

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

Approved Minutes of the February 15, 2018 Meeting

Members Present

Honorable Thomas Brletic, MDJ, Allegheny Co.
Francis Peitz Jr., Constable, Allegheny Co.
Rodney Ruddock, Indiana County Commissioner
Craig Westover, Constable, Venango Co.

Members Absent

Major William White, PA State Police

Visitors

Mike Marcantino, IUP
Deidre Beiter, Temple University
Deb Williams, PCCD
Ted Mellors, Penn State Fayette
Anthony Luongo, Temple University
Robert Harford, Penn State Fayette
Shawn Vinson, Lancaster Co.
Corey McIntyre, Westmoreland Co.
Alex Farganis, Lancaster Co.
Jeff Shank, Dauphin Co.
Ronald Clever, Lehigh Co.
Gregory Smith, Franklin Co.
Rich Salter, Monroe Co.
Lucinda Blenis, Columbia Co.

Commission Staff Present

Sherry Leffler, Constables' Program
Wayne Hower, Constables' Program
Tracy Clouser, Constables' Program
John Pfau, PCCD
Debra Sandifer, PCCD
Robert Merwine, PCCD
Beth Romero, PCCD

Barry Betz, Lehigh Co.
Tom Impink, Berks Co.
David Berman, Luzerne Co.
Chris Savage, Montgomery Co.
Stacy Wertman, Bucks Co.
Shaun Sponagle, Lancaster Co.
John Weiser, Adams Co.
Ian Castaneira, Dauphin Co.
Daniel Hollenbaugh, Adams Co.
Daniel Watkins, Adams Co.
Dennis Huber, Lehigh Co.
Kurt Houpt, Cumberland Co.
Patrick Welsh, Columbia Co.
Jack Garner, Dauphin Co.

I. Call to Order:

The Constables' Education and Training Board (Board) meeting was held at 10:00 a.m. on Thursday, February 15, 2018 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Ms. Sherry Leffler called the meeting to order at 10:03 a.m. and asked all to join her in the Pledge of Allegiance. Board and staff introductions were then made to audience members.

Ms. Leffler introduced three new Board Members, Constable Craig Westover from Venango County; Constable Francis Peitz, Jr. from Allegheny County; and Judge Thomas Brletic of Allegheny County.

Ms. Leffler thanked Constable Julie Sokoloff from Montgomery County and also Judge William Wenner from Dauphin County for serving on the Board and for their guidance and service to the Board during their tenure.

The first Item on the Agenda was the Election of Officers and Ms. Leffler asked the Board members if there were any nominations for the election for a Board Chair. Constable Peitz nominated Judge Brletic for Board Chair and the nomination was seconded by Constable Westover.

VOTING AYE: Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Ms. Leffler asked for nomination for the election of Board Vice Chair. Constable Peitz nominated Constable Westover and the nomination was seconded by Chair Brletic.

VOTING AYE: Brletic, Peitz, Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chair Brletic asked Ms. Leffler to go through the Agenda until he is comfortable with how the meeting is run.

II. Action Items:

Ms. Leffler asked if there were any questions regarding the November 16, 2017 Board Meeting Minutes. Hearing none, she asked for a motion to approve the November 16, 2017 Board Meeting minutes.

A motion was made by Commissioner Rodney Ruddock to accept the Board Meeting Minutes of November 16, 2017 and the motion was seconded by Constable Craig Westover.

VOTING AYE: Brletic, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was the Financial Report of February 15, 2018, presented by Beth Romero. The Financial Report can be found on pages 7-12 of the Board Packet and is for state fiscal year 2017-2018. Under receipts, the balance carried forward from the previous fiscal year was \$2,767,345.05. The fees collected for the second quarter were \$897,143.40. The total funds available as of December 31, 2017 were \$4,505,040.05. Under Expenditures and Commitments, the total cumulative expenditures as of December 31, 2017 were \$7,230,587.69 and that includes \$415,339.08 in administrative expenditures and commitments and that breakdown is on page 9. And total funds as of December 31, 2017 is (\$2,725,547.64).

Mr. Pfau pointed out the Program is in transition between old contracts and new contracts and is still closing out the old contracts. Once the last invoices are paid, then any money remaining that was allocated on the old contracts comes back to the Training Fund.

Concerns were brought up by Commissioner Ruddock about numbers on the ledger that are in parentheses and feels there needs to be a plan to fix the negative balance. Constable Westover also brought up concerns of “where did all of our money go?” There are always rumors of money being taken from the Fund. However, Constable Westover stated it is merely the fact that the surcharges coming in are not meeting the expenditures of the Program. Mr. Pfau verified the Fund has been used only to support the Training Program. The Program had a positive balance up until the mid-2000’s. The Board really started looking at revenues in 2008/2009. Mr. Pfau also pointed out that the Annual Report is out there for anyone to view.

Chair Brletic brought up his concerns about resolving the issue of the Fund not being able to pay for anything. What has the PCCD done to make the Governor or Legislature aware of the need for the surcharge fee? He had a copy of House Bill 1434 and does not know if the PCCD was involved in this bill. Mr. Pfau stated in 2014, the Joint State Government Commission completed the House Resolution Study. In that Study, they recommended a surcharge increase to \$10, from \$5 to \$10. Mr. Pfau advised there have been discussions with various Legislators, but he has not participated in those. The feedback that he has received from the Legislature is that it has no interest in increasing the surcharge as the message has not been communicated effectively. Mr. Pfau put the emphasis on the constables needing to get together collectively to approach the legislators to get the surcharge increased.

Chair Brletic feels something should come from PCCD before the zero balance in the Fund. Mr. Merwine stated PCCD executives have spoken to individuals and are required to provide monthly and weekly reports up through the Governor's Policy Office and to the Commonwealth Legislative Offices. This issue has been brought up and has been included in those reports for multiple years. The expenditures have exceeded the revenues for more than a decade consistently. It has been on the Annual Reports, as Mr. Pfau indicated. Chair Brletic asked Mr. Merwine what has the PCCD done to reduce the administrative costs of the Constables’ Program? Mr. Merwine stated the administrative costs are for those providing support to the infrastructure as needed to run the Constables’ Program. These people are on time sheets. Chair Brletic asked about who monitors the accuracy of the time sheets. Mr. Merwine advised the time sheets are approved by the supervisors. He also stated we are constantly working to reorganize and make things operate more efficiently.

Constable Westover said the issues have never changed over the years and constables keep requesting this or that kind of training, but right now financially, the Board does not even have the ability to pay for the judicial requirements. He advised the different Constable Associations need to bury their differences and lay their focus on getting the surcharge increased or else there is no Program to train and certify constables. Chair Brletic asks what the liability issue is for the Fund not being solvent. Mr. Pfau advised the Program can continue to reduce and cut spending, but that just prolongs the problem. Even if the fee got increased today to \$10.00 it is still going to take time for that to be effective. For every \$5.00 surcharge fee assessed, the Program may only get 40 percent of that money the first year and the rest of it trickles in over the next four or five years.

Chair Brletic asked if there was an effort to try and get the last two vacant chairs filled for the Board? Mr. Pfau advised there is still a court administrator and constable vacancy. Mr. Merwine advised the Office

of the Public Liaison, who makes the appointments, is aware of the vacancies and recommendations provided in the past.

The last point Chair Brletic wanted to bring up is, are there any reasons why the Board cannot meet more than four times a year. Mr. Pfau advised the requirement under the Act is the Board meets at least four times a year. They would all have to meet the Sunshine Act and be advertised, etcetera.

A motion was made by Chair Thomas Brletic to accept the Financial Report of February 15, 2018 and the motion was seconded by Constable Francis Peitz.

VOTING AYE: Brletic, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Action Item was review of the Instructor Certifications by Mr. Wayne Hower. Before turning it over to Mr. Hower, Ms. Leffler advised as per the Act 49 Instructor Policy, Section II, Conditional Approval, the Bureau Manager can conditionally approve instructors if there is a need represented by the school for those instructors.

There were five instructors who were conditionally approved, because there were two DT (defensive tactics) instructors who resigned from Penn State this year. They needed new instructors to help with their Basic Training class that started in the beginning of February. John conditionally approved Laird Cole, Gerald Edgreen, Ronald Haggerty, Marcus Kohan, and Jason Luci as Physical Skills instructors.

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

Penn State University-Fayette:

Laird Cole:

Requested Topic Certifications: Physical Skills

Gerald Edgreen:

Requested Topic Certifications: Physical Skills

Ronald Haggerty:

Requested Topic Certifications: Physical Skills

Marcus Kohan:

Requested Topic Certifications: Physical Skills

John Luci:

Requested Topic Certifications: Physical Skills

Joseph Popielarcheck:

Requested Topic Certifications: Physical Skills

Christopher Rosano:
Requested Topic Certifications: Physical Skills

Indiana University of Pennsylvania:

Michael Kelly:
Requested Topic Certifications: General

Jason Hall:
Requested Topic Certifications: Firearms

Alexander Farganis:
Requested Topic Certifications: Physical Skills, Communications-MOAB

Temple University:

John Foster:
Requested Topic Certifications: General, Firearms

John Leonard
Requested Topic Certifications: General, Communications, Firearms

A motion was made by Chair Thomas Brletic to accept the candidates for Instructor Certifications and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Brletic, Peitz, Ruddock
VOTING NAY: None
ABSTAINING: Westover

The motion carried unanimously.

III. Discussion Items:

The only Discussion Item, presented by Mr. Pfau, was the Fund Contingency Plan and courses of action to take when the Program cannot pay the bills or something must be done because the Fund is still going down. As per the request of Commissioner Ruddock during the August 2017 meeting, Staff presented some courses of actions based upon constraints from the Act. Commissioner Ruddock again addressed the issue that constables are the ones who need to get in touch with the Legislators. The Board is not a lobbying Board, but a training Board. He does not want to jeopardize the training, but action needs to be taken to move forward. Mr. Pfau advised that even though Staff have come up with multiple courses of actions to take, the Program does not have the luxury of time on some of the action plans.

The first course of action is to revise the Act. The second course of action is to reduce the number of contracts. The third course of action is to set limits with requirements for constables to be trained. The fourth and final course of action is that all Continuing Education classes be held online. Commissioner Ruddock stated that no matter what course of action is taken, the Board must preserve the integrity of the

education mission. He also stated a very aggressive letter needs to be sent to Legislators and Senate Majority Leader advising that the Board will cease to operate as an education institution for the Constables' Program. Based upon the information in the Financial Report, Constable Westover suggests we resolve the courses of action this year, because next year, the money will not be there. He also asked for the letter to educate State Senators and Representatives on the importance and value of constables. Chair Brletic suggested establishing a workgroup and having meetings before the May 2018 Board Meeting.

IV. Informational Items:

The first Informational Item is the Status of Certifications and Ms. Tracy Clouser presented this information to the Board. As of January 12, 2018, there were 1,202 constables and deputy constables currently listed as active and certified. Of these, 954 or 79% 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 4,503 individuals who successfully completed Basic Training or the waiver examination and were certified by the Board.

The second Information Item is Constables' Certification, Education, and Training System (CCETS) Registered User update. Ms. Clouser reported that as of January 12, 2018, there are 1,594 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 1,140 active and certified constables and deputy constables are CCETS users, which is 95% 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 1,594; 1,104 have chosen email as their preferred correspondence method.

Of the total active registered CCETS user of 1,594; 494 active registered constables and deputy constables are sharing their personal information in CCETS.

There are currently 58 registered users from 31 County Clerk of Courts Offices.

Constable Westover wanted to know the breakdown between constables versus deputy constables.

V. Public Voice:

Ian Castaneira (Constable, Dauphin County) discussed the CETA fees and his opinion on removal of Instructor Haggerty for Penn State-Fayette. He wants to see a dollar by dollar breakdown of where the money has been spent over the last ten years. Mr. Merwine advised the financials are already published

and can be found at www.pennwatch.pa.gov. It was brought up to include constables in a roundtable discussion on ways to cut costs, but still have a quality Training Program.

Patrick Welsh (Deputy Constable, Columbia County) wanted to stress again it must be the constables making the push on legislation to increase the revenue. He too wanted to know the breakdown of costs for training. Constable Welsh also inquired about online training.

Thomas Impink (Constable, Berks County) brought up the two articles in House Bill 1434. The first was about ineligibility to be a constable if you were convicted of a felony or had felony charges pending or a case pending. The second was the surcharge increase from \$5.00 to \$9.00. Constable Impink has been in contact with Representative Caltigirone to push this forward.

John Weiser (Constable, Adams County) stated that the leaders of the Constable Associations need to put their differences aside and work together to get the surcharge fee increased as well as other issues.

Shawn Vinson (Constable, Lancaster County) asked about the letter being sent out to address issues with the Fund and how his county wants to know why the county is not hearing about the funding issue from PCCD and only the constables. He also commented about online training.

Greg Smith (Constable, Franklin County) suggested a hybrid of training to include Continuing Education on line but defensive tactics in the classroom.

Jack Garner (Constable Advocate, Dauphin County) questioned Kirsten Kenyon's position in the agency. Mr. Merwine stated part of her position is legislative liaison for the agency and she has met with Legislators in the past. Mr. Garner also questioned Program Staff's responsibilities and salaries to which Mr. Pfau explained staff are more than data entry personnel.

Ronald Clever (Solicitor PAFOC, Dauphin County) questioned about the grievance process coming from someone in the class. Ms. Leffler said she will make sure schools are made aware that any grievance can be filed by anyone across the state, but it cannot be filed anonymously. Mr. Clever agreed with the idea of a roundtable to come up with a course of action. He wants to make sure the instructors are teaching and sticking with the approved curriculum. Mr. Clever also discussed the term "moonlighting" and the insurance companies which causes great difficulties for the constables to get and use their insurance.

Daniel Hollenbaugh (Constable, Adams County) questioned what happens when a landlord goes to evict a tenet and there are no certified constables because there is no money to train constables to be certified. Mr. Pfau advised at this point, it is uncertain what will happen. Certifications could be extended, but the future is unknown.

Rich Salter (Constable, Monroe County) stated he would be more than happy to attend a roundtable discussion. He questioned about taking training with local police departments and forwarding the certifications on to PCCD. Ms. Leffler advised a constable is certified through that organization and not through PCCD or the Board. Mr. Salter questioned about why each county is different on the fee bill and it should be the state law that is taught, not up to each county. Constable Peitz stated it is up to the President Judge in each county to set the standard for the fee bill.

Dennis Huber (Constable, Lehigh County) wanted constables to be aware that in order to carry a gun during any constable activities, the constable must go through the Act 49 training.

VI. Adjournment:

A motion was made by Chair Thomas Brletic to adjourn the meeting at 12:18 p.m. and the motion was second by the Commissioner Rodney Ruddock.

VOTING AYE: Brletic, Peitz, Ruddock, Westover

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on May 10, 2018 at PCCD's Office in Harrisburg.