply in their County. While the goal is to teach common statutes, procedures and acceptable standards across the Commonwealth, there are County local rules and/or exceptions.

This same issue occurred in the Deputy Sheriff training program. There recently was an incident in the Deputy Sheriff training program where a County that has a large number of deputies was very

upset that the program was not teaching their County procedures. PCCD made it clear to the County and Sheriff that we can't do that, we have to teach a program that is a statewide. So in the Deputy Sheriff Training Program, four slides were inserted to explain what we are teaching and why. The set of four informational slides explain that the program cannot teach each County's local rules.

Staff has decided it would be practical to include these slides in the Constable curriculum presentations as well. The examples that are given in training are not necessarily the only examples and may not apply in your County, so individuals must make sure they know what their County rules are. These slides will be put in every topic, so that the Constables see them and get used to them. Most Constables do understand this, but some new constables have been bringing up these questions again. Mr. Pfau wanted the Board to see these slides and know we are not trying to brush off the Constables questions, but we have a limited amount of time and cannot gear to County specific rules or policy. Mr. Pfau is requesting the Board to approve these four slides as an action item.

Constable Walsh made a motion to approve the Training Disclaimer slides in the Constables curriculum presentations. Mr. DeFilippi seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff and Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Mr. Pfau mentioned for the last year or two, the Board had discussions about utilizing technology for Board meetings. WebEx is a good training tool which has video capabilities to display documents and individuals can sign into it remotely and follow a meeting. PCCD staff are asking to change the location of the August meeting to PCCD because staff are planning to do a trial run using WebEx. For example, if a Board member can't travel out to a location but they have time available on their schedule, they could still participate in the meeting by logging into WebEx and following the meeting, voting, etc. PCCD can post a link out for Constables statewide to click into that link, follow the meeting as it happens or the meeting could be digitally recorded and can be posted on our website. At the August meeting, we will do a trial run with staff members participating remotely to work out some things.

Constable Contino asked if the Board members can communicate back and forth and if there would be the availability for public voice. Mr. Pfau said there are various ways to set it up so that Board members would have audio and be able to speak. The general public could submit questions and comments through the website during the meeting. A staff member would be sitting with a laptop and the questions would be projected up on the screen for the whole Board to see. The questions would be addressed at the end of the meeting during the public forum. The Board would address the questions, but we will also require if someone is submitting a question, they will need to provide their name and where they are from because it is a public meeting and these things will be entered into the record.

Commissioner Ruddock made a motion to approve moving the August 8, 2013 meeting from Scranton to Harrisburg. Constable Sokoloff seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Sokoloff and Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

III. Informational Items

The first informational item on the agenda is **Status of Certifications Issued**, page 24 of the packet. Mr. Horst said that as of April 10, 2013, there were 1,307 constables and deputy constables currently listed as active and certified. Of these, 993 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 3,921 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

The second information item on the agenda is **Law Enforcement Training Waiver Applications**, page 25 of the packet. Mr. Horst stated there were two municipal police officers who took the Waiver examination in January. Their applications were reviewed and approved by PCCD and are in full compliance with the Board's regulation on waivers of training. The names of these two individuals are C. Michael Phenneger from Lancaster County and Kevin J. Spano from Northampton County. Both individuals passed the waiver examination.

Mr. Pfau briefly explained that House Resolution 138 passed in April. It is a resolution that goes to the Joint State Government Commission which is a bi-partisan Commission and the Legislature sends things to them all the time to conduct studies and develop recommendations for legislation on various issues. Mr. Pfau and Mr. Merwine attended a meeting with them for an hour to provide basic information on the training certification, the Board's role, and provided some curriculum so they get an idea as to what the training is like. They had already done some research on Constables and had some general questions. They have a year to conduct a study on the whole Constable System in Pennsylvania and report back to the Legislature next April. The Resolution addresses training, so the Board may see some impact on the training program from future legislation.

Mr. Pfau mentioned he discussed the differences in counties regarding fees and what Constables can and can't do in various Counties. As a training entity, it is very hard to provide standardized training when others are not operating in standardized fashion across the State. Hopefully, some of those issues will be resolved out of this. Constable Walsh asked if it has to be approved by the Senate. Mr. Pfau said no it was passed by the House and went to the Joint State Government Commission and they have a year to complete a study and return it back to the House with recommendations.

Commissioner Ruddock asked if the Joint Committee involves a cross section of engaged organizations, such as the counties. Mr. Pfau said looking at how they have conducted various studies, they form a taskforce and have bi-partisan representation of legislators and they reach out to various stakeholders. Commissioner Ruddock indicated there is an interest among his County Commissioner colleagues to better understand the role and functions of Constables in relation to costs incurred, fees and schedules. It is a welcome opportunity to better understand how we can work together. Mr. Pfau mentioned he provided the Joint Committee with a list of Board members, not sure if they will reach out individually, we did offer them to come to a Board meeting.

Kathy Clarke reported that the Constables' Education and Training Program is currently working on a new computer system to replace the current Constables' Information System (CIS). During discussions at several Board meetings, Constable Contino asked whether we would be able to release a constable's personal contact information to another certified constable or deputy constable.

Currently, personal contact information is kept confidential, so PCCD staff is sending out a **Personal Information Survey** to all certified Constables in Pennsylvania to ask if they would be interested in sharing their personal contact information and if so, what information would they want to share with other Constables. It would be a choice from the individual Constable if they want certain information shared with other Constables and would be able to disable this feature in the new system at any time.

Constable Contino said in the current system, if a constable logs in, he/she could inquire about Delaware County and it would have all 60 constables/deputy constables listed, but doesn't show any address, area where they work, or any phone numbers. If there would be a cell number or email address on the certified constable business information, constables could contact one another. Since the program is being redesigned, Constable Contino said it would be a good time to include this information. This isn't something that is going out to sell your information or anything. Constable Contino mentioned he borders three other counties and wishes he knew the Constable from West Chester. Ms. Clarke mentioned the survey will be mailed tomorrow, so constables can expect it in the mail within the next week or so.

Mr. Horst wanted to announce there is currently an instructor development course for constables going on. There are 12 certified Constables in this training to become instructors and if they complete all 40 hours of the program plus eight hours of student teaching in the Program, they will come before the Board for certification in the subjects they are qualified to teach. There are two individuals in the audience who are students in the class, Constable Todd Brothers and Constable Steve Chamberlain.

Mr. Pfau mentioned that about two weeks ago the program coordinator at Temple is no longer employed at Temple. It was a personnel issue and Temple University is actively trying to replace that individual, so in the meantime other staff are filling in and PCCD staff are assisting them, so that classes can continue as scheduled. Mr. Pfau asked constables in that area to be patient until the position is filled at Temple.

Commissioner Ruddock asked with the election coming up what the role of constables in county elections is as it relates to the duties of the Sheriffs' Departments. Constable Contino said under the election code, the constable's job is to be at the polling place and to keep the peace. If the question arises from the Judge of Elections, he is to contact the County Solicitor. If there is a major quarrel, the local police department should be contacted to remove someone. Constable Contino asked Commissioner Ruddock if his county was looking to use the Sheriff's Department to work the polling places.

Commissioner Ruddock said they actually appoint the Sheriff to be the first call of response when there is an issue at any polling place simply because they consider it to be a County function of election. They would also call the local police or State Police if needed. He said there is not one precinct in a township so the Constable wouldn't know where to be. He asked what role the constables play.

Constable Sokoloff said in Montgomery County, as the elected Constable in her township, she received a letter from the County indicating that she was responsible to appoint a Deputy Constable for every polling place in her jurisdiction. When they are appointed, they are appointed for the primary and the general election each year. She has 42 precincts to cover, so she can appoint someone to stand there all day to keep the peace. The County pays each one of those people \$90.00. Since she is elected, she still can serve because it is part of her job.

Constable Contino said the election law says you can, but it doesn't say you have to appoint deputies. Commissioner Ruddock asked if there is training of Constables regarding their understanding of the election process. Constable Contino said in Delaware County, there is training once a year that the Bureau of Elections holds. The County pays them \$60.00 to attend the five- hour training. They are taught how to read the rules during the training. The rule of thumb is that the Judge of Elections is whom you defer these decisions to.

Constable Walsh indicated in Allegheny County, they get an Order of the Court which includes the district the Constable is serving, telephone number and social security number. He said there was an article in the Pittsburgh Post Gazette that a member of the County Council wanted to do away with constable at the election polls to save the County \$80,000. Mr. Pfau mentioned that at the last legislative session there was a bill introduced to do that, to make constables' duties at the election polls optional at the County level. The County could choose not to utilize constables and could utilize whatever they wanted to do, but this bill did not go anywhere. Constable Contino said no matter what they do, they will have to change the election code, no matter what legislation is passed.

IV. Public Voice

Constable Contino announced the Board would take public comments and questions at this time.

Craig Westover, Venango County Constable, said since 1996, he has been involved with the Program either attending training and/or as an instructor. He was on the Board from 2000-2003 and the same issues were around then. He thanked the Board for coming to Meadville for the meeting. It is a struggle, because of the differences in every county. He teaches Civil Law for Penn State and tells his classes what the law says and what the curriculum says, but also tells the trainees that they are working for a particular Judge and should find out what their local rules are. He wanted to mention that WebEx sounds like a great addition and is also impressed with the quality of the Board.

James Miller, Vice President of Allegheny County Constables Association said regarding the elections, in the 2009 legislation, it states that it is part of the responsibilities of a Constable. If something happens and the constable does not do anything, is he held liable? Just food for thought! Also, regarding the \$5.00 fee, he knows the Board can't tell AOPC what to do, but something needs to be done because by 2018 the Program will be out money. Constable Contino said the Board is trying to collect it, but you can't tell AOPC to do anything. Mr. Miller said as a PCCD committee, you are saying you have no ties with Senators, Legislature, etc. Mr. Pfau said that PCCD and the Board cannot lobby on issues. The AOPC is a State Agency that we worked with and discussed our issue. They understand our viewpoint but they do not agree.

Mr. Miller also asked about being able carry a weapon because of the Allegheny County constable who shot a guy. The constable's insurance lapsed and he was almost arrested. He was not listed as a constable. Mr. Miller asked if his own insurance lapses, is he still listed as a Constable and is he still

certified? Mr. Pfau said through JNET when they search on the public page, names are pulled off when insurance expires. When your insurance gets files and PCCD receives it, your names will show back up. On the JNET search, there is a lot more information and it will say if someone is currently certified. It may say no but it still says you are a Constable or a Deputy Constable and whether you are or are not firearms certified. Through the JNET search, they have access to more information out of our system. Mr. Pfau said he spoke to a reporter from the Tribune Review and made the point that under Title 18 they are not required to have a license to carry.

Mr. Miller said he constantly gets calls from other Constables with questions regarding Civil Law. He knows they went through the 80-hour course and knows within the last ten years, they have taken the updates and wonders if there is something missing from the Basic. Constables are evicting people on the wrong days. Constables Contino said when you go to the Continuing Education Course this year; constables will receive a cheat sheet card that lists times, dates and pertinent information. The rule is you can't throw someone out on a day the Court is closed. It skips to the next day. Constable Contino said if you look on Rules of Court it is under Computation of Time and that is where the definition is. It is ten days unless it is a holiday or the Court is closed.

Mr. Miller said in the Civil module of the 80-hour course, it should be taught that constables can't throw anyone out on a day the Court is closed if that is the final count day. Mr. Pfau indicated it is taught in the 80-hour course. Mr. Pfau also said that we are always playing catch up because the rules are constantly changing. AOPC's various rules committees vote on rule changes at various times throughout the year. This is that time of year they will be submitting new rule changes and being half way through a training year, any changes that come out, we have to play catch up to let constables know about the changes. Civil Law has always been hard for the curriculum developer because it needs to be timely and accurate. Penn State has been excellent when there are rule changes. Mr. Pfau mentioned he knows that rule is in the Basic Training and it is being taught.

Constable Contino introduced Judge Opiela and said the Board wanted to present him with a plaque that says "presented by the Constables Education and Training Board of PCCD to the Honorable Richard G. Opiela, Magisterial District Judge of Allegheny County in appreciation for your years of dedication and services as Chairman of the Constables and Education and Training Board." Judge Opiela thanked the Board for all their hard work and said it's hard to believe that it has been five years. He said he learned a lot and hopefully helped do a few things and met a lot of wonderful people. He said he has told people that the system will not work just on MDJs alone, it takes constables and staff and without each party partaking in a fair manner, the system doesn't work very well. Judge Opiela said we all need to work together and encouraged everyone to keep up the hard work.

There were no other questions from the audience.

V. Adjournment

Commissioner Ruddock made a motion to adjourn the meeting at 11:48 am. Constable Sokoloff seconded the motion. The next Board meeting will be held on August 8, 2013 at PCCD in Harrisburg.

Amended to include the Training Disclaimer Slides adopted May 9, 2013 – Attachment A

Why We Teach What We teach

- The information provided in this training addresses statutes, procedures and/or acceptable standards regarding judicial duties.
- Any limitations/ restrictions the training imposes apply only to the subject of the training session.

8/12/2013

Training Disclaimer - Attachment A

1

Instructor Notes:

Within the Commonwealth there are 66 different Counties with constables, many with their own local rules of procedures. Some of these local rules are as a result of the interpretation of recent case law, direction from the President Judge, guidance from the local District Attorney, Court Administrator, or County Solicitor, or even a particular MDJ.

Explain to the constables that we must teach as the law is written at the Commonwealth level. We are not implying that their county's rules are wrong or illegal. Conversely, ask them to be open to the fact that even if what we are teaching is not "exactly" the way its done in "their" county, it doesn't make it wrong either.

Why We Teach What We teach

- Any examples the training provides are not necessarily endorsed by the Board and are not necessarily the only examples available.
- This training does not address different or additional procedures regarding judicial duties which may apply locally.

Why We Teach What We teach

- It's not practical to try to present training that is unique to each county.
- If there are any question, Constables should verify those procedures with their County.

8/12/2013

Training Disclaimer - Attachment #

3

Instructor Notes:

What may be acceptable practice in your County may not be the accepted, preferred, or "best practice" in another.

Encourage the constables to be familiar with their local rules of procedure. If they believe that what we are teaching is contrary or in conflict with what they are told to do, encourage them to identify that to and work that out with their court administrator or MDJ in their county.

We Do Read the Evaluations

- Both CETB and PCCD encourage you to provide feedback and to complete the provided evaluations.

9/12/2013

Training Document - Attachment A

4

Encourage constables to complete the evaluations, especially the narrative sections. Explain that the evaluations are read and actions are taken based on the feedback. Encourage them to provide examples and suggestions to resolve problems they identify. However, remind them to be professional and realistic.

As instructors make yourself open and receptive to comments and suggestions during the class. Assure them they are being listened too.