

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

**Minutes of the August 13, 2015 Meeting**

**Members Present**

Major Adam Kisthardt, PA State Police  
Rich DeFilippi, Beaver County  
Rodney Ruddock, Indiana County Commissioners  
Fred Contino, Constable, Delaware Co.

**Commission Staff Present**

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

**Visitors**

Craig K. England, Blair County  
Ted Mellors, Penn State Fayette  
Todd Brothers, Penn State Fayette  
Mike Marcantino, IUP  
Thomas Impink, PSCA  
Deidre Beiter, Temple University  
Anh Nguyen, Temple University  
Deb Williams, PCCD  
Ronald Quinn, PAFOC  
Anthony Luongo, Temple University  
Ron Clever, PAFOC  
Jack Garner

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, August 13, 2015 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Chairman Fred Contino called the meeting to order at 10:00 a.m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were then made to audience members.

Chairman Fred Contino mentioned that the Board lost one of our members recently Harry Walsh from Allegheny County. The memoriam that was sent out had an error of the date of his passing. It had 2012 and it should have been 2015. Chairman Fred Contino read the Constables' Training Bulletin memoriam. It is with great sadness that we announce the passing of Harry C. Walsh, Allegheny County (City of McKeesport) Constable and Constables' Education and Training Board Member. Harry passed away on July 15, 2015 after a brief illness. He was a veteran, Representative for Bell Atlantic for 43 years, a Controller and Councilman for the City of McKeesport, a member of the White Oak American Legion Post #701, and the Eleventh Ward Club. Constable Walsh served on the Board since 2009 and was a vocal advocate for the constable population. He will be missed for his sense of humor and charismatic personality. Ms. Leffler also mentioned that PCCD staff lost a member recently due to a brief illness.

Anne Barner was the receptionist that would greet all the Board members. PCCD will miss her immensely.

Chairman Fred Contino mentioned that one of the instructors Tom Olsen passed away recently and the bulletin contained a brief memoriam to Tom as well. He taught at the Harrisburg Area Community College (HACC) as one of the master firearms instructors.

Chairman Contino wanted to bring to the Board's attention that when Constable Walsh passed away PCCD sent flowers. In the past when a Constable Board member passed away, the Board has sent flowers. For example, when John Anderson, who was a constable from Luzerne County and Board member, passed away the Board sent flowers. It made him proud that the Board took care of one of their members. He understands that flowers for Harry Walsh had to be paid by staff and he feels something is wrong with this. He stated that if the Board could pay for a plaque for a member that loses his tenure on the Board, we should be able to spend the money to send flowers for a Board member's funeral. He asked if someone could kindly tell him why this was not an allowable use of money? Ms. Leffler stated she put in a request for approval and it was denied through our Fiscal Staff. Mr. Merwine said he questioned the same scenario and was told it was an ineligible expense for Commonwealth funds. Mr. Merwine stated that the explanation he received was that it was not an authorized expense for the use of Commonwealth funds. Chairman Contino asked are these Commonwealth funds or Constable funds? Mr. Merwine said it is still Commonwealth funds even though it is a restricted account; all purchases still have to follow Commonwealth guidelines. This goes for any funding, Constables, Deputy Sheriff and Victims Compensation or Federal funds passing through this Agency. Chairman Contino asked are we still going to buy plaques for Board members who resign or lose their term. Major Kisthardt mentioned they have the same issue with PSP and purchasing flowers. The Commonwealth does not pay for them. It makes sense to Major Kisthardt that the Commonwealth would not allow to pay for flowers for the Board members who pass away. Chairman Contino said that is an insult. Commissioner Ruddock mentioned from a County Commissioner standpoint, they are not permitted to pay for flowers. They circulate among the elected leaders a request to provide a stipend to cover those expenses. They are allowed to give plaques. Mr. DeFilippi stated that from a court respective, he would not permit the spending of public funds for this and would recommend passing the hat in those circumstances. Chairman Contino said that if something like this happens to someone else on the Board, he asked that Ms. Leffler let the other Board members know and we will all chip in. Chairman Contino would like to know who paid for the flowers for Harry Walsh. Ms. Leffler indicated she paid for them. Chairman Contino stated that he would reimburse Ms. Leffler today since Harry Walsh was a personal friend of his.

### III. Action Items:

Chairman Contino stated that he had a question concerning page five of the financial report. He asked Mr. Merwine for more specific details relative to the names of the employees and amounts being paid from the Constables fund. This is in regards to the \$138,000 a year that is written on the administrative costs, he is trying to figure out where this money comes from. Chairman Contino asked Mr. Merwine if he was able to determine the names of person who were paid by the Constables Fund. Mr. Merwine said he provided a lot of this information to the staff. Furthermore, he did the research and focused on what was perceived to be the nine month report from July 1, 2014 through March 31, 2015. The data that was actually available on the public basic website was for a six month period which was why we were having a disconnect between our report and what was being seen online. Mr. Merwine had Fiscal pull the six month worth of data. He has gone through it and has a copy of the information with him that he could share with Chairman Contino. Mr. Merwine was able to match up the data and he has the exact number

of hours per individual, per job responsibility, as well as the cost which does total the \$85,288. This is the same amount reflected on the public website for that same six month period. All of those funds are internal transfers from employee time as we talked about in previous meetings. There are some people like Ms. Leffler that dedicates 100% of her time to the program. There is a separate report for people who do not appear in that line item and they are people like himself, Mr. Pfau, Ms. DeLaurentis, Ms. Hartman, our administrative staff, our IT staff that sets things up for the meetings. All of these individuals provide time sheets or their time is prorated based on the number of servers we have, the number of employees we have, the HR department all of those individuals may spend some of their time and they are reflected on this report. Chairman Contino said the problem he has is with the transfers that were coming in at \$138,000. This is what he was questioning. It just seems that the last few years we have spent so much time and effort on cutting back on schools, classroom availability, stipends from our Constables, and cutting so much money yet we are still spending the same amount of money. There are additional financial expenses that he is now seeing that were not showing up three years ago. He has too many questions and it is beyond the scope of him, a regular Constable. Chairman Contino stated that someone is saying to put the additional financial expenses on the Constable budget. He has a lot of questions and our job here is to make sure there is quality training for the Constables, possibility of what insurances are available and being fiscal responsibility and we just seem to be rubber stamping a lot of things. The Board has an obligation and duty to look at all expenses that come out of the Constables Fund. Chairman Contino asked that maybe a subcommittee could look into this manner in further detail. He is totally lost with these numbers. It doesn't seem we are benefitting the Constables Education and Training Program. We have asked for more money and in the process of going to Legislature to try to get a surcharge increase. His fear is that if we ignore these additional expenses and are able to obtain an increase in the surcharge; that these expenses will continue to grow. Chairman Contino mentioned how the Sheriffs fund was raided and the defense was that the Sheriffs fund was a state fund. Chairman Contino questioned Alutiiq and the scenario of \$100,000 being spent on them and the cost being split evenly between the Constables Program and the Deputy Sheriff's Program. He would like to see time sheets for these expenses as well as all the monies being spent on IT. Mr. Pfau and Ms. Leffler have fought hard to save the Program money and the savings have all disappeared. We are still spending the same money that we did ten years ago. We are still bringing in \$1.9 to \$2 million and we spend \$2.4 million. If we cut all these schools there should be a savings. Mr. Merwine mentioned whether you have one school or three schools, we still need the IT equipment to do recordings that we are doing now. That still exists if you are doing one school or six schools out there. You still have those operating costs to run the organization. Chairman Contino said we have had those costs since day one and we didn't have IT until two years ago. In the minutes here in 2011, there were no IT bills. Chairman Contino expressed a willingness to create a subcommittee to further investigate the financial issues. Constable Ron Quinn – PAFOC wanted to interject on this topic. Constable Quinn likes the idea of a subcommittee but he would ask if the Board would consider the subcommittee not to be just Board members but other members of the public who may have the financial expertise. Ms. Leffler wanted to speak about the contracts, stating that the Program does follow Commonwealth policy through the Department of General Services on procurements. The contracts are done through a Request for Proposal bidding process. The bids come in and they are evaluated, the selection process is all handled through the Department of General Services and those contracts are put in place for a five-year period. Normally, we do a three-year budget and then a two-year renewal but the contracts are in place for at least a five year period. Program Staff just went through budget renewals for the training delivery contractors and for those budgets we did three years worth of budgets. Mr. Pfau indicated the contract cannot exceed a certain dollar amount and provided the following example: the Program contracts for three years and the budget for those three years is \$700,000 they are still obligated to provide the training for that amount. The contractor has to manage the funds because they cannot exceed whatever the total dollar amount is on the contract. They can't come back

and say they added two more classes so they need more money; they have to do it within that budget limit. Often times they have to move money because they are cutting back from here to move there. Mr. Pfau indicated that in the life of the Program, we never paid full price on a contract. Even though the contract might be \$700,000 at the end of that period because there were classes that were cancelled, money always comes back to the fund. How much comes back varies year to year. In 2010 when we had the huge spike in new Constables, very little money came back to the contracts because normally we run six to eight basics and that year we had 17.

Commissioner Ruddock said it seems like this would require someone with a pretty good fiscal understanding of how this process works. To jump in as a team is one thing but to have advice then to have someone who examined the cash flow for this agency over the last three years it might be wise to get an independent auditor to take a look at our budget and see what operational costs are and find out if we are doing anything inappropriate. Commission Ruddock stated that right now what you are suggesting is a serious concern about the connectivity between one budget years to the next. That is really a shortfall in state government today it is carrying on the expenses of a contract how you carry that in to the next year after every year it is a different budget. That is just an idea and he makes that recommendation as well. He would like to join the committee but at this time of the year his time is devoted to the election. He would make a recommendation considering an auditor take a look at what we have and maybe sit down with some of the staff members and see what they think and come up with a recommendation. Mr. Merwine mentioned we are required to go through audits on a periodic basic. And we are currently undergoing an audit from the Auditor General's Office which is an independent audit. So to authorize another third party auditor to come in doesn't feel that would not be a wise use of funds. Mr. Merwine stated that he is not opposed and the Commission would be happy to work with the Board to go through the details of the funding. He doesn't feel if we already have a third party audit being conducted, why hire another third party to do what is already being done. Commissioner Ruddock said that we could stipulate part of this and it doesn't make sense to spend money twice. He asked that this issue be discussed further in the Executive Session. Ms. Hartman said when Ms. Leffler talked about the contracts, the contractors actually budget for each fiscal year and sometimes because of classes being cancelled or added they have to move funds from one line item to a different line item in order to cover those expenses. So there is accountability on a year to year basis as a result of one of the Auditor General's audits, wherein they want to see funds liquidated at the end of each fiscal year. Ms. Hartman further elaborated that in the past a lot of the contractors were allowed to rollover funds for the entire period of the contract. Now we are requesting, but we can't require it, that at the end of every fiscal year they liquidate money. We do need to allow for unexpected expenses but the contractors are now generally liquidating money at the end of each fiscal year.

Ms. Hartman further elaborated, that they are liquidating some funds that is why on page 13 of the Board packet, there is actually columns in there that are showing funds that were being liquidated so that was from that fiscal year so money was going back into the fund. Chairman Contino said that he understands. Ms. Hartman said she did a comparison of the SFY 2013/14 and this would be the administrative costs broken out. She did a comparison of SFY 2013/14 and at the end of the SFY 2013/14 fiscal year versus the SFY 2014/15 which just ended June 30. And the expenses have gone down almost a half million dollars from SFY 2013/14. Everything on here has decreased anywhere there has been a change; it has been a decrease in cost during the 2014 fiscal year with the exception of the Personnel Services. Another thing the IT there were \$686,000 expenditures in SFY 2013/14 as of June, it was \$202,000. The expenditures overall are decreasing. The only place it has increased both expenditures and commitments was the Personnel Services. And we don't have commitments in Personnel Services; it is an actual expenditure because of the transfer that we do. Commissioner Ruddock asked Ms. Hartman when she

says they transfer from one fund to another is that to supplant the budgetary process. Mr. Pfau replied to keep in mind the difference between a training year and a fiscal year. It may be necessary for the Program to add additional classes to a training year. The program cannot control the Constable training population. The Program tends to move money year to year as needed but ultimately it never exceeds that total dollar amount.

Chairman Contino asked if there were any other questions regarding the minutes. Major Kisthardt said one minor change he had for the minutes. In the first paragraph on page six he said the State Police have ten clerks at the academy for a 6,000 person agency not 600 person agency. Ms. Leffler said motion will have to be made to accept the minutes with the correction to page 6.

There was no more discussion on this action item and a motion was made by Major Adam Kisthardt to accept the Board Meeting Minutes of May 14, 2015 with the correction of page six. The motion was seconded by the Honorable Rodney Ruddock.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was the Financial Report of August 13, 2015. Ms. Hartman reported the fiscal report can be found on pages 12-16 and is for the fourth quarter of the SFY 2014/15 that ended June 30, 2015. Under Receipts, the balance carried forward from the previous year was \$4,807,975.38. The actual fees collected during the fourth quarter were \$490,273.42. The total funds available as of June 30 were \$6,669,718.31. The breakdown of fees that were collected by quarter can be found on page 15. Under Expenditures & Commitments, the total accumulative expenditures as of June 30, 2015 were \$2,362,885.53. The Total Accumulative Expenditures & Commitments as of June 30, 2015 were \$10,938,954.80 which includes \$817,558.83 of Administrative Expenditures & Commitments. The breakdown of these costs can be found on page 14. The Total of Uncommitted funds as of June 30, 2015 was a negative \$4,269,236.49. The negative balance is primarily due to the commitment of \$7,596,247.94 for the three education training programs (Temple, IUP & PSU-Fayette) for the period started on January 1, 2015 through December 31, 2017 and augmenting the curriculum development PO for a fourth year. The actual carry forward balance on July 1, 2015 for the SFY 2015/16 is \$4,306,832.78. This carry forward balance includes both the "Uncommitted Balance as of June 30, 2015" of (\$4,269,236.49) plus "Commitments" of \$8,576,069.27. Liquidations of \$125,973 were made for IUP and Penn State-Fayette for the education and training programs that ended December 31, 2014 and posted to the account on May 1, 2015 and are reflected on page 13. Temple is behind in submitting invoices for the original two-year contract that ended December 31, 2014 and no invoices have been submitted against the three-year Renewal that began on January 1, 2015. Ms. Hartman asked if there are any questions.

Chairman Contino had a question on page 16 where it says expenditures; he asked Mr. Pfau when was the big election year that we spent the largest amount of money. Mr. Pfau responded that it was 2010 when we expended most of the contract money and added additional basic training classes. Chairman Contino said so we spent almost \$2.4 million. This is where he gets concerned in SFY 2013/14 we go from \$2.4 million to \$3 million. Mr. Pfau explained that 2016 has the potential to have the same affect. The Program has no way to predict the number of new constables that maybe elected or appointed. The Program also has no way to calculate the number of constables that may retire, not run for re-election, or

resign. We did advise the contractors of the potential spike in the number of new constables for 2016. In the 21 years since the inception of the Program, 2010 had the largest spike in the training population. Whether or not that will happen in 2016, remains to be seen. Chairman Contino stated that his major concern is that we have 3 million in expenditures. There is potential legislation that will increase the surcharge; however, there is also legislation that will hurt the amount of the collections. There is a possibility of legislation being passed that will allow police officers to collect fees for warrants. So don't think because there is a bill on the floor or the possibility of going to the floor, to be voted on to increase that surcharge that we are going to have excess money. He stated that the Board must keep an eye on the budget and control it.

A motion was made by Mr. Rich DeFilippi to accept the Financial Report of August 13, 2015 and the motion was seconded by Major Adam Kisthardt.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

Chairman Fred Contino moved to the next Action Item on the Agenda, **Instructor Certifications**. Mr. Wayne Hower reviewed the applications and gave staff recommendations, as follows:

**Indiana University of PA:**

William Stoeffler  
Requested Topic Certifications:  
Communications, Firearms

**Penn State University:**

Jason Fidazzo  
Requested Topic Certifications:  
Firearms

Mark W. Lovell  
Requested Topic Certifications  
General, Firearms

Scott D. Steva  
Requested Topic Certifications  
Firearms

**Temple University:**

Eugene Dolan  
Topic Certifications:  
Firearms

Program staff recommended Board certification for each instructor for the topics listed above. Major Kisthardt had a concern about Mark W. Lovell's certification. Mr. Pfau said if you look on there it says (CID) Criminal Investigative Division which is equivalent to a detective and they operate on an independent chain of command. They are highly qualified agents in a very selective process. Major Kisthardt's concern isn't his experience as an investigator; it is the familiarity of Commonwealth law and the whole process. He also sees he is a general firearms instructor. Mr. Ted Mellors mentioned he went through Act 120 to bring him up the speed from a civilian standpoint and Penn State Fayette did receive his DD214. Major Kisthardt asked about William Stoeffler. He would like to see where the NRA HG/SG Development School is listed as an instructor course. He stated that maybe he could have taken the instructor course but didn't go to a tactical school. Mr. Mellors responded that it was an instructor development school.

A motion made by the Honorable Rodney Ruddock to accept the staff recommendations for the candidates for Instructor Certifications. The motion was seconded by Major Adam Kisthardt.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was 2016 Board Meeting Schedule. Ms. Leffler indicated staff put together this schedule with both the primary and general elections in mind so as to avoid any scheduling conflicts. Ms. Leffler asked the Board to approve these dates and if there are any issues please let her know. If there are no issues with these dates, they will be published and the Commission Room will be reserved for next year.

A motion was made by Major Adam Kisthardt to accept the 2016 Board Meeting Schedule and the motion was seconded by Mr. DeFilippi.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was the staff recommendations for Physical Skills Instructors. Ms. Leffler said this has come up as a subject topic several times at the Board meetings when staff had changed our structure to certify instructors under topics rather than subjects. Now when we certify our instructors they are being certified by a topic instead of the individual subjects. However we did find that there were two subjects, Court Security and Use of Force that were very hard to pinpoint down as either being a general subject or a law subject or physical skills subject. We had 56 instructors that were affected by this change, Penn State-Fayette put on the Pressure Point Control Tactics (PPCT) Defensive Tactics (DT) course for us here at PCCD in February. We had 13 of those instructors successfully complete that course and we also had instructors who did have the PPCT or equivalent certification for DT. We still had 26 instructors that do not meet that qualification and rather than losing these 26 seasoned instructors, Program Staff are recommending that the Board allow these instructors to continue to teach for the Program. Ms. Leffler referenced page 26 of the Board packet, wherein a chart lists the

three affected subjects, their current topic and Program Staff's recommendation on the topic that these subjects should be changed to. So for example, staff would like to change Court Security from a Physical Skills topic into a General topic. Program Staff are recommending that the Use of Force subject be split out into Use of Force-Legal and Use of Force-Physical, the second of which would require certification in the Physical Skills topic. Ms. Leffler stated that she does not want to penalize these instructors because they don't have the DT qualification. Ms. Leffler stated that Program Staff are recommending these 26 instructors be permitted to continue to teach for the Program based upon these subjects being split out. Ms. Leffler indicated that Program Staff review the upcoming curriculum and will determine which topic area these subjects should be placed. Ms. Leffler indicated that any future instructor candidates that come forth to the Board for certification in the Physical Skills topic, will be required to have the 40-hour DT qualifications. Ms. Leffler asked if there were any questions. Chairman Contino asked if we have a motion to accept the Skills Instructors changes.

A motion made by Mr. Rich DeFilippi to accept the staff recommendations for Physical Skills Instructors changes. The motion was seconded by the Honorable Rodney Ruddock.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

Ms. Leffler indicated that the next Action Item on the Agenda is concerning the 2016 Defensive Tactics Continuing Education Scenario participation. She indicated that staff would like to change this to a Discussion Item rather than requesting Board approval today and that this issue will be tabled until the November 19 Board meeting. She stated that she and Mr. Pfau will tag team on this issue. Mr. Pfau mentioned for the life of the Program, DT participation was never mandatory and this issue has been discussed extensively by the Board back to 2004. Attachment A is a participation endorsement letter from former Board Chair, Judge Richard Opiela, and several other magisterial district justices from western Pennsylvania. Judge Richard Opiela and others feel that the way the curriculum is designed this year would be very beneficial for constables and deputy constables to be required to participate in that the training value is great for the Constables. Mr. Pfau stated that most all others in the law enforcement community require participation in DT. For example, at the Deputy Sheriffs' Academy, the Sheriff must complete a form stating that participation in physical activities at the Academy is mandatory and a doctor must medically clear that trainee prior to attending. All of the activities are listed out and the doctor must indicate whether there are any medical issues that would prohibit that individual from performing these activities.

Mr. Pfau indicated that the problem with Constables is that they are independent contractors and that they do not really work for any government entity. There has been a whole host of issues discussed over the years, such as how do you make a guy participate when they have the same issues year after year. They may have a physical disability or a previous medical condition that limits their physical mobility. It all comes down to how do we document this and remain fair on how each individual is treated. Mr. Pfau stated that another reason for non-participation is that constables have a concern that they will get injured during training.

Mr. Pfau indicated that the way the curriculum is written for 2016, the DT module is set up to integrate tactical training as well as the verbal skills from the Management of Aggressive Behavior (MOAB)

module. The DT scenarios were designed where there is no physical contact but using the verbal skills learned in MOAB. Program Staff feel that there is a much better training benefit for them to actually participate and get an evaluation. The evaluation would be more of an assessment to provide feedback on the use of the verbal skills. The instructors can also change the outcome of the scenarios. In the Board Regulations, in both the Basic and Continuing Education, it has always said that the Constable has to demonstrate proficiency in each exam of practical skills such as DT, etc. We have never had a practical administrative way to enforce participation, so the Board never acted. Participation rates in DT have actually gone up over time and Program Staff feel that the constables and deputy constables have seen the benefit of seeing someone until you actually get up and perform the skill.

Ms. Leffler stated that Penn State Fayette provided us with a video segment from the Annual Instructor Updates session in State College this past June, wherein the instructors were running through these scenarios. There is a lot of information contained in the Board packet on this topic and Staff has laid out some options for the Board. The Board needs to be cautious of the decision made because we cannot require participation one year and not the next. Mr. Pfau asked the Board to review the materials provided and we will discuss at the November Board meeting.

### III. Discussion Items:

Ms. Leffler indicated we have three Discussion Items on the Agenda and staff are asking that the Board members review the drafts provided. These items will then be on the November Agenda as Action Items.

The first Discussion Item is the Act 49 Constable Training Grievance process. Ms. Leffler indicated that since she has taken over as Supervisor for the Program, we have received about a half dozen training grievances and she feels it is important that the Board is informed of these grievances and their outcomes. She stated that Program Staff will acknowledge receipt of the training grievance and will initiate an informal investigation, which may include contacting instructors, other individual in the class, and the training delivery contractors. Ms. Leffler indicated that if a determination can be made based on Board Regulations or Board Policies, she will respond back in writing.

If there is something in the training grievance that does not apply to Board Regulation or Policy, she would consult with other Program Staff and Legal Counsel and recommendation would be made to the Board on different courses of action. Ms. Leffler indicated that a lot of times the training grievance is actually a County issue, maybe a question about not being paid the correct fee for a service or fees being waived, etc. Program Staff would respond back in writing and advise them to seek guidance at the county level. Ms. Leffler stated that one of her goals is to keep the Board informed on a quarterly basis as to any training grievances filed in that quarter and what the resolutions were.

The Honorable Rodney Ruddock asked what would occur if the Board does not approve the recommended action of Program Staff? What recourse does a constable have in that instance? He stated that there should be a process in place for any challenges against Board decisions. Mr. Pfau indicated that for the life of the Program, there has never been a challenge of any Board decisions. Ms. Leffler indicated that we would have to obtain PCCD Legal Counsel's opinion on what that challenge process would be.

Ms. Leffler asked the Board members to review this process and Program Staff will ask the Board to take action on this at the November Board meeting.

The next Discussion Item was the Act 49 Instructor Policy, which has not been updated since it was implemented in 2007. A lot of the changes were clarifications and “housekeeping” items for consistency. She stated that footnotes are provided at the bottom of each page indicating why the change was made.

Ms. Leffler asked the Board members to review this process and Program Staff will ask the Board to take action on this at the November Board meeting.

Ms. Leffler said the next Discussion Item is the draft of the Firearms Policy and Mr. Pfau added that this too is to clarify the firearms policies into one document. Mr. Pfau said again this is more of a housekeeping process we train and certify Constables carrying a firearm to perform their judicial duties, our Constables database is through JNET we do get arrest notifications obviously if it is a prohibited hit, we can remove a Constable’s firearms certification. This document is to document the administrative process utilized by Program Staff. Mr. Pfau indicated that this a draft and for the Board’s review. Ms. Leffler indicated that Program Staff will ask the Board to take action on this at the November Board meeting.

#### **V. Informational Items:**

Ms. Leffler provided the Board with an update on the Status of Certifications for the Program. She indicated that as of July 21, 2015, there were 1,157 Constables and Deputy Constables who were currently active and certified. Of these, 947 or 80% were also certified to carry a firearm in the performance of their constable duties. Since the inception of the Program in 1996, there have been a total of 4,099 individuals who have successfully completed basic training or taken the waiver examination and were certified by the Board.

Next Ms. Leffler provided the Board with an update on the Constables’ Certification, Education and Training System (CCETS). As of July 21, 2015, there are 1,014 certified Constables and Deputy Constables who have registered as CCETS users (86% usage). There are currently 49 registered users from 30 County Clerk of Courts Offices. She wanted to point out that recently she sent out the Constables’ Training Bulletin #80 and we have cut the printing costs in half because half of the constables population now has email has their preferred correspondence method. As Chairman Contino was stating earlier in the meeting, Program Staff have been trying at every opportunity to make the Program work more effectively and efficiently and this is another example of where it may have cost a lot to implement CCETS but in the long run we will see the benefits for years to come.

#### **V. Executive Session:**

A Motion was made by the Honorable Rodney Ruddock to have the Constables’ Education and Training Board go into the Executive Session, seconded by Major Adam Kisthardt. PAFOC attorney Ron Clever asked doesn’t the motion have to say which of the legal reasons is being used to enter into the Executive Session? Carolyn DeLaurentis, Acting Chief Counsel for PCCD, said the Board will be going into Executive Session for two different purposes; one is to discuss agency business which if conducted in the public would violate a lawful privilege or disclose information that is confidential that is dealing with pending contracts and can’t be discussed publicly at this time because they are competitive, that is the first reason. The second reason the Board will be going into Executive Session is to consult with the attorney regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed. These reasons are allowable under 65 PA CS Section 708 4 & 5. Major Kisthardt asked is that part of the motion then. The Honorable Rodney Ruddock indicated he

asked that question at one of his first meetings about Executive Session for that very reason because in the County we have to be very specific. The Honorable Rodney Ruddock made the motion to enter into the Executive based on the reasons stipulated by Acting Chief Counsel of PCCD, Carolyn DeLaurentis at 11:45AM. The motion was seconded by Major Kisthardt.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

Board Came out of Executive Session and 12:20 PM.

#### V. Public Voice:

Constable Craig England – Blair County – The reason he came to the meeting today was because he was interested in training issues. During the past five years, he has opted out of DT training at the ConEd classes because of his age and physical condition. This year when he went to class in Johnstown, PA under Penn State Fayette, he learned that new training is being developed for next year. He was really impressed with the new curriculum being developed for 2016.

Constable England inquired as to why First Aid and CPR are not being considered for the ConEd classes. He feels that Constables should be taking the 8 hour course for First Aid and CPR. Mr. Pfau addressed the issue by stating historically the Board has always looked elsewhere for the Constables to receive this training. The Red Cross and many fire departments offer this training. The Board has limited training hours and views these topics as available through other avenues. Ms. Leffler advised the Board has reviewed the training hours for the Optional trainings as well. The Board decided to continue providing the Optional trainings. Constable England thanked the Board for allowing him to address the Board with his concerns.

Ron Clever (PAFOC) –Attorney Clever advised that there is a requirement when coming out of Executive Session that the Board must announce what issues were discussed. Attorney Clever asked the Board to make this statement at this time. Ms. DeLaurentis said the information discussed in the Executive Session was confidential. A part of it was regarding contractual issues which the Board can not disclose what was discussed because it is confidential. The second issue consisted of consultation with legal counsel over an instructor issue. Everything currently remains confidential and there is no official action to be taken by the Board. If future action is to be taken by the Board, it will be done in the open meeting. Attorney Clever stated that when he entered the meeting, the Board was discussing an internal audit and it was mentioned that this would be discussed further in Executive Session. Was discussion of an internal audit held in the Executive Session? Ms. DeLaurentis instructed the Board to not discuss the internal audit because she felt that it did not fall into one of the exceptions. Constable Clever said thank you.

Ronald Quinn (PAFOC) – Constable Quinn asked if the Board had made a decision on the subcommittee for the possible audit. Ms. Leffler advised that Ms. DeLaurentis, PCCD acting Counsel will be looking at how the workgroup may be developed, who could be involved and any issues that may develop. Hopefully, by the November meeting we can have more information to announce the workgroup. At this time, it is tabled until the November meeting.

## **VI. Adjournment**

Chairman Contino asked for a motion to adjourn the meeting at 12:50 p.m. Major Adam Kisthardt made the motion and the motion was seconded by the Honorable Rodney Ruddock.

VOTING AYE: Contino, DeFilippi, Kisthardt and Ruddock  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The next Board meeting will be held on November 19, 2015 at PCCD's Office in Harrisburg.