

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

Approved Minutes of the July 17, 2018 Meeting

Members Present

John Bruno, Constable, Dauphin Co.
Francis Peitz Jr., Constable, Allegheny Co.
Rodney Ruddock, Indiana County Commissioner
Craig Westover, Constable, Venango Co.
Major William White, PA State Police

Commission Staff Present

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

Members Absent

Honorable Thomas Brletic, MDJ, Allegheny Co.

Visitors

Mike Marcantino, IUP
Ted Mellors, Penn State Fayette
Anthony Luongo, Temple University
Deb Williams, PCCD
Jesse Renninger, Northumberland Co.
Jeff Collins, Clearfield Co.
Brad Mann, Monroe Co.
Jeff Shank, Dauphin Co.
John Weiser, Adams Co.
Rich Vogelsong, Dauphin Co.

Ronald Quinn, Centre Co.
Patrick Reynolds, Northumberland Co.
Paul Pape, Jefferson Co
Daniel Hollenbaugh, Adams Co.
John Pisano, Jr., Indiana Co.
Rich Salter III, Monroe Co.
Barry Karasiewicz, Monroe Co.
Gregory Smith, Franklin Co.
John Sedon IV, Luzerne Co.

I. Call to Order:

The Constables' Education and Training Board meeting was held at 9:00 a.m. on Tuesday, July 17, 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 9:02 a.m. and asked all to join her in the Pledge of Allegiance. Ms. Leffler introduced John Bruno as a new member to the Board. Board and Program Staff introductions were then made to audience members.

II. Public Voice:

Daniel Hollenbaugh (Constable, Adams County) wanted clarification on what would happen since the PCCD decided to not go with any of the recommendations from the Workgroup. When the budget goes

completely dry, do constables stop working and are they certified? Constable Westover advised Program Staff have been working diligently towards a plan. The Commission wants specific items passed and that is what today's meeting is going to accomplish. Ms. Leffler advised the recommendations should go before the Commission at the September meeting for approval.

John Weiser (Constable, Adams County) wanted Public Voice moved to the end or during the meeting to allow comments from the public on the discussion topics. Mr. Pfau advised Public Voice has always been at the end, but the Workgroup wanted Public Voice at the beginning to comment before the Board acted or voted on issues. Constable Westover stated he did not see a problem with allowing constables to speak during the meeting.

Rich Salter III (Constable, Monroe County) agreed on having another option for public comment. He felt the Workgroup was not well represented and was surprised on what was voted to go to the Commission. He felt the last meeting should not have summarized the suggestions coming from the Workgroup. Constable Westover stated he did not see an issue with readjusting the agenda going forward. He advised everything right now has been focused on the financial side to keep the training program going until the fund is solvent.

Ronald Quinn (Constable, Centre County) wanted to know the reason for PCCD's refusal of the courses of action that were recommended. Constable Westover advised it was not a refusal, but the Commission members wanted more specifics in the motion that was made for the training going forward. He advised he spoke during the Commission Meeting on the urgency of the financial situation to get forward movement. The Board does not have a direct seat on the Commission so the Board has to depend on the chain of command to get information to the Commission. The Commission does not have the sense of urgency that the Board can convey directly. Mr. Merwine advised there needed to be additional details for the Commission to vote. Constable Quinn also wanted Public Voice to be moved back to the end of the meeting.

Greg Smith (Constable, Franklin County) wanted to make sure the Board did not rush through the agenda and to give the items the needed attention and discussion. Constable Quinn wanted to know why the meetings have been changed to 9:00 am. Ms. Leffler advised that was done to allow time to discuss the information during the meeting and the Board members are coming in the night before. Mr. Pfau advised there is a concern there will be a lot of issues over the next year to discuss; also resulting in more than just quarterly meetings. The 9:00 start time allows enough time to discuss the issues and get through what is needed.

Barry Karasiewicz (Constable, Monroe County) also wanted Public Voice to be changed from the beginning of the meeting.

III. Action Items:

Ms. Leffler asked if there were any questions regarding the May 10, 2018 Board Meeting Minutes. Hearing none, she asked for a motion to approve the May 10, 2018 Board Meeting minutes.

A motion was made by Commissioner Rodney Ruddock to accept the Board Meeting Minutes of May 10, 2018 and the motion was seconded by Major William White.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

The second Action Item was review of the Instructor Certifications by Mr. Wayne Hower. He reviewed the applications and gave Program Staff's recommendations as follows:

Temple University:

Louis Mancini:

Requested Topic Certifications: Physical Skills

Indiana University of Pennsylvania

Craig Westover:

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

A motion was made by Major William White to accept the candidates for Instructor Certifications and the motion was seconded by Constable Francis Peitz.

VOTING AYE: Bruno, Peitz, Ruddock, White
VOTING NAY: None
ABSTAINING: Westover

The motion carried unanimously.

The third Action Item was the Short-Term Courses of Action. Ms. Leffler stated the Board is going to take each short-term course of action and break them down individually and discuss other recommendations. The Board will then vote on each of those separate items to take before the Commission in September.

The first Short-Term Course of Action was to suspend all firearms training for calendar year 2019. Ms. Leffler provided an overview of the Act and Board Regulations related to firearms training as follows: Title 44, §7148, Use of Firearms, states "*The Constables' Education and Training Board, with the review and approval of the PCCD shall establish standards for the certification or qualification of constables and deputy constables to carry or use firearms in the performance of any duties.*" Title 37, §431.41, Qualifications (b) states "*After a constable obtains initial firearms qualification, the constable shall complete the Board's annual firearms qualification course to maintain firearms qualification.*" Constable firearms certifications could be extended through December 31, 2020. The Board could also accept another Commonwealth firearms certification for 2020 in lieu of Act 49 firearms certification. Another possibility would be to implement a show and shoot, which would be a four-hour qualification only, and would be for years 2019 and 2020. The Board could extend the individual constable firearms certification until the end of the firearms training class that the constable attends and attempt to qualify in 2020. Mr. Pfau stated the Commission did not want to see any suspension of firearms qualification. Ms. Leffler stated the comparison of other Commonwealth Firearms training included the Deputy Sheriff's, County

Probation and Parole, Act 120, Act 235, PSP Training, Game Commission Training, and Fish and Boat Commission training. Constable Westover commented on how the training is all over the board. He asked Legal Counsel Sandifer if the 4-Hour Show and Shoot would make the Commission more comfortable. Legal Counsel Sandifer stated this option is not inconsistent with either the Regulations or Act 49. Major White asked if the same practice would apply to a constable who is not able to qualify with his or her duty weapon. Mr. Pfau advised the current practice would still be in place. If a constable fails, payment will need to be made before the constable can enroll in a second class. Ms. Leffler advised the Workgroup felt the constables need to take more responsibility and be more prepared when they come to the firearms classes. Major White asked if additional information can be provided to constables on where to obtain extra training. Constable Westover stated the goal is to get back to the level of training there is now, but at this point, this is the process we have to go through to get there in 2020 or 2021. Constable Bruno is worried about liability and for those individuals who are struggling to pass the qualification course of fire. Constable Peitz added maybe the schools could line up a couple of their instructors, for a fee, to give additional training. Mr. Pfau added there are training entities out there that will fill the void in the interim year or two that the Program is not providing training. Commissioner Ruddock asked again about the liability on the Board. The Board and Legal Counsel discussed issues of liability regarding the requirements for the qualification course.

A motion was made by Major White that the Board will provide a 4-Hour Show and Shoot qualification for 2019 and the motion was seconded by Constable John Bruno.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The second Short-Term Course of Action is to suspend the 80-Hour Basic Training course and the 40-Hour Basic Firearms Training course for training year 2019. Ms. Leffler provided an overview of the Act and Board Regulations related to basic training as follows: Title 44, §7145 states “*The Constables’ Education and Training Program shall include training for a total of 80 hours, the content of which shall be determined by regulation. The training shall include instruction in the interpretation and application of the fees provided for in Section 7161 (relating to fees).*” Under Title 37, §431.41, Qualification Course (a) “*A constable shall complete a basic firearms qualification course established by the Board to obtain initial firearms qualification.*” Ms. Leffler provided training statistics for 2016, wherein the Program trained 379 new constables, 328 became certified and 51 did not become certified. Of those trained in 2016, only two constables had done work for the courts in 2017. In 2017, 98 new constables were trained, 82 became certified, 16 were not certified and none of those trained in 2017 did work for the courts in 2017. Records were obtained from Administrative Office of Pennsylvania Courts (AOPC). In 2016, the average cost of an 80-Hour Basic training class was \$15,000. By suspending the Basic Training and Basic Firearms, this will give a financial break and will not have a major impact on the courts. Constable Westover mentioned the Workgroup came up with the idea of having a pre-screening before constables sign up for the Basic Training. This would include all the requirements necessary to be certified.

A motion was made by Constable Craig Westover to suspend the 80-Hour Basic Training and the 40-Hour Basic Firearms training for 2019 and the motion was not seconded by any other Board Member. The motion did not receive a second and this Course of Action was not approved.

The third Short-Term Course of Action would be the elimination of Optional Training. The Optional Training enrollments are less than two percent of the total constable population and the courses on lethal force options certification are obtainable at the local level. Major White wanted to make sure constables could get the training for chemical aerosol and expandable baton elsewhere. Commissioner Ruddock wanted to know what the cost savings would be and Ms. Leffler advised it was about \$11,000.00 to \$12,000.00.

A motion was made by Constable John Bruno to eliminate Optional Training effective January 1, 2019 and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The fourth Short-Term Course of Action would be for the Board to no longer provide constables and deputy constables training ammunition. Ms. Leffler provided an overview of the Act and Board Regulations related to firearms training and ammunition as follows: Title 37, §431.43 Firearm and Ammunition (a), *“As a prerequisite for attending a firearms qualification course, a constable shall provide at all times during this course a firearm and ammunition, magazine, speed loader, safety accessories, and cleaning equipment specific to the firearm. The Board will provide ammunition to the constable for use during instruction. The constable shall provide ammunition for use during the qualification test. §7148, the Use of Firearms, “The Constables’ Education and Training Board, with the review and approval of the Pennsylvania Commission on Crime and Delinquency, shall establish standards for the certification or qualification of constables or deputy constables to carry, use firearms in the performance of their duties. Title 37, §431.41, the Qualification Course (b), “After a constable obtains initial firearms qualification, the constable shall complete the Board’s annual firearms qualification course to maintain firearms qualification.”* Act 49 is silent on firearms training and/or instruction. It only mentions standards for certification or qualification. Mr. Pfau explained the 4-Hour Show and Shoot would be that the constable shows up, gets the weapon inspected, the safety process and then runs through the qualification course. The constable provides the ammunition for the qualification course. Since the Program will not provide training, there is no need to provide any training ammunition. Constable Westover asked about the cost savings to which Mr. Pfau responded the Program is spending about \$95,000 on training ammunition every year. He also stated Program Staff will keep a running update of cost estimates and the impacts over the next year or two and it will be reported to the Board during the meetings. Constable Westover asked for a motion for the Board to no longer provide training ammunition for 2019 and beyond. The Board, Program Staff and Legal Counsel discussed language changes to the motion that would appropriately reflect the direction of the Board as well as the requirements of the Act and regulations.

A motion was made by Constable Westover that the Board will seek regulatory change to eliminate the sentence that the Board will provide ammunition to the constable for use during instruction and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The fifth Short-Term Course of Action is to reduce the Continuing Education course from twenty hours down to eight hours for the 2019 training year. The two 2019 topics will be four hours of Social Media and four hours of Self-Help/Buddy-Aid (including Stop the Bleed). Ms. Leffler provided an overview of the Act and Board Regulations related to continuing education training as follows: Title 44, §7146, Continuing Education, *“The Board, with the review and approval of the commission, shall establish a mandatory continuing education program for constables and deputy constables, which shall include no more than 40 hours per year, concerning subjects the Board may deem necessary and appropriate for the continued education and training of constables and deputy constables.”* According to regulation, Title 37, §431.32, Requirements (a), *“A constable shall obtain the following to complete the continuing education. (1), attend the hours of continuing education per year ad determined annually by the Board and published in the Board Training Bulletin.”* Mr. Pfau stated one of the Workgroup’s suggestion was to go to online training. Program Staff have seen three entities who have created a Learning Management System (LMS) that provides online training to similar entities. Program Staff will have more information by the August meeting. If the Program can get online training in place by 2020, then the hours can be slowly built back up as the Board feels appropriate. The Board and Legal Counsel discussed possible liability issues arising from the amount of training hours, as well as any requirements of the Act and Regulations. Commissioner Ruddock questioned if the Workgroup made the recommendations for the Social Media and Self-Aid/Buddy-Aid training. Mr. Pfau advised the continuing education subjects were already developed and are ready to be presented.

A motion was made by Major White to reduce the number of training hours for Continuing Education in 2019 from twenty hours to eight hours and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was an overview of the 2019 8-Hour Continuing Education Subjects provided by Ms. Leffler. Ms. Leffler stated that the first module is Social Media and was designed to present students with an overview of the ways social media impacts and affects constables. It will also demonstrate how social media can aid constables in doing their job and provide practical and important knowledge to constables on how to maximize their safety and security when using social media. The second module is Self-Aid/Buddy-Aid, which provides constables with the knowledge, skill set, and tools necessary to survive or save a fellow constable’s life due to severe blood loss. The course also includes information provided by the Stop the Bleed initiative created by the University of Pittsburgh Medical

Center in partnership with the Copeland Regional Trauma Council. Constables will be required to demonstrate the performance of the following skills: wound packing and direct pressure, tourniquet application, application of hemorrhaging agents, and basic treatment of shock. Major White wanted to know if these topics were already done when preparing for the 20 hours. Ms. Leffler advised these two topics were the most complete at the time. Mr. Pfau advised that in order to save additional costs, the Program went with the modules that were developed the furthest in the completion process. Major White questioned what it would cost to develop a different course, other than the Social Media course. Mr. Pfau advised \$5,700.00 per hour development cost. By dropping down the number of hours, it also plays in to some of the cost savings the Board is looking at recouping to try and get the online training up and running. Constable Westover likes the idea of Social Media, as an older constable, he is not current with technology and found how much information is out there for tracking down people. Major White questioned how it is determined what courses are chosen. Mr. Pfau advised the Program has sent out surveys and Program Staff look at the evaluations from classes. Topics from the past has also been recycled because the topics are important enough that constables need a refresher. Constable Hollenbaugh suggested the use of Laser Shot. Constable Salter questioned about reaching out to other training programs, for example Federal Law Enforcement Training Center (FLETC), to help reduce costs. Mr. Pfau advised the Program does not currently have sworn officers teaching the courses, so it all depends on the subject and availability. Constable Salter also wanted the PCCD to keep records of the outside training constables complete on file. Constable Westover asked Legal Counsel Sandifer to look into if the training documents can be incorporated into the CCETS system. Commissioner Ruddock brought the group back to the Social Media topic and how it has become a big issue. Constable Peitz stated out around the Pittsburgh area, there has been a lot of success with the police departments using social media. Constable Westover brought up the liability side of social media and how officers can use it inappropriately.

A motion was made by Constable John Bruno to adopt the Social Media and the Self-Aid/Buddy Aid, Stop the Bleed for training year 2019 and the motion was seconded by Constable Francis Peitz.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

IV. Discussion Items:

The only Discussion Item was the 2018 Firearms Certification Program Comparison. Mr. Pfau wanted to get this information out to the Board members because he feels as members of the Board and Program Staff continue talking about firearms, it will end up as a long-term issue. Constable Westover commented when looking at the different programs in what they require, how much ammunition is used and the number of training hours, it all comes down to a budget issue. Mr. Pfau stated for some of the courses, the cost is passed on to the person taking the course or the training population is much smaller. Constable Westover mentioned the Program's training population fluctuates every year so there is no pre-planning. Commissioner Ruddock wants to look at other county training programs and see if they can be tied together to save some money. Ms. Leffler thanked PCCD Staff Deb Williams for compiling the information from the different training agencies.

V. Informational Items:

The first Informational Item was the request for the former Board Chair Deposition Reimbursement. Former Board Chair Fred Contino put in a request for monetary compensation to be deposited for a civil lawsuit. Legal Counsel Sandifer stated the Board can grant the request as long as Constable Contino provides proof of the money he lost on the day of deposition. Constable Contino would need to provide Program Staff with verifiable information on his lost wages and travel expenses. Once provided it will be brought back to the Board for approval as an action item for the specific amount of money he would be requesting.

The second Information Item was the Board Transition Policy. Mr. Pfau wanted to address issues that can arise from the Workgroup, online training, etc. that will need to be addressed in this transitional policy. Some will have to go through legal counsel. As the Board works through these issues, they will be pulled into a transitional training policy. An initial draft should be ready for the August 9, 2018 meeting.

The third Informational Item was the Timeline for Implementation Plan. This is another working document Program Staff will keep updating as the Program goes through the process. A spreadsheet was provided showing the different courses of actions, the actions the Board has taken, and if the actions need to be approved by the Board and then go to the Commission for approval. An updated calendar will be provided to Board members.

The fourth Information Item was the Long-Term Courses of Action. Ms. Leffler provided an update on the items the Workgroup came up with during the meetings in March and April. The Board voted on the training conversion and Program Staff are updating the Board on this conversion. As previously mentioned by Mr. Pfau, Program Staff have met with three vendors who already have established learning management systems for online training. The only other update was for the elimination of Optional Training. This is not only in the short-term courses of action, but also in the long-term courses of action.

VI. Public Voice:

Daniel Hollenbaugh (Constable, Adams County) voiced his concern about the Workgroup not seeing the chart of the number of constables training, certified, not certified, and how many worked for the courts. He also questioned what would happen to the ammunition on store. Mr. Pfau advised once the Program is in the clear of no longer providing training ammunition, then the Program will surplus the ammunition. Whatever money is received for that will go back in to the Fund account.

John Weiser (Constable, Adams County) wanted to know if the Constable Associations could forward training announcements on to the Program to have Program Staff send out an email to all constables. Ms. Leffler advised she would have to check with Legal Counsel. He also wanted to know about the letter that was supposed to go out to the Governor and Legislature regarding a surcharge increase. His organization is trying to get legislation passed to raise the fee and the letter would help. Mr. Merwine advised it is on hold and depends upon the actions the Board and Commission take. Constable Weiser thanked the Board for allowing public voice comment before and in the middle of the meeting.

Greg Smith (Constable, Franklin County) thanked the Board for their service and thought the results of this meeting were about the best.

Ronald Quinn (Constable, Centre County) wanted to look at accepting firearm accreditation from different agencies, like NRA (National Rifle Association). He again stressed the idea of storing additional outside constable certification in the system.

Richard Salter (Constable, Monroe County) wanted a change in the regulations to include a physical portion. He is frustrated with the no hands-on training. He thinks the constables need to take responsibility to be prepared to do the job. Constable Westover agreed. Mr. Pfau stated the Board has wrestled with this since the beginning of the Program and it is in Regulation.

John Sedon (Constable, Luzerne County) questioned the statistics for those trained in 2017 as he states he did work for the courts. He stated it is hard to get work starting out as new constable as the Judges have their regular constables they use.

Paul Pepe (Constable, Jefferson County) asked what the Board is doing to recoup the money that the Program is losing? He wanted to know why the auditors were not fining the Judges for not collecting the \$5.00 collection fee. Mr. Pfau advised it is up to the auditors and the Board has no control over how it is assessed, when it is assessed, or how and when it is collected. Constable Weiser spoke up and stated his Association addressed that at the Special Judges Association at their legislative dinner. If there are judges not collecting the fee, they are to inform Judge John Fishel so he can reach out to the Judge not collecting the fee. Constable Westover advised he spoke on this during the Commission meeting in which he was told there are too many competing voices up on the General Assembly. They are confused as to what the constables want as there are so many different agendas. The constables need one voice.

Patrick Reynolds (Constable, Northumberland County) wanted to know why the PCCD is waiting to send this letter. Constable Westover explained the Board needs to do everything possible to cut costs to get the budget in line so the General Assembly can consider a fee increase.

Barry Karasiewicz (Constable, Monroe County) stated he completed his 80-Hour Basic Training in 2016 and knows at least two of his classmates are working for the courts. Constable Westover stated Program Staff will go back to AOPC and get them to readdress the information. Constable Karasiewicz stated the firearms training needs to be a better quality.

VII. Adjournment:

Vice-Chairman Westover asked for a motion to adjourn the meeting at 11:19 a.m. A motion was made by Major William White to adjourn the meeting and the motion was second by the Commissioner Rodney Ruddock.

VOTING AYE: Bruno, Peitz, Ruddock, Westover, White

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on August 9, 2018 at 9:00 a.m. at PCCD's Office in Harrisburg.