

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

Approved Minutes of the November 10, 2016 Meeting

Members Present

Fred Contino, Constable, Delaware Co.
Major Adam Kisthardt, PA State Police
Rodney Ruddock, Indiana County Commissioners
Honorable William Wenner, MDJ, Dauphin Co.
Julie Sokoloff, Constable, Montgomery Co

Commission Staff Present

Sherry Leffler, Constables' Program
Wayne Hower, Constables' Program
Tracy Clouser, Constables' Program
John Pfau, PCCD
Debra Sandifer, PCCD

Visitors

Jeff Watson, IUP
Deidre Beiter, Temple University
Todd Brothers, Penn State Fayette
Ted Mellors, Penn state Fayette
Anthony Luongo, Temple University
Deb Williams, PCCD

Ronald Quinn, PAFOC
Tom Impink, Berks Co.
Barry Betz, Lehigh Co.
Beth Romero, PCCD
Jack Garner, Dauphin Co.

I. Call to Order:

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, November 10, 2016 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Chairman Fred Contino called the meeting to order at 10:02 a.m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were then made to audience members.

II. Action Items:

Before getting started, Chairman Contino would like to thank the Board for the fruit basket while he was out with some health issues in the middle of the summer.

Chairman Contino asked if there were any questions regarding the August 11, 2016 Board Meeting Minutes. Hearing none, he asked for a motion to approve the August 11, 2016 Board Meeting Minutes.

A motion was made by Commissioner Rodney Ruddock to accept the Board Meeting Minutes of August 11, 2016 and the motion was seconded by Major Adam Kisthardt.

VOTING AYE: Contino, Kisthardt, Ruddock, Sokoloff, Wenner
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was the Financial Report of November 10, 2016, read by Ms. Sherry Leffler as the fiscal person has now left. Chairman Contino asked about the “Unapproved” and Ms. Leffler advised it is due to the minutes being published for public dissemination until it goes through the Board. The Financial Report can be found on pages 11- 15 of the Board Packet and is for the first quarter of the state fiscal year 2016 – 2017, ending June 30, 2017. Under Receipts, the balance carried forward from the previous fiscal year was \$3,378,619.71. The fees collected through the first quarter were \$437,687.24. The total funds available as of September 30, 2016 were \$5,187,316.71. Under Expenditures and Commitments, the total cumulative expenditures as of September 30, 2016 were \$660,931.34. The total cumulative expenditures and commitments as of September 30, 2016 were \$6,818,963.48 and that includes \$264,329.90 of the Administrative Expenditures and Commitments. The total of uncommitted funds as of September 30, 2016 is (\$1,631,646.77). The Program is looking at the State Fiscal Year 2021 in which a deficit will be experienced.

A motion was made by Major Adam Kisthardt to accept the Financial Report of November 10, 2016 and the motion was seconded by Julie Sokoloff.

VOTING AYE: Contino, Kisthardt, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next action item was review of the instructor certifications by Mr. Wayne Hower. He reviewed the applications and gave staff recommendations as follows:

Indiana University of Pennsylvania:

Sheriff Gary Hartman of Mercer County

Requested Topic Certifications: Firearms

A motion was made by Major Adam Kisthardt to accept the Instructor Certifications and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Contino, Kisthardt, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Action Item is the Act 233 Stipend Payments. Ms. Leffler advised on an annual basis this is usually brought to the Board at the last meeting of the year to request approval or disapproval of the stipend payments for the Constables of training year 2016. The last year stipend payments were paid was 2009 and no payments have been approved by the Board since that time. Rather than bringing this to the Board each and every year, Ms. Leffler is requesting this year that no payments be made for the Act 233 Stipend Payments for the current training year and also each subsequent training year until there are sufficient funds available to allocate those surplus funds to the stipend payment. This will be a blanket approval that will go through until the Board decides there is revenue available to pay the stipend payment.

Chairman Contino is opposed to the blanket approval as this will get buried and the constables and deputy Constables will never see the stipend payment again. He advised the Board has saved money by not paying the stipend payments, but wondered how much it actually costs to pay the constables and deputies constables their stipend payments. Mr. Pfau advised based off of the Commonwealth Travel Management Directive the average would have been around \$200,000.00 paid out for the years the stipend was paid. This is based off of the notion that everyone who was eligible would apply for and collect the stipend. He advised he could provide numbers of the actual stipend payment next meeting. Chairman Contino explained to the Board that since the Board has cut schools down, constables now have to travel farther distances to training and are not getting paid for that travel. Major Kisthardt advised it brings up a bigger issue of how to deal with the deficit in a couple of year. Mr. Pfau advised the Board needs to reduce spending where possible and increase the Constables' Education and Training Act (CETA) fee.

A motion was made by Commissioner Rodney Ruddock to have the Act 233 Stipend Payments brought forth for consideration every year, along with no payment to be made this year to constables and deputy constables and the motion was seconded by Major Adam Kisthardt.

VOTING AYE: Contino, Kisthardt, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

III. Discussion Items:

Major Kisthardt suggested the Board take a look at how to increase the CETA fee. Mr. Pfau advised the House Resolution/Joint Government study suggested the CETA fee increase to \$9.50. There are other people who have acknowledged the fee needs to increase. Chairman Contino advised that if just the CETA fee is increased, this does not solve the financial deficit problem. With people being able to pay fines and costs online, this decreases the amount of work constables are receiving. The Administrative Office of Pennsylvania Courts (AOPC) changed the computer system five years ago. Constables use to be paid first in the old AOPC system, now constables are being paid third, if the money is even paid by the defendant. Some President Judges are taking work away from constables and giving it to police officers or sheriffs. Chairman Contino advised constables can get involved with education to the Legislature. Mr. Pfau advised the counties are now trying to recover and collect the money, resulting in less CETA fee collections. Legal Counsel Debra Sandifer advised approaching the Legislature would have to be independent of the Board. Chairman Contino asked what would actually happen to the Program in 2021. Pfau advised the closest example is the Deputy Sherriff's back in 1996/1997. The cost of training was going up, the training hours were increased, and there were issues with collecting the fees. The Board and Academy would try and reduce costs as much as possible, but then it became an issue with the quality of training. The Board reimbursed the county for the deputies' base salary and travel cost. It got to the point where PCCD suspended reimbursement payments to the counties because they needed to pay the training bills. About a year or two after this, the surcharge increased in steps, so over a time period of five years or so, the surcharge reached the point it is at now. Ms. Leffler advised she would follow up with the Office Director, Mr. Merwine, to see where the workgroup is in working with AOPC. This was discussed in previous Board Meetings and she will try to get something out to the Board in the next couple of weeks.

IV. Informational Items:

Ms. Leffler wanted to update the Board that the 2015 Annual Report, recently mailed out to Board members, is now available online to the general public as well. The 2017 Constables' Schedule will be available on line at 8:00 a.m. on Monday, November 21, 2016. Printed schedules will be mailed out to all of the US Mail recipients on Monday, November 14, 2016. The printed copies will be going out well in advance of the online enrollment being turned on to eliminate any issues. Ms. Leffler also advised we have received the Temple improvement plan from Temple regarding an instructor issue. Staff has approved the plan.

The next informational item is regarding the Optional Training classes. Staff sent out a training survey to the constable population and the schools. The purpose is to possibly split up the training where constables could pick which portion of the training they wanted to attend for recertification. Unfortunately, Program Staff was not able to update the Board on Optional Training classes for 2017. Statistics will be pulled together and presented to the Board in the May or August meeting that could impact the 2018 Optional Training classes.

The Penn State Corrective Action Plan has been completed. Penn State provided all of the documentation and it has been approved by Program Staff. The instructor has been assigned as a firearms instructor and is teaching for Penn State. Commissioner Ruddock brought up the point of the Board needing to re-approve the instructor from a legal standpoint.

A motion was made by Commissioner Rodney Ruddock to reinstate the PSU instructor who completed the Corrective Action Plan. The motion was seconded by Major Adam Kisthardt.

VOTING AYE: Contino, Kisthardt, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next information item discussed by Mrs. Leffler is the Status of Certifications. As of October 14, 2016, there were 1,326 constables and deputy constables currently listed as active and certified. Of these, 1060 or 80% 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 4,401 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

On page 20 is the quarterly update on the Constables' Certification, Education and Training System (CCETS). As of October 14, 2016, we have 1,514 active registered constables and deputy constables who are CCETS users, which is about 88% of the active constables and deputy constables who have a valid term of office on file with us. We have a total of 1,243 active and certified constables and deputy constables who are users in the system, which is about 94% of the constable population. We have 993 who have chosen email as their preferred correspondence method and 436 sharing their personal information. There are currently 55 registered users from 31 County Clerk of Courts Offices.

Chairman Contino asked about what happened with online meetings. Ms. Leffler advised there were issues with the contract with Web Ex and camera equipment. The agency at this point does not have the equipment to do the online meetings. Mr. Pfau advised we do have to use the licenses purchased by the

state. The state did not renew the contract with Web Ex and there were also issues with the quality of the cameras. If we go outside the state licenses, then it becomes a financial burden on the Program. Mr. Pfau advised he can re-visit the option. Major Kisthardt advised there also becomes an issue with software and a possible breach of security. Judge Wenner asked about at least videotaping the meetings and posting them online. Chief Counsel Sandifer advised she would get back to the Board with information at the next meeting to look into the legal issue and what was actually involved with taping the meetings.

V. Executive Session:

Chairman Contino asked to go into Executive Session at 10:46 am.

A motion made by Julie Sokoloff to go into Executive Session and the motion was seconded by Major Adam Kisthardt.

Executive Session ended at 11:26 am.

IV. Informational Items Continued:

Ted Mellors presented the topics for the 2017 Continuing Education Course. Conduct of Public Perception works with professional development ethics and decision making. The course is broken down into six learning objectives: Define Courage, Integrity, and Fidelity; give an example of an ethical decision; recite the Seven-Step process for making an ethical decision; understand the Pennsylvania Supreme Court Constables' Standard of Conduct; describe the protocol that constables can follow to aid them in making good decisions; and participate in an ethical decision making scenario following the steps listed for making ethical decisions. Two scenarios were filmed as examples for constables to make ethical decisions. Pros and Cons are listed as well as the Seven-Step process. One of the videos was shown as an example of what is included in the course. Mr. Mellors went into what ethical issues should be discussed while in the classroom. Chairman Contino brought up the issue of the actors not being in a professional uniform and just wearing polo shirts. Ms. Leffler advised it was per staff approval that uniforms not be used as a way to reduce costs since professional actors were being used. It would not be cost effective to have uniforms of multiple sizes to fit the actors. By using the polo shirts, one size could fit a multitude of actors, helping to reduce costs. It was determined that a note will be made to address the videos are for instructional training purposes only. Mr. Mellors stressed there are take-home CDs and multiple handouts for the constables.

The next topic is Title 44, Law and Justice that includes 10 learning objectives. It is meant as a refresher for seasoned constables. This also includes course enhancement videos, job aids and handouts.

The third topic is Defendants' with special needs. This also has interactive multimedia instructional components, course enhancement videos, and multiple handouts.

Defensive Tactics (DT) will continue with the same format as last year; starting with the actual techniques, ending in scenarios. The scenarios have changed from last year and do not contain hands on. Instructors will be doing the role playing.

V. Public Voice:

Ronald Quinn (PAFOC) first thanked the Board for bringing up the stipend payment again. He then talked about the collection fees going down. He brought up the practice of constables having multiple warrants on an offender and the constable should be getting paid for all of the warrants. In a lot of cases, the constable is only getting paid for one warrant, in an effort for the courts to try and save money. Judge Wenner advised sometimes it is hard to get money from the offenders, who essentially have no money to pay for the fines and costs. He advised Dauphin County does pay the constables first. He tries to collect as much money as possible from the offenders. Chairman Contino advised sitting down and talking with the Judges. Judge Wenner advised the State Magisterial District Judges (MDJs) meet quarterly and they can bring up this issue to the judges' attention at the meeting coming up soon.

Constable Quinn then talked about the difference in certified and registered constables. Ms. Leffler advised there are 188 constables who have a valid term of office, but have never gone to training to get certified. They are still registered users in the Constables' Certification, Education, and Training System (CCETS).

Mr. Quinn then continued with the concept of getting more constable instructors and delivery contractors need to be recruiting more constables to become instructors. He feels constables should be used as primary instructors over other law enforcement officers. Ms. Leffler advised that the Program just put on an instructor development course for 10 constables to become instructors. However, they still have to do their student teaching so they may not come back to the Board to be certified for a number of months. Mr. Pfau advised that even though a great number of constables complete the instructor development course, it can be uncomfortable standing in front of their peers and they do not complete the student teaching that is required. Ms. Leffler advised she would get back to the Board in 2017 with the numbers of constables who completed the instructor training in 2013 and are still teaching.

VI. Adjournment:

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

VOTING AYE: Contino, Kisthardt, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on February 9, 2017 at PCCD's Office in Harrisburg.