

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

**Amended Minutes of the November 19, 2015 Meeting**

**Members Present**

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

**Commission Staff Present**

Sherry Leffler, Constables' Program  
Wayne Hower, Constables' Program  
Tracy Clouser, Constables' Program  
Norma Hartman, OFMA  
Robert Merwine, PCCD  
Carolyn DeLaurentis, PCCD  
Deb Williams, PCCD

**Visitors**

Ted Mellors, Penn State-Fayette  
Todd Brothers, Penn State-Fayette  
Jeff Watson, IUP  
Thomas Impink, PSCA  
Deidre Beiter, Temple University  
Anthony Luongo, Temple University  
Ronald Quinn, PAFOC  
Barry Betz, Constable, Lehigh Co.  
Lisa Osman, OFMA  
Derin Myers, OFMA  
Steve Wilson, Constable, Dauphin Co.  
Jack Garner

**I. Call to Order**

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, November 19, 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 10:03 a.m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were then made to the audience members.

**II. Action Items**

Chairman Contino asked if there were any questions regarding the minutes. There were none and a motion was made by the Honorable Rodney Ruddock to accept the Board Meeting Minutes of August 13, 2015. The motion was seconded by Mr. Rich DeFilippi.

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

The motion carried unanimously.

The next Action Item on the Agenda was the Financial Report of November 19, 2015. Ms. Hartman reported that the fiscal report can be found on pages 13-17 and is for the first quarter of the 2015-16 state fiscal year (SFY) that ended September 30, 2015. Under Receipts, the balance carried forward from the previous fiscal year was \$4,306,832.78. The fees collected during the first quarter were \$465,698.80. The fees can be found on page 16. The total funds available as of September 30 were \$6,148,468.78. The breakdown of fees that were collected by quarter can be found on page 16. Under Expenditures & Commitments, the accumulative expenditures as of September 30, 2015 were \$402,112.06. The Accumulative Expenditures & Commitments as of September 30, 2015 were \$8,622,938.32 which includes \$192,554.05 of Administrative Expenditures and Commitments. The breakdown of the Administrative Costs can be found on page 15. The Total of Uncommitted Funds as of September 30, 2015 was a negative \$2,474,469.54. Ms. Hartman asked if there were any questions. Chairman Contino said on the Constables Fiscal Report where it says personnel services on page 15 it says no timesheet transfers for July 1, 2015 to September 30, 2015. Ms. Hartman explained they are only done at the end of the quarter. We posted them last week so the first three months will show up in the December report. We have to wait until the quarter ends before we can tally up the information. Chairman Contino asked Ms. Hartman to talk about the purchase orders. Ms. Hartman said it tells the different purchase orders that we currently have for the Constables Program. It shows the beginning balance expenditures paid in 2012-13 SFY and any liquidations in 2012-13 budget, expenditures paid in 2013-14 and any liquidations in 2013-14 budget, expenditures paid in 2014-15 and we augmented the first purchase order for Penn State-Fayette in order to extend that purchase order an additional 12 months so that money is added to the original beginning balance. Then, there were expenditures listed and any adjustments, it was put in there because the purchase order for Alutiiq was changed from a 50/50 split to 45 Constables and 55 Deputy Sheriffs. Mr. Merwine mentioned in addition to the split that is in there now, we are actually tracking the time. Chairman Contino asked Ms. Hartman to give a brief description of the Administrative Costs breakdown. Ms. Hartman explained there are no timesheet transfers for administrative staff for the first three months and there are only commitments for the IT consulting. The real estate for the rest of the fiscal year is showing up as a commitment and the rest is expenditures. Chairman Contino asked Ms. Hartman to give a brief explanation on the Constable Fee Collections. Ms. Hartman said that it shows the fees that were collected by quarter since the 2006-07 SFY and then it totals it for each SFY. So right now for 2015-16 we collected \$465,698.80. Based on the information on the following page are the projections for 2015-16 is to collect \$1,841,636. I know you don't see these but they are part of the meeting minutes but we have gone from \$2,046,345.84 in 2006 to \$1,861,742.93 in 2014-15. Chairman Contino said the projection of being out of money in 2020. Ms. Hartman indicated the top half of the report are actual revenues, that would be the fees that were collected and the expenditures. Then the block in the center is showing you what has been collected, the revenue as well as what the expenditures are and the ending balance based on those numbers.

A motion was made by Major Kisthardt to accept the Financial Report of November 19, 2015 and the motion was seconded by Constable Julie Sokoloff.

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

**Penn State-Fayette:**

Roger Eckels

Requested Topic Certifications:

Law

Roger Gunesch

Requested Topic Certifications

Law

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

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chair Contino moved to the next Action Item, the 2016 Defensive Tactics Continuing Education Scenario Participation. Ms. Leffler indicated this was presented as a discussion item at the August 13, 2015 meeting. Staff is recommending mandatory participation for the 2016 Defensive Tactics Continuing Education module. Ms. Leffler stated that the Board Regulations require that Constables demonstrate proficiency in each examination of practical skills, even though this has been part of the Regulations, it was never enforced. Ms. Leffler indicated that there is a lack of a clear and functional administrative process on what we accept for medical excuses, etc. Staff is asking the Board to look at the four different courses of action presented. Ms. Leffler stated that one of the positive aspects of this approach is a way to test out the enforcement on how we make this recommendation a mandatory requirement in the future. We can reassess the requirement at the end of the training year. Ms. Leffler indicated that the scenarios are no contact scenarios; basically they involve using their verbal skills. Ms. Leffler pointed out that the module Management of Aggressive Behavior (MOAB) has been included in the 2016 Continuing Education curriculum. Ms. Leffler pointed out that Staff would need to review each year's Defensive Tactics curriculum to determine whether or not it would be no contact scenarios and whether we could mandate participation. Chairman Contino said his biggest concern is that there is no hands-on contact and that this must continue with future curriculum. He also stated that the scenarios should be instructor to student and not student on student. Ms. Leffler indicated they would work with the Curriculum Developer to make sure that we were enhancing the scenarios but still having a no contact provision. Commissioner Ruddock asked if there are any funding implications here that have not been addressed in terms of the costs for this mandate. Ms. Leffler responded that the Training Delivery Contractors would be allowed to add on as many instructors as they need for each class. Chairman Contino asked for the sense of the Board and where does Legal stand on this for being sued for training

purposes if someone does something on the street. Mr. Robert Merwine responded that the Legal Office has not been posed this question so they didn't have an opportunity to research on that issue; however, the Board has the prerogative to require or not require curriculum based on the Regulation. He stated that the Board can decide to do nothing at this point or could put restrictions on it. Mr. Jeff Watson, IUP's Constables NC Training Coordinator, asked how you can demonstrate physical skills proficiency without hands-on contact.

Ms. Deb Williams stated that the Constables will be required to participate in the scenario training in the afternoon session but not in the contact portion in the morning, it is just the scenario portion only. Chairman Contino said the only concern he has is the wording Mandatory Participation for 2016 Defensive Tactics. Mr. Watson feels it needs to be abundantly clear to the Constables that the scenario training is mandatory; the hands-on physical training is still optional. Commissioner Ruddock asked instead of saying optional would it be better if we would say highly encouraged. Ms. Leffler said for the board's consideration we would highly encourage them to participate in the hands-on training for the core competencies for the Defensive Tactics and mandatory for them to participate in this scenario-based driven training for the Defensive Tactics module. Constable Sokoloff asked why is this split out; she knows the Defensive Tactics is for eight hours. Ms. Leffler said the first fours are going to be the core competencies where they would still be able to waive participation. It is about a one hour-long lecture, three hours of the core competencies and then the afternoon session would be the scenarios. Ms. Leffler also stated that this issue would be taken to the Board for their consideration on an annual basis. Chairman Contino said we want to get this in for 2016 so we are going with Course of Action #3 and you are looking to change what words on this. Ms. Leffler said Constables will be required to participate in scenario non-contact training. And then we would add the language that the Constables would still have the opportunity to waive out the participation for core competencies but are highly encouraged that they participate.

### **Training Grievance Process**

The next Action item on the agenda, the Training Grievance Policy. Ms. Leffler stated that this Process was presented to the Board at the August 13, 2015 meeting and at that time, Commissioner Ruddock brought up the issue of an appeal process for Board actions. Ms. Leffler stated that in talking with Ms. DeLaurentis, we would have to add an appeal process into Regulation because there currently is nothing in Regulation. The appeal process would be made into a Policy before it would go into a Regulation. Ms. DeLaurentis said she understands right now the appeal process is going to be drafted by Staff for Legal to review and then we would let the Board know the status at the next meeting if it is drafted in time. Ms. Leffler asked could it be placed in a Policy prior to any Regulation changes. Ms. DeLaurentis said you can have a Policy in place before a Regulation going through the process. Ms. Leffler is asking the Board to authorize Staff to put this process in place for the training grievances that are received. She also stated that Staff would come back to the Board with an action item as far as an Appeals Process Policy. Ms. Leffler stated that the Board will be notified on all Training Grievances that are filed and acted upon. Chairman Contino said there will be an avenue for the Constable to appeal any decisions. Commissioner Ruddock asked from a legal standpoint if you engage the Board early in the Training Grievance Process would that then eliminate the Board from being a part of the Appeals Process. Ms. DeLaurentis indicated that there should be separation. Ms. Leffler stated that the Training Grievance Process will be tabled for further discussion on the Appeals Process.

Ms. Leffler asked the Board to vote on the following motion regarding the 2016 Defensive Tactics Scenario Participation, which states: Constables will be required to participate in noncontact scenario-based training in 2016. Constables will still have the option to waive core competencies for Defensive Tactics but it is highly encouraged that they participate in these core competencies. Commissioner Ruddock made a motion to accept the motion brought forth and was seconded by Major Kisthardt.

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

The motion carried unanimously.

The next Action item on the agenda was the Instructor Policy. Mr. Merwine stated that this Policy would need to be tabled until the February meeting because after reviewing the document there were inconsistencies in the document that need to be cleaned up before the Board votes on it. Constable Sokoloff asked if they could provide what the changes were to the document. Ms. Leffler stated that more information was added for the Training Delivery Contractors to verify the instructor eligibility criteria more closely ahead of time before submitted to Staff; everything was changed from subjects and topics; and that the Training Delivery Contractors should check with the other schools on instructor availability. Another addition was putting the responsibility on the Training Delivery Contractor for keeping their instructor certification up-to-date. Another change is to identify the master instructors, lead instructors and assistant instructors and a little more detail on termination of instructors through the Training Delivery Contractors. These items were always encouraged but not in the Instructor Policy.

### **Firearms Policy**

The next Action item on the agenda was the Firearms Policy for the Board's approval. Ms. Leffler stated that Staff wants to consolidate all the different Policies and Processes related to the firearms training classes and put them into one document. Ms. Leffler explained, for example, how the background checks forms are completed and processed, how we revoke the firearms certification, when there is a prohibited hit, etc. Mr. Merwine said there is one item that he would like to bring forth, it is in Section 5 of the revocation of the firearms certification, we talk about revoking the firearms certification but we probably need to put reference in there that it is a charge, that it is temporary revocation until the charge is resolved, that is really not clear in here it just says we are revoking based on the charge, not revoke until there is an actual conviction. Ms. DeLaurentis said we haven't had a chance to discuss this at length, however, if someone is charged rather than convicted, should it state that is it a temporary revocation until the issue is resolved? Ms. Leffler stated that it is the responsibility of the Constable to provide any information or documentation that will show that the charge(s) or conviction is in error or incorrect or otherwise resolved. Chairman Contino said he would like to discuss it because he has questions about the prohibitive charge, what does that mean? Ms. Leffler said it would have to be a prohibited charge currently prohibited by the Board. Ms. Leffler said Staff receives arrest notifications and if the charges are a prohibitive hit to carry a firearm under the Board Regulation, their firearms certification is removed. Ms. Leffler said Staff will clean up that language and bring it back to the Board at the February meeting.

Ms. Leffler moved to the next Action item on the agenda which is Act 233 Stipend Payment recommendation. Ms. Leffler reported that the Constables' Training Program has seen a steady decrease in revenues by an average of \$29,035 per SFY. The revenues for SFY 2009-10 were \$2,006,917 and for SFY 2014-15 revenues were \$1,861,743. Additionally, the overall account balance has been reduced by an average of \$522,265 per year during that same period. During the same time period we have even displayed efforts to increase the collection surcharges, the surcharge collections as Chairman Contino spoke about earlier and also to reduce expenses. We still feel we should not provide the stipend payment because of the health of the fund at this point for the training year 2015. Chairman Contino asked for a motion to accept the requested action that no stipend given for 2015.

A motion made by Major Kisthardt to accept the requested action that no stipend for 2015. The motion was seconded by Constable Sokoloff.

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

The motion carried unanimously.

Mr. Merwine had asked if they could jump around the agenda since he and Legal are on a limited timeframe. He would like to jump to the Executive Session that way we could cover those items and then come back to the Discussion Items.

## **V. Executive Session**

A motion was made by Commissioner Ruddock to go into Executive Session and was seconded by Chairman Contino for the purpose of a legal discussion. The Board came out of Executive Session at 11:45 a.m.

Ms. Leffler stated that she will present the motion that was discussed in Executive Section and a vote will be taken on the motion. Ms. Leffler presented that a Complaint was filed against a Penn State-Fayette Instructor Albert Younkin and it has been recommended that Instructor Younkin be suspended for a period of six (6) months beginning July 14, 2015 and ending on January 14, 2016. It is recommended that Penn State will develop and implement a Corrective Action Plan (Plan) to mentor Instructor Younkin for a period of six (6) months as a lead firearms instructor. This Plan will be submitted to Staff within thirty (30) days of today for their review and approval. This Plan should also ensure that future incidents of this nature do not occur. At the end of the six (6) month Plan, Penn State-Fayette must provide a report to the Board on the outcome of the Plan. Major Kisthardt made a motion to accept the motion brought forward from Executive Session and Constable Sokoloff seconded the motion.

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

The motion carried unanimously.

Ms. Leffler will follow up with Penn State-Fayette on this information.

### **III. Discussion Items**

Robert Merwine asked the Board to rearrange the agenda so that he could present information on the internal transfers and PCCD staff that are providing services to the Board. Mr. Merwine provided the Board with a copy of the PCCD Organization Overview of the Agency. Mr. Merwine explained that the first slide consisted of the offices that exist within PCCD, the Office of Criminal Justice System Improvement (OCJSI), the Bureau of Training Services and the Advisory Boards that support the Commission. As you can see OCJSI has two Boards and two Advisory Committees. At the bottom of the slide, you will see the Executive Office, the Office of General Counsel, the Office of Financial Management and Administration, and the Office of Research, Evaluation and Strategic Policy Development. They support all of the offices in some fashion within PCCD. One of the things we talked about was the internal transfers and how do they happen. As we mentioned before some things are pro-rated and some things are timesheets. Most of PCCD staff complete timesheets; Ms. Leffler on the other hand doesn't timesheet because she dedicates 100% of her time to the Program. Mr. Merwine said he has 16 different Programs on his timesheet, like right now he will charge the Constables for his time that is involved with this meeting.

Mr. Merwine stated that at a prior Board meeting, the members were provide with three different spreadsheets, for SFYs 2012-13, 2013-14 for the first six months of the 2015 showing positions and number of hours billed. Chairman Contino said let me correct you, you didn't give me names, you just gave me hours and totals. Chairman Contino asked for the names and was told you didn't know if legally you would be allowed to give the names. Chairman Contino said he got an email that finally provided the names. Mr. Merwine said they were at the last Board meeting and Chairman Contino said they were in front of you but you wouldn't hand them to him. Chairman Contino just wanted to clarify that to let you know we did not have names; we only had hours and numbers. Mr. Merwine apologized and said he thought he had the names at the last Board meeting. From an Information Technology (IT) prospective, just like any organization we have IT network support (Desktop Support and Servers) and this is where the timesheets are more complicated for the IT staff. There are other types of support that are more general in nature and they get pro-rated across all of the agency and they use the appropriate funding streams agency-wide. So User Account Management, establish, maintain security access, email accounts and web support, posting all of the meeting materials to the website and changes to the website, etc. that staff would charge the Constables Program and if it is more general then it gets billed under GGO so that doesn't get pro-rated. The Office of Financial Management Administration staff is broken up in two groups; Administration (Administrative Staff for the entire agency and Human Resources capabilities) and Fiscal. The classifications are: Office Director, Administrative Officers, Accountants, Budget Analysts, Administrative Assistant, Clerical Supervisor, Clerk Typists and Clerk. From the Human Resources prospective, staff hiring, job postings, training and development, all of this is only direct billed to the Board when it is a direct service. Office Support, building maintenance those are some of the things that affects our entire agency, based on the floor space, how much cubicle space, we bill accordingly, and we have "x" number of staff dedicated to the Program. The Human Services Office works with Travel, if staff has to travel to do site monitoring from time to time, Automotive Pool, Lodging and Reimbursements. Those are not actually billed to the Program. The Commission basically covers the cost of the cars so anytime the Program is billed is when there is not a car available and they have to go through Enterprise and rent one but if an agency pool car is used that is not billed to the Program. The fiscal reports and contracts (Master

Agreements), purchase orders and invoices, Mr. Derin Myers is the Director of the Office of Financial Management Administration and also the Agency Deputy Director so a lot of things coming from the Executive Office he reviews and makes recommendations. Mr. Myers allocated his time to the Program. The Office of Research, Evaluation and Strategic Policy Development (ORESPD) only has a small scale, most of their work is limited to research programs for child advocacy but they are a Policy office so a lot of policies we talked about earlier they review those. They look at the policies and make sure we are in line with the Regulations and Statutes. The Office of General Counsel, this slide was built on those three reports that basically everyone that is on that list are no longer with the Commission they have all either retired or moved on to other opportunities. They do things similar to ORESPD like practices, Policies and Statutes and they also review all of the contracts. They also do all the litigations that come up and also handle the Right to Know Requests. Chairman Contino question is has PCCD always charged all these people to our account from the beginning of the Board? Mr. Merwine would have to look at each one individually to answer that question. Chairman Contino said where he is trying to go is we have Administration Cost and then when you go to the Penn Watch website there is that miscellaneous charge and that's where you are coming in with all these different groups of people and the names you are showing on there are coming up with 18 and he is counting eight extra people that are on. Mr. Merwine asked who is he missing. Chairman Contino said he didn't know; he has the time sheet by month that Mr. Merwine gave him and they don't match. Chairman Contino is trying to make sure all these people that charged our account from when we first started or has this recently started within the last three or four years. Mr. Merwine said we have been doing timesheets since 2010. It is difficult to match the names because the names changed since they are no longer here and were replaced with new names. Chairman Contino said there are eight extra positions that are being charged to our account from the emails Mr. Merwine provided to him. Chairman Contino is just trying to find out where these numbers are coming from because it is a miscellaneous fee. As far as the public Penn Watch website, he can only go back three years, that's all it will allow him. Mr. Merwine indicated that is when Penn Watch started. Mr. Merwine said he is confused that you said there are more names on it than on the slides because he built the slides from the spreadsheets. Chairman Contino said he is just confused if he asks staff do you get all this extra help, do you see this help from other clerks besides what you have working for you. Mr. Merwine said a lot of this work is not done specifically for staff but for the Program. For example, when the fiscal reports have to be produced, they are not doing it to help staff out but that is their responsibility for the agency. When they do contracts/procurements that is their role and responsibility, they are to do procurements because that is their specialty. Ms. Leffler asked if that time would be put on a timesheet and Mr. Merwine said that is correct just like IT resources. Chairman Contino said this all started in 2010. Mr. Merwine said that is when the timesheet system existed. Mr. Merwine said that because of time constraints, we would need to revisit this at the next Board meeting. He understands the concern of how much the Administrative Costs and it comes out to be 20-25% what the program spends is Administrative fees. That is something we can look in the operational proficiency of all of the things you are doing out of all those individuals.

#### **IV. Informational Items**

The first Information Item on the agenda is the Status of Certifications Issued. Ms. Leffler reported as of October 27, 2015, there were 1,185 constables and deputy constables currently listed as active and certified. Of these, 964 or 81% 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 4,112 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

Ms. Leffler said before we go any further, under the discussion items, staff had initially made the online enrollment date of November 23 to open up the 2016 Training Schedule. Ms. Leffler has a call into the Department of State on the actual date that the Department of State Board of Elections must have all of the elections certified by because the counties have been providing different dates. However, Staff has decided to move the online enrollment date to December 1 to allow more time for the constables and deputy constables to supply us with their election certificates and appointment order. Ms. Leffler stated that Staff cannot go past that date because of issues with our timeframes to print out the 2016 ID cards. Ms. Leffler also stated that any deputy constable must be reappointed under the appointing constable's new term of office. We also need their appointment orders in order for them to sign up for training as well.

The next Information Item on the Agenda is the Constables' Certification, Education and Training System (CCETS) Update. Ms. Leffler stated that as of October 27, 2015, there are 1,030 certified constables and deputy constables who have registered as CCETS users, which is 87% of the currently certified constable population. Of the registered CCETS users, 546 have chosen email as their preferred correspondence method. Ms. Leffler recently sent out an email to that group to let them know we changed the enrollment date from November 23 to December 1. It is important to have a good email in there so we can contact you more quickly and efficiently. There are currently 49 registered users from 30 County Clerk of Courts Offices.

The last Information Item on the Agenda is the 2016 Continuing Education Subject Overview. Mr. Ted Mellors reported that 20 hours must be accomplished each and every year for recertification. The 2016 Continuing Education Course will consist of: four hours of Protection Orders, four hours for Juvenile Law, four hours for Management of Aggressive Behavior (MOAB) and eight hours for Defensive Tactics. There was a new protection order effective July 1, 2015 that is an emergency order for sexual violence. The protection order module goes over domestic violence, elder abuse, and child abuse so there is a lot of things built into that, it is not just the protection order itself. The Constables' duties are well defined in the instructor guide, what their responsibilities are, what they do, what they do in each county, what happens after they report as a mandated reporter, and what other obligations they have. As a Constable you are a mandated reporter. Mr. Mellor stated that during the year we emphasize that constables by the nature of your responsibilities are mandated reporters of child abuse and we mention that in the protection orders course. Recently we have seen a little bit of upturn of Constables being given the emergency protection orders. So with the enhancements, we have an IMI interactive instructional component. Later on, we have a couple minute video clip of a routine civil process and a witness domestic violence incident with questions that we are often asked. The Course Enhancements Handouts are the course review, mandated reporters brochure, warning signs of elder abuse, protection from abuse and an evidence firearms compensation law. The next course is Juvenile Law also a four hour block. It ties in with some of the information, so we have protection orders especially child abuse and the mandated reporter. The handouts on that are comprehensive court review, restraint blog, mandated reporter brochure again and child abuse form. The third course is Management of Aggressive Behavior (MOAB). It utilizes verbal skills and has a lot of good information that is also used in the Use of Force module for the Basic Training. Mr. Mellors played a five-minute video on domestic violence and your role as a mandated reporter. He also showed a portion of a video on how to respond when they encounter people with autism. Ms. Leffler pointed out that Penn State-Fayette also provides resources available at the state level for referrals, etc.

## **VI. Public Voice**

Ronald Quinn (PAFOC) – Mr. Quinn suggested that pressure point control should be used to get defendants to comply. Mr. Quinn stated that the techniques of pressure point control could still be taught without the hands-on student to student or even the instructor to student. Mr. Quinn stated that he had a question on defensive tactics; what are going to be the proficiency standards for those scenario-based training, a written test or verbal response? Ms. Leffler answered participation. Mr. Quinn said so there will be no standard so a person can't flunk it. Ms. Leffler said correct, as long as they are participating. Have we ever considered a line item waiver versus an overall waiver? Ms. Leffler indicated that the Sheriffs' and Deputy Sheriffs' do list out the physical skills and that a doctor must sign off on each skill. Ms. Leffler said we could do something similar to that but we would have to have all the different skills laid out and then each line would have to be signed. Mr. Quinn said as far as what you were talking about earlier about the vacancies in classes, have we giving any consideration for those classes that if there are some cancellations for an example if a class should have 40 people in it and only 37 show up now there is three people standing there waiting to take that class and seats are available rather than push them away can we let them come in and take the class. Mr. Mellors said mostly if someone calls them at the last minute and we have a waiting list we call them and put them in the class.

Mr. Quinn stated that he was his understanding that every time a warrant is issued there should be a CETA fee involved with it and it is to be with the docket number. His question is why? Chairman Contino said that is what legislation states and for civil action it says for every service rendered so that means every step and that it is per docket number. Mr. Quinn said the last thing he wants to talk about the revoking of the firearms certification. He stated that we are treading on dangerous water, when we are penalizing someone from doing their work when they haven't been convicted of anything. Charge is one thing and it should depend on the charge as well. Ms. Leffler said in the Regulations it says they are precluded from possessing a firearm for state or federal law so if someone has a temporary PFA filed against them that is not a conviction that is a civil matter. If we get a Judge's Order and it says the constable is allowed to have his firearm to do his constable's work we still take his firearms certification away because federal law trumps state law. The Federal PFA law states no weapons in their possession so we remove the firearms certification. We are not going out and taking their firearms into our possession, because that is the County's job. Ms. Leffler elaborated that if a firearms certification is removed, they can still do work for the courts, they are not certified to carry their firearm in the performance of those duties. Ms. Leffler stated that this issue has gone before the Office of General Counsel and that is the opinion that was brought down that we could remove firearms certifications based up on charges or convictions being prohibited hits. Ms. Leffler asked Mr. Quinn, in reality if you have someone that is charged with murder do you want them to be carrying a firearm? Mr. Quinn said he is not talking about the court action taken that is totally different he is talking about the Board and the certification that you have on the person or the court has as far as the charging and the revocation of that certification on somebody just being charged. Chairman Contino said it is certification of the weapon and has nothing to do with their certification to work for the courts. Ms. Leffler said her feelings and the history of the Board has been to always err on the side of caution. Mr. Quinn said being a judicial body in an organization that deals with the law and enforcement of the law and now where someone else is getting their due process to wait until they are convicted before any kind of penalties are rendered onto them now this body is doing exactly that except for the fact that the person is a

constable. Ms. Leffler said anyone can appeal the firearms revocation and stated that she really doesn't like to use the word revoked because we are just removing their certification to carry a firearm. Staff are decertifying them not revoking their firearms certification, only decertifying on the ability to carry their firearm to do work for the court system. Ms. Leffler said she can take this conversation back to our Legal Counsel and have them get another opinion on it. Mr. Quinn said we don't want to get ourselves in trouble and this body here doesn't want to go ahead and infringe on someone else's rights. He state that when it comes to something where a person shouldn't be carrying a firearms in those types of situations it is probably handled better in the court and probably doesn't need to be something to be concerned with. Ms. Leffler said we have to be concerned with it. Mr. Quinn said are you saying if a judge from Dauphin County revokes somebody from carrying a firearm they are not going to notify you. Chairman Contino said they might not, just like notifying the Program if a constable's liability insurance is cancelled. Chairman Contino stated that if we let this constable remain firearms certificated and he goes out and hurts someone we are the ones in trouble. Ms. Leffler said we would get an arrest notification and that is when we do the criminal history to remove the firearms certification but we are relying on information coming from other sources. A lot of times we don't even get even an arrest notification. We read about it in the newspaper. Mr. Quinn said the one last thing he has is his county is not going to have the election certificates. Ms. Leffler's response back to Mr. Quinn is there are plenty of training classes available and just because someone can't get into the class they want to in January or February at a specific location, Staff have no control over that. We have to have rules in place because there is a lot of end of year work that Staff are responsible for.

Constable Steve Wilson, newly elected from Susquehanna Township, asked what the definition of a constable is. Is that something that could be included on the website? Ms. Leffler indicated we do have a guide available for new constables and deputy constables on the website. Chairman Contino said to look under the New Supreme Court Rules for Constables. Ms. Leffler wouldn't want to put a definition on a public website where we are defining a constable and then we miss something because the constable definitions are unclear. She further stated that Staff have to be careful because our job is to train and certify constables to work for the court system and that is only a portion of where the authority lies. Ms. Leffler welcomed Constable Wilson to come to all of the board meetings and indicated that all Constables are welcomed to come to any of the board meetings. Chairman Contino said you will be informed on your duties based upon the training and certification when you attend the 80-hour Basic Training Course.

Chairman Contino asked if the 2014 Annual Report was submitted to the Governor. Ms. Leffler responded that it was her understanding that it was submitted to the Office Director in June and the last communication is that it is with the Governor's Policy Office. We usually have them publicized by March of the following year. This year we are way behind.

Constable Sokoloff wanted to thank Rich DeFilippi for serving on the Board and this is his last Board meeting. Mr. DeFilippi said it has been a wonderful eight years. He stated that he had the opportunity to serve with a bunch of different people and different Chairmen and that this is Board is no exception to a fine group of people. He can honestly say his education of issues surrounding constables have certainly increased; he is a better Court Administrator now for having served the last eight years. He said good luck to the Board, good luck to the constables; you are in good hands with this Board. Chairman Contino and Ms. Leffler both said thank you for your service.

## **VII. Adjournment**

Chairman Contino asked for a motion to adjourn the meeting at 1:05 p.m. Constable Sokoloff made the motion and the motion was seconded by the Major Kisthardt.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Board meeting will be held on February 11, 2016 at PCCD's Offices in Harrisburg.