

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

Minutes of the February 19, 2015 Meeting

Members Present

Major Adam Kisthardt, PA State Police
A.R. DeFilippi, Court Administrator, Beaver Co.
Honorable William Wenner, MDJ, Dauphin Co.
Julie Sokoloff, Constable, Montgomery Co

Commission Staff Present

Kathy Clarke, Bureau of Training Services
Norma Hartman, OFMA
Wayne Hower, Bureau of Training Services
Robert Merwine, PCCD
John Pfau, PCCD
Carolyn DeLaurentis, PCCD

Visitors

Jeff Watson, Indiana University
Deidre Beiter, Temple University
Todd Brothers, Penn State Fayette
Ronald Clever, PAFOC
Ted Mellors, Penn State Fayette (WebEx)
Thomas Impink, PSCA
Barry Betz, Lehigh County
Daniel Hollenbaugh, Adams County
J.C. Garner
Ian Castaneira, PAFOC

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, February 19, 2015, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Vice-Chairman Major Adam Kisthardt called the meeting to order at 10:00 a.m. Board and staff introductions were then made to audience members.

II. Action Items

Vice-Chairman Major Adam Kisthardt moved to the first Action Item on the Agenda, **Minutes of November 20, 2014 Minutes**, pages 1-7 of the Board packet.

The Honorable William Wenner made a motion to accept the Board Meeting Minutes of November 20, 2014. Constable Julie Sokoloff seconded the motion. There was no discussion.

VOTING AYE: DeFilippi, Kisthardt, Wenner, Sokoloff

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Vice-Chairman Major Adam Kisthardt moved to the second Action Item on the Agenda, **Financial Report for February 19, 2015**. Ms. Norma Hartman reported that the Financial Report begins on page eight of the Board packet, and is for the second quarter of the 2014-15 State Fiscal Year that ended December 31, 2014. Under Receipts, the balance carried forward is \$4,807,975.38. The Fees Collected during the second quarter were \$477,891.39, and the breakdown of fee collections can be find on page 11 of the Board packet. The Total Funds available as of June 30, 2015 are projected to be \$6,740,475.38. Under Expenditures and Commitments the total accumulative expenditures as of December 31 were \$1,509,745.56. The total accumulative Expenditures and Commitments as of December 31 were \$2,800,422.34 that includes \$479,200.48 of Administrative Expenditures and Commitments. The breakdown of these administrative costs can be found on page 10 of the Board packet. The account balance of Uncommitted Funds as of December 31, 2014, was \$3,940,053.04. There were no questions.

The Honorable William Wenner made a motion to accept the Board Meeting Minutes of November 20, 2014. Constable Julie Sokoloff seconded the motion. There was no discussion or questions.

VOTING AYE: DeFilippi, Kisthardt, Wenner, Sokoloff
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

Vice-Chairman Major Adam Kisthardt moved to the third Action Item on the Agenda, **Instructor Certifications**. Ms. Kathy Clarke, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

Temple University:

Joseph Karpovich

Topic Certifications:
General
Firearms

Penn State Fayette:

William Huss

Topic Certification:
Physical Skills

Roger Young

Topic Certification:
Firearms

Clifford Standard

Topic Certification:
General

Conrad Pfeifer

Topic Certifications:
General
Firearms

Penn State Fayette continued:

Brady Pascoe

Topic Certification:
Firearms

Jody Eberhart

Topic Certification:
Firearms

Program Staff recommended Board certification for each instructor for the topics listed above. The Board was advised that they will all be new instructors for the Program.

The Honorable William Wenner stated that when HACC (Harrisburg Area Community College) was part of the Training Program, he was asked to teach some of the civil law courses for constables. He stated that even with 23 years of law enforcement, he would have to question if the schools are being careful with who teaches the civil law modules to constables. He stated that he really had to brush up on civil law prior to teaching because even with his law enforcement experience and magisterial district judge (MDJ) experience, it was a struggle. He stated that he feels uncomfortable about some of the instructors that are “law enforcement” (current or former) teaching civil law. Mr. Ted Mellors, Curriculum Development Contractor, stated that the Board’s certification criteria are very specific on what qualifications are needed to teach the civil law modules for the Program. Mr. Mellors also stated that Penn State Fayette normally uses an MDJ, attorneys and constable instructors for the civil law modules. Mr. Pfau mentioned that any law topics have very specific qualifications per the Board’s criteria for instructor certification. Mr. Pfau also stated that as Mr. Mellors said, most of the schools are using judges, attorneys and the new constable instructors to teach the civil law modules. There were no other questions.

The Honorable William Wenner made a motion to accept the candidates for Instructor Certifications. The Motion was seconded by Board Member A.R. Defilippi and there was no discussion.

VOTING AYE: DeFilippi, Kisthardt, Wenner, Sokoloff

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

III. Discussion Items:

Mr. Robert Merwine wanted to mention that in the last Board meeting minutes there was a discussion around PCCD’s Legislative Liaison. The minutes were accurate and PCCD does not have a full-time policy legislative liaison staff member, however, PCCD does indeed have legislative and policy staff, our Executive Director Linda Rosenberg, as well as our Director of Research and Policy Development, Kirsten Kenyon. They handle the responsibility between the two of them. The minutes indicated that PCCD doesn’t have a legislative liaison but we do have those two individuals. He just wanted to make sure the Board was aware of that. Mr. Merwine indicated that came up in the context of the Constable Fee increase discussion and those two individuals are working on that and will be meeting with Rep. Thomas Caltagirone next week to discuss that particular issue. Major Kisthardt said Rep. Caltagirone has always shown himself to be supportive of law enforcement.

IV. Informational Items:

Constables' Certification, Education and Training System (CCETS) Registered User Update

Ms. Clarke reported that as of January 12, there were 916 constables and deputy constables who are registered as CCETS users, which is 75% of the current constable population. There are also 44 registered users from 28 Clerks of Court offices and they are entering the liability insurances directly through CCETS. The enrollments went very smoothly when the online enrollments began in November with only one minor issue and our IT staff is currently working on a permanent fix for that issue. She stated that as of yesterday, there were 80.5% of the certified constables who are registered CCETS users, which is an increase of over 5% in less than one month. Major Kisthardt asked how Program Staff are getting the word out to people about CCETS and Ms. Clarke indicated that a training bulletin went out last July and the same information was included in the 2015 Training Schedule. Ms. Clarke also indicated that Program Staff recently went through the first major insurance expiration date for the year which was February 12 and it went very smoothly and CCETS handled it very well.

Status of Certifications

Ms. Clarke reported that as of January 12, there were 1,221 constables and deputy constables currently listed as active and certified. 940 or 77% of those were also certified to carry a firearm in the course of their judicial duties. Since the inception of the Constables' Training Program in 1996, there have been a total of 4,064 individuals who have successfully completed the basic training or the waiver examination and were certified by the Board.

V. Public Voice:

Thomas Impink from the Pennsylvania State Constables Association stated that a couple of years ago, Rep. Caltagirone tried to pass a bill giving the 53 third class cities in the State the ability to allow parking authorities to switch from magisterial district court control. However, that bill was defeated because of the lack of funding coming back to the State. He indicated that the bill was shot down and he stated that he wanted to congratulate all the Constables in the State that rallied around defeating this bill. He stated that there would have been a significant shortfall in Constable funding if that bill would have passed. Mr. Impink stated that he was again contacted on this bill and he wanted to inform the Board that this may become an issue again if this bill is passed. He also wanted to inform the Board that there is proposed legislation from Montgomery County from Rep. Greenleaf, which would only allow police to serve warrants in Montgomery County. This will also be a big hit to the Training Fund.

Mr. Impink further stated that he would like to see the Friday night classes removed for the simple reason that some constables and instructors travel more than 50 miles one way to a training location. He stated that he has spoken to several firearms instructors and they would have no problem with eliminating Friday nights. Mr. Impink stated that both the continuing education and annual firearms qualification could be done in 16 hours rather than 20, which would eliminate Friday night classes. He stated that he does understand that it would take a legislative change for this to happen.

Mr. Impink indicated that the proposed increase in the resolution would increase the surcharge from \$5 to \$9.50 per the study that was done by the Joint State Government Commission. He further indicated that the \$5 surcharge has been in place since 1994 and even though PCCD is trying their best to keep costs down, it is necessary to pursue this increase.

Mr. Pfau mentioned that House Resolution 138 was the study that recommended increasing basic training hours from 80 to 100. PCCD, the Commission, the Board, and the Job Task Analysis done back in 2005 recommended that the basic training increase between 100 and 120 hours. That study recommended that no additional topics be introduced but to expand on the topics we do teach. Mr. Pfau added that until the Act is changed, we are stuck with 80 hours.

Mr. Pfau indicated that the House Resolution proposed creating a statewide Board that would address issues between constables in a County. The Supreme Court Rules issued last year recommended counties set up their own boards to rectify issues locally on the fees being paid to Constables. Major Kisthardt asked Mr. Pfau to mention to Executive Director Linda Rosenberg the Board's interest on this issue.

Constable Ian Castaneira representing the Pennsylvania Fraternal Order of Constables (PAFOC) indicated that he had a number of issues to bring up. He mentioned that he and several other PAFOC members spent several hours with the Joint State Government Commission and that they raised many issue with them. He stated that when the report came out, the members were highly disappointed and thought it was an agenda-driven report that was written before it was written.

The Honorable William Wenner asked Constable Castaneira if there was a difference between the Pennsylvania State Constables Association and the Pennsylvania Fraternal Order of Constables. Mr. Castaneira stated that PAFOC is the largest association in the state right now and that there have been some agreements and some disagreements with the different associations. Mr. Impink stated that both associations try to help out their fellow constables and that no one group can do it all themselves. Mr. Impink applauds Mr. Castenaria for his efforts.

Constable Daniel Hollenbaugh asked if the Board has ever considered Patrol Rifle Training for constables. Mr. Pfau indicated that Patrol Rifle Training has not come up in the past; however, shotgun training has been discussed. Mr. Pfau expressed some of the issues that the Board were presented with in the past such as the small number of interested constables, the cost involved, and whether it would be included in the mandatory 20 hour annual firearms qualification. He also expressed that Program Staff could take a look at surveying the constable population to gauge the interest level. Constable Hollenbaugh asked that if a constable were to get certified in Patrol Rifle would the PCCD back the constable on that certification. Mr. Pfau responded that the Board discussed this same issue in relation to Taser training and the Board would need to endorse or support this training prior to approving any certification. Mr. Pfau stated that he would have Program Staff do some research on Patrol Rifle training and will have a report back to the Board at the May or August meeting.

VI. Adjournment

Vice-Chairman Major Adam Kisthardt asked for a motion to adjourn the meeting at 11:05 a.m. The Honorable William Wenner made the motion and Julie Sokoloff seconded the motion.

VOTING AYE: DeFilippi, Kisthardt, Wenner, Sokoloff

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Board meeting will be held at 10:00 a.m. on May 14, 2015 at PCCD's Offices in Harrisburg.