

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

**Approved Minutes of the March 21, 2017 Meeting**

**Members Present**

Fred Contino, Constable, Delaware Co.  
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  
Beth Romero, PCCD  
Terence Morgan, Clearfield Co.  
Bryan Althouse, Berks Co.  
John Pisano, Jr., Indiana Co.

Ronald Quinn, Centre Co.  
Tom Impink, Berks Co.  
Barry Betz, Lehigh Co.  
Conrad Vaughn, Dauphin Co.  
Albert Puhalla, Centre Co.  
Paul Pape, Jefferson Co.

**I. Call to Order:**

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Tuesday, March 21, 2017 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania. This meeting was rescheduled from February 9, 2017 due to inclement weather.

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.

**II. Action Items:**

Chairman Contino asked if there were any questions regarding the November 10, 2016 Board meeting minutes. Hearing none, he asked for a motion to approve the November 10, 2016 Board meeting minutes.

A motion was made by the Commissioner Rodney Ruddock to approve the Board meeting minutes of November 10, 2016 and the motion was seconded by Honorable William Wenner.

Discussion: No discussion or amendments were made.

VOTING AYE: Contino, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Ms. Leffler wanted to note the election of officers is usually done at the first meeting of each year. However, since the current Board members' terms are expired and there is only a quorum right now, an election cannot be made. Hopefully by the May meeting, the Pennsylvania State Police representative will be present and the election of officers can be done at that meeting.

The next Action Item on the Agenda was the Financial Report of February 9, 2017, read by Sherry Leffler. The Financial Report can be found on pages 7-12 of the Board Packet and is for State Fiscal Year (SFY) 2016/ 2017, ending December 31, 2016. Under receipts, the balance carried forward from the previous fiscal year was \$3,378,619.71. The fees collected for the third quarter were \$887,902.05. The total funds available as of December 31, 2016 were \$5,187,316.71. Under Expenditures and Commitments, the total cumulative expenditures as of December 31, 2016 were \$1,248,470.60. The total cumulative expenditures and commitments as of December 31, 2016 were \$6,578,646.09 and that includes \$389,828.00 of the Administrative Expenditures and Commitments. The total of uncommitted funds as of December 31, 2016 is a negative -\$1,391,329.38.

Chairman Contino asked about any overlapping commitments in the upcoming budget periods. Ms. Leffler pointed out that while the Program has never paid out the full maximum price for a contract, we are going to see an overlapping of contract commitments beginning in SFY 2017/2018, which is going to the contracts we are closing out and the new contracts to which we will be committing. This will result in a negative balance in both the fiscal report and the fund projections. Staff is currently working on cost saving measures that will be presented to the Board at the May 11, 2017 meeting. The fund projections show a negative balance in the 2020/2021 SFY but in reality negative balances will be showing in the 2017/2018 SFY.

Mr. Pfau advised data has been received from the Administrative Office of Pennsylvania Courts (AOPC) for the last six years showing the Constables' Education and Training Act (CETA) fee assessments and collections. This information was just received on March 16, 2017 from AOPC but Program Staff will provide a breakdown of these statistics at the May Board meeting. Two trends that were noticed by Program Staff are that as time goes on during the life of the docket, there is very little of the CETA fee collected that has been assessed. The Program may not get paid until an offender is picked up several months to a year later, resulting in a delay of payment. The second trend is that there is always a percentage of the CETA fee that is assessed, but will never be paid. A constable will go out and is unable to find the offender, which the county then pays the constable's fees. If the offender is then picked up later, by statute, the county would not pay the CETA fee if they already paid the constable's fees. Chair Contino stated there is also a correlation between when the new computer systems were implemented and that constables are now being paid third on the priority list. He stated that another issues is with the Supreme Court's ruling of not putting people in jail for not paying their costs and fines, as well as the county pulling warrants from constables and giving them to police departments. Chairman Contino asked when going through this data is to not lump all six years of data together. Mr. Pfau advised the data is broken out by year and by county. In looking at some of the bigger counties, they are collecting about 80-90% in the same year the docket is assessed. There are some bigger cities that are using the Sheriff's Department for the service of warrants.

A motion was made by Constable Julie Sokoloff to approve the Financial Report of February 9, 2017 and the motion was seconded by Honorable William Wenner.

VOTING AYE: Contino, 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. Ms. Leffler advised there is an addendum to the packet regarding the instructors because the February meeting was rescheduled; there was a need for more instructor certifications.

Mr. Hower reviewed the applications and gave staff recommendations as follows:

**Penn State Fayette:**

Tim Barnes:

Requested Topic Certifications: General, Communications, Physical Skills, and Firearms

David Edwards:

Requested Topic Certification: Firearms

Philip O'Conner:

Requested Topic Certification: Firearms

Jesse Cramer:

Requested Topic Certification: Communications

Ronald Haggerty, Jr.:

Requested Topic Certification: Communications

Philip Michael:

Requested Topic Certifications: Law and Communications

Richard Opiela:

Requested Topic Certification: Communications

Steve Todoric:

Requested Topic Certification: Communications

Laird Cole:

Requested Topic Certifications: General and Communications

John Luci:

Requested Topic Certifications: General and Firearms

John Lubawski:

Requested Topic Certifications: General and Firearms

Marcus Kohan:

Requested Topic Certifications: General and Firearms

**Temple University:**

Joseph Klemmer:

Requested Topic Certifications: General, Law, and Communications

Scott Kryzwonos:

Requested Topic Certifications: General, Communications and Firearms

Christopher Prout:

Requested Topic Certification: Physical Skills

Stephen Homoki:

Requested Topic Certification: Firearms

Leonard Fritzingler:

Requested Topic Certifications: General, Physical Skills, and Firearms

Christopher Stephenson:

Requested Topic Certifications: General and Physical Skills

Michael Yetter:

Requested Topic Certifications: General and Physical Skills

Brian Newhall:

Requested Topic Certifications: Physical Skills

Ms. Sokoloff asked what all subjects were under the Communications topic. Ms. Leffler advised MOAB, Crisis Intervention, Report Writing, and Professional Skills. Subjects were changed to topics and were lumped into the Communication, Law, General, Physical Skills or Firearms Topics. We went from 20 plus subjects to five topics.

Ms. Leffler advised there were four instructors for Temple University; Christopher Prout, Leonard Fritzingler, Christopher Stevenson, and Michael Yetter; who were conditionally approved on February 14, 2017 by the Program Manager, Mr. John Pfau. The conditional approval was only for specific classes due to the school showing the need for additional instructors. A lot of the schools are starting to lose their veteran instructors, which is why there are so many instructors being submitted for Board approval.

Ms. Leffler advised that Laird Cole did attend the Instructor Development training held here at PCCD in October of 2016 and he has completed the student teaching to be considered for certification by the Board.

Chairman Contino complemented the schools on submitting impressive candidates.

A motion was made by Commissioner Rodney Ruddock to approve the candidates for Instructor Certifications and the motion was seconded by Constable Julie Sokoloff.

VOTING AYE: Contino, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

### **III. Discussion Items:**

Chairman Contino asked if there was anyone from the higher echelons at PCCD helping with the appointment of Board Members. The Board members' terms have been expired for over a year. Ms. Sandifer stated an update from the acting Executive Director can be obtained. She advised there is ongoing activity on Board appointments.

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

The first Informational Item is the Status of Certifications. As of January 10, 2017, there were 1,302 constables and deputy constable currently listed as active and certified. Of these, 998 or 76% 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 4,420 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

The second Information Item is the Constables' Certification, Education, and Training System (CCETS) Registered User Update. As of January 10, 2017, there are 1530 active registered constables and deputy constables who are CCETS users. These are constables and deputy constables who have a valid term of office in CCETS. A total of 1,297 active and certified constables and deputy constables are CCETS users, which is 94% of the currently active and certified constable population. Active and certified indicates that they have a valid term of office, have valid professional liability insurance and have met the training requirements to be certified. Of the total active registered CCETS users of 1,530, 1,007 have chosen email as their preferred correspondence method. 458 active registered constables and deputy constables are sharing their personal information in CCETS. There are currently 55 registered users from 31 County Clerk of Courts Offices.

The third Informational Item is the Act 49 Constable Training Grievance Update. Five Act 49 Training Grievances were filed with the Program since the August 2016 meeting and the Program Supervisor was able to resolve these grievances as follows:

1. Grievance filed in relation to a class "no show" absence. Program Staff's investigation revealed that there was a miscommunication between the training delivery contractor and the constable. Program Supervisor reversed the "no show" absence to an "excused" absence.
2. Grievance filed in relation to a weapon malfunction at a Basic Firearms Class. The deputy constable provided documentation from a gun armorer and also the firearms instructor documented on the remediation paperwork, "possible equipment issues, rear sight is left of zero". Program Supervisor worked with deputy constable and he was permitted to attend the qualification course of fire at another Basic Firearms Class in the South West region. Deputy Constable was able to successfully qualify and is now firearms certified.
3. Grievance filed in relation to an "unexcused absence" for an Annual Firearms Class. Program Supervisor and Staff investigated this grievance including interviewing other class participants and receiving statements from the instructors present. The investigation revealed that the constable left class early without telling the instructors, the constable coordinator, or other students that he was leaving. Constable raised several issues

regarding early class dismissal and overly zealous instructors, all issues raised were unfounded. Program Supervisor after consultation with Bureau Manager determined that the “unexcused absence” documented for this class would remain.

4. Grievance filed in relation to a class “no show” absence. Program Staff’s investigation revealed that the constable did not receive a confirmation letter for a transferred class. Program Supervisor reversed the “no show” absence to an “excused” absence.
5. Grievance filed in relation to a failure at an Annual Firearms Class. Program Staff could not find any real issue in relation to the training class; however, the constable is upset that the qualification course of fire includes shooting from the 25 yard line. Program Supervisor advised and the firearms instructor documented, that the constable should continue to practice with his firearm.

Chairman Contino advised the grievances were filed through the Training Grievance Form which is in the constables’ packet and responses get done in a timely manner. Due to time constraints, staff are able to make the decisions. If there is an appeal, then it would come in front of the Board. Mr. Pfau advised the grievances are reviewed in accordance to the Board’s Training Grievance Process.

The fourth Information Item is the Law Enforcement Training Waiver Application Update. Mr. Hower reported that as of November 22, 2016, Staff have processed a total of 13 Law Enforcement Training Waiver Applications in 2016, three of which have taken the waiver examination and passed, seven waiver applications have been approved by Program Staff but they have not been scheduled to take the waiver examination, and three were deemed to be ineligible for the waiver examination. It was noted the waiver examination is for the 80 Hour Basic Training Course.

The fifth Informational Item is an update on the Act 233 Stipend Payments. The Program only paid the stipend payment to constables for three years. The fourth year, 2009, was put forth before the Board and at this time, it was determined that the health of the CETAS could not warrant a payment. Also constables had to file a W-9 with the Vendor Management Unit in order to get paid. Some constables did not file the W-9, so they were not eligible to get paid, because they never followed through to get a vendor ID number. The total actual payment was less than what was estimated to be paid. This information was gathered as a way to show other cost saving measures the Board and constables have made over the years.

The sixth Informational Item is an update on the Constable Instructors which was asked for at the last meeting. Ms. Leffler reported that over the history of the Program, there have been a total of 30 certified constables presented to the Board for certification. Thirteen instructors are still currently certified to teach in the Program and 16 have been decertified over the years through the decertification process or are no longer affiliated with the training delivery contractor. One constable instructor attended an Instructor Development course in 2013 but never completed the student teaching portion and was never presented to the Board for certification. In October 2016, ten constables successfully completed the Program’s sponsored Instructor Development Course, and are working on fulfilling their student teaching obligations before being presented to the Board for certification. One instructor Laird Cole was just presented earlier in the meeting for certification. Student teaching consists of teaching eight hours of classroom instruction under the mentorship of a certified instructor.

The seventh Informational Item is the feasibility of a centralized Continuing Education Training location. At the last meeting of the Board, Chairman Contino asked about the feasibility of

holding continuing training classes at a centralized training location which would include lodging, meals and mileage expenses. Mr. Pfau reported that an analysis was provided to the Board that was completed back in 2003 and updated for 2017. The analysis is based upon the class size of 20 students. Mr. Pfau used state rates and rates already being used by the Sheriffs' and Deputy Sheriffs' Academy. The current cost is \$206,766 for a Continuing Education class. Having a centralized location, the grand total would be \$451,296. The biggest expense would be reimbursing for travel. Chairman Contino advised there need to be cuts to try and save money. However, the cost saving initiatives to be presented will not be enough to save the Fund. Increasing the surcharge is also not the answer to the deficit. With the loss of warrants, the increase in the surcharge will only bring in the same amount of money as the previous year. Chairman Contino asked if there was any way the Act could be changed to say up to 40 hours of training for your first three terms, 18 years? He advised there have been minute changes that after learning the same information for the past 15-20 years, many of the seasoned constables could challenge the classes.

The eighth Informational Item is the status update of the AOPC workgroup. Mr. Merwine was not present to provide more detail. However, Ms. Leffler advised there was a conference call between herself, Mr. Pfau, and Mr. Merwine with Ami Levin and Mark Rothermel back on January 19<sup>th</sup>. Collections data was discussed and a request for surcharge collection date was sent to AOPC on February 28<sup>th</sup>. The surcharge collections data was received from AOPC on March 16, 2017. Chairman Contino stated he and Judge Wenner would like to be included in any AOPC workgroup that is developed.

The ninth Informational Item is regarding the videotaping and broadcasting of Board Meetings. Ms. Sandifer advised she could not provide an answer in regards to the technology and she was waiting to hear if it was feasible equipment wise. She has not heard anything in regards to this issue. Chairman Contino would like the meetings to get out across the state. The minutes are summarized, but there are some points that do not make the summarization. Ms. Leffler advised she will send an email to Mr. Merwine for updates. There was an issue raised previously regarding the equipment necessary and also live broadcast verses a pre-recorded broadcast.

Mr. Pfau provided an update on a recent incident regarding a constable who had a medical emergency, unrelated to training, during a basic training class over the past weekend. The instructor addressed it and called 911, resulting in the gentleman being taken to the hospital. Both the instructor and the school have followed up with the family and he is doing well. Mr. Pfau advised this is why the Student Emergency Contact Form is so important to the schools and instructors. The instructor was able to pull out the form and knew who to contact. Mr. Brother, Penn State-Fayette Coordinator, advised this form is very critical to present medical information to emergency responders.

## **V. Executive Session:**

Chairman Contino asked to go into executive Session at 11:04 am.

A motion was made by Commissioner Rodney Ruddock to go into Executive Session and the motion was second by Constable Julie Sokoloff.

Executive Session ended at 11:20 am. Chairman Contino advised there was a legal issue that was discussed.

Constable Sokoloff had a question about the evaluation of the data from the AOPC and if the Board would be able to see the problem areas. Mr. Pfau indicated that Program Staff would review and provide an overview to the Board at the May meeting.

## **V. Public Voice:**

Ronald Quinn (Constable, Centre County): He wanted to know about the Magisterial District Judges' quarterly meeting and if it was discussed with them holding back the warrants they should be sending out with the constables. Judge Wenner advised he does not attend the state wide meetings, but from the county perspective, it is not an issue for his group of judges. The majority of judges probably do things different and this does contribute to the problem. Mr. Pfau advised that statute states if the county pays the constables' cost, then they do not pay the CETA fee.

Constable Quinn feels there should be more emphasis on recruiting done on the schools' part as he does not feel there are enough constable instructors. There is work for the constable instructors and they are not being used. Chairman Contino advised the information is in the packets constables receive regarding the instructor certification course. From his experience as a constable, constables are not willing to lose money and give up the time to attend the training to become certified instructors. Chairman Contino provided the example of how many constables out of 1,200 are actually here at the meetings.

Mr. Quinn likes the idea of a centralized training location and stated Ft. Indiantown Gap would be a good place for this idea. He asked where he could submit ideas for training and Chairman Contino, Mr. Pfau, and Ms. Leffler advised that information can be sent to their attention.

Constable Quinn wanted the contact information of those constables who are attending training, but are not registered to use CCETS to be made available through CCETS. Mr. Pfau responded that it is up to the individual constable on whether or not they choose to share their personal information.

The last point Mr. Quinn brought to the Board's attention was in regards to the review given before the test for each module. He stated the reviews given are word-for-word of what is included in the tests. He wants to know why he is wasting his time spending hours in the classroom when all of the information he needs is presented in the review of the test. It brings down the standards of the training. He suggests the review should be done differently. Chairman Contino advised he also goes to the training and the reviews are not verbatim. Some of the test questions can be tricky and the reviews are very helpful to the constables as a whole.

Thomas Impink (Constable, Berks County): He wanted some clarification on why Instructor Homoki is going before the Board for firearms certification when Mr. Homoki has been his firearms instructor for years. Ms. Leffler advised Mr. Homoki's firearms instructor certification was removed by the Board due to a training issue. He had to come back to the Board after completing certain requirements to be reinstated as a certified firearms instructor.

Mr. Impink advised that the number of rounds they are shot at the firearms training classes are quite helpful. He was concerned about the possibility of reducing rounds as a cost saving measure.

Paul Pape (Constable, Jefferson County): His question is about warrants being reissued. Auditors are telling the MDJs that they need to recall the warrants after 60-90 days. They are doing that and now the warrants are sitting in a drawer. Mr. Pfau advised that is between AOPC, the auditors, and the court administrators. Chairman Contino advised this is a question he would have liked to ask AOPC and eventually meet with them. Judge Wenner advised it is recommended the warrants be returned in 60-90 days. Constable Pape asked why the warrants are not being reissued to the constables. Judge Wenner advised sometimes the constables are just out of resources to try and find the offender. Police departments have access to more means to search for the offenders. Mr. Pape advised it is good to see the fee bill being taught to the District Judges. Mr. Pfau stated there is no penalty to the county if they do not pay and each county has different interpretations of the fee bill. Chairman Contino advised it comes down to the constables working with the President Judges and building a good working relationship at the county level.

## **VI. Adjournment:**

Chairman Contino asked for a motion to adjourn the meeting at 11:44 a.m. Constable Julie Sokoloff made the motion to adjourn the meeting and the motion was seconded by Honorable William Wenner.

VOTING AYE: Contino, Ruddock, Sokoloff, Wenner

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Board meeting will be held on May 11, 2017 at PCCD's Office in Harrisburg.