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

Minutes of the February 4, 2010, Meeting

Members Present

Commission Staff Present

Judge Richard Opiela, Allegheny Co, MDJ, Chairman Fred Contino, Constable, Delaware County A.R. DeFilippi, Court Administrator, Beaver County Teresa O'Neal, Juniata County Commissioner Julie Sokoloff, Constable, Montgomery County Captain Rodney Manning, PA State Police Constable Harry Walsh, Constable, Allegheny County John Pfau Donald Horst Sherry Leffler Sue Lanza Norma Hartman Michael Kane, Esq.

Members Absent

None

Visitors

Barry Betz, Constable, Lehigh County
Ron Clever, Constable, Lehigh County
Emil Minnar, Constable, Montgomery County
Jack Esher, Constable, Delaware County
Jack Garner, Constable, Dauphin County
Charles Rodgers, Constable, Schuylkill County
Raymond Duncan, Sr., Constable, Lancaster County

Barbara Butcher, Mansfield University Teresa Conley, Temple University Joe Friend, Penn State University Roger White, Indiana University Louis Solt, Constable, Lehigh County Tom Impink, Constable, Berks County Charles Seyfried, Constable, Northampton County Joseph Zurat, Constable, Schuylkill County John Bondura, Constable, Schuylkill County

Eugene R. Baidas, Lackawanna College Frank Colantonio, Temple University Ted Mellors, Penn State University Mike Marcantino, Indiana University

I. <u>Call to Order</u>

The Constables' Education and Training Board (CETB) meeting was held at 10 a.m. on Thursday, February 4, 2010, at the offices of the Pennsylvania Commission on Crime and Delinquency, 3101 North Front Street, Harrisburg, Pennsylvania.

The Honorable Richard Opiela, Chairman, called the meeting to order at 10:00 am and asked all present to join him in the Pledge of Allegiance. Chairman Opiela made opening remarks indicating that the meeting was a reorganizational meeting and positions for 2010 were available. Nominations were opened for the position of Chairman. A nomination of Richard Opiela for Chairman was received from Constable Harry Walsh, seconded by Constable Fred Contino. No other nominations were voiced and nominations were closed. A voice vote was taken and unanimously approved. Nominations were then opened for the position of Vice-Chairman. A nomination of Fred Contino for

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Vice-Chairman was received from Constable Julie Sokoloff, seconded by Mr. A.R. DeFilippi. No other nominations were voiced and nominations were closed. A voice vote was taken and unanimously approved. No other appointments for 2010 were necessary. Chairman Opiela then commented about the benefits of attending at the Instructor Updates in November 2009, and said he plans to attend those updates again in June 2010 as part of the regular Board meeting schedule.

II. <u>Legal Items</u>

There were no Legal Items to be discussed.

III. Action Items

Chairman Opiela asked if there were any questions from the Board regarding the **Minutes of the November 9, 2009, Meeting.** An amendment was made by Ms. Norma Hartman to the portion of the
Financial Report regarding the time period for the estimate of fees collected – the time period should
be correctly recorded as 12 months, not 18 months. The dollar figures are not changed.

Mr. DeFilippi moved to approve the minutes and Commissioner Teresa O'Neal seconded the motion.

VOTING AYE: Opiela, Contino, O'Neal, DeFilippi, Manning, Sokoloff and Walsh.

VOTING NAY: None ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, consideration of the **Financial Report for February 4, 2010.** Chairman Opiela indicated that during the February meeting, several questions had arisen regarding administrative costs and the training fund and several breakdowns of information were requested to be provided in future reports. PCCD Fiscal Staff, Ms. Norma Hartman, provided an overview of the Financial Report for FY2009/2010 as of December 31, 2009. The report showed actual fees collected during FY2009 and estimates of fees expected to be collected during FY2010. The report also showed total expenditures, commitments and unused balances from contracts and purchase orders as of December 31, 2009. Total funds available as of December 31, 2009 were \$9,579,427.39. Total expenditures and commitments were \$6,738,526.14. The estimated balance in the account as of December 31, 2009 was \$2,840,901.25. Two additional reports, requested during the last quarterly meeting, were included during this meeting. This first report provided a status of the expenditures and remaining balances for seven current purchase orders for curriculum development and curriculum delivery. The second report provided an itemized breakdown of administrative costs (commitments and expenditures) from July 1 through December 31, 2009.

Constable Walsh asked why there was no interest shown on the financial reports and suggested that the accounts should be interest bearing. Mr. John Pfau indicated that the accounts are non-interest bearing accounts. Chairman Opiela suggested that the Board review the possibility of utilizing interest bearing bank accounts by contacting the State Treasurers' office. Chairman Opiela asked for clarification regarding personnel services of listed on the Administrative Costs report. Ms. Hartman indicated that the figure represented the salary and benefits of full time staff.

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Chairman Opiela indicated the balance amount for the time period ending December 31, 2008 was \$1,032,038.58 and questioned the difference between the ending balances for 2008 and 2009. Captain Rodney Manning indicated that the ending balance for 2008 represents the end of several contracts and purchase orders; the figure for 2009 represents the beginning of several new purchase orders. Mr. Pfau indicated that any amounts returned to the fund as not being spent will likely decrease in 2010 because additional classes had to be scheduled due to the recent election, and the schools will be spending amounts just within their budgets. Constable Contino asked whether or not the amount spent for the Job Task Analysis had any effect on the 2009 amount. Mr. Pfau stated that the analysis was a separate contract completed in 2007.

Chairman Opiela asked if there were any further questions regarding the Financial Report. There were none, and a motion to accept the Financial Report was made by Captain Manning. The motion was seconded by Constable Sokoloff.

VOTING AYE: Opiela, Contino, O'Neal, DeFilippi, Manning, Sokoloff and Walsh.

VOTING NAY: None ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, consideration of the **2010 Board Meeting Schedule.** A brief discussion was held regarding the dates selected. Board members were asked to voice any concerns. Chairman Opiela indicated that the next scheduled meeting is set to occur in June during Instructor Updates in State College. He indicated that it might be more beneficial to hold the meeting during the first day of the updates to order to obtain a larger number of attendees, both instructors and constables. Following a lengthy discussion, all members agreed that the next meeting should be held June 9, at 10:45 am. Subsequent meetings remain scheduled for August 5 at 10:00 am in King of Prussia, and November 18 at 10:00 am in Harrisburg (PCCD office). Pursuant to a request by Constable Contino, Chairman Opiela indicated that a meeting in western Pennsylvania could be scheduled next year.

Chairman Opiela moved to the next action item on the agenda, **Updated Policy Statement for Act 233 of 1994 Payments to Reflect Act 49 Codification Changes.** This policy item was tabled at the last regular quarterly meeting. Mr. Don Horst provided an overview of the staff recommendation to suspend Act 233 payments for 2009. He indicated that there had been no substantial changes in the training fund's finances. Mr. Horst further directed Board member attention to documents showing specific additions/changes to the text of the **Policy Statement - Act 233 Payment** (Addendum) to reflect references to Act 49 instead of Act 44.

Chairman Opiela asked Board members if there were any further questions for staff regarding the changes in the policy codification. Constable Contino asked what specific changes were made, as he had not had sufficient time to fully review the meeting packet contents. Mr. Horst indicated that there were no substantive changes to Act 44; policy changes reflect that references to Act 44 are now shown as Act 49. Mr. Pfau indicated that staff workload was increased because of newly elected constables and requests for training assistance. He acknowledged that the Board packet was mailed

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later than usual due to that increase in staff workload. Mr. Pfau indicated that the Board could table the matter until the next regular meeting without negative results.

Chairman Opiela requested a motion to adopt the **Updated Policy Statement for Act 233 of 1994 Payments to Reflect Act 49 Codification Changes.** Motion was made by Captain Manning to approve the changes; Commissioner O'Neal seconded the motion.

VOTING AYE: Opiela, Contino, O'Neal, DeFilippi, Manning, Sokoloff and Walsh.

VOTING NAY: None ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, Act 233 Payment Issue - 2009 **Training Year.** Chairman Opiela offered that total payments, if made, would total \$230,000, more or less, (\$190.50 per constable) for constables who had attended continuing education classes in 2009. He asked whether or not the decision to eliminate 15 optional classes, originally scheduled for 2010, was taken into consideration. Mr. Pfau indicated that classes were eliminated; however, any amount saved would not be seen until existing contracts expire and unspent funds are returned to the account. Mr. Horst also reminded the Board that additional basic training classes and basic firearms classes have been added to the 2010 training schedule. Further explanation of contractual budget figures provided in the Board packet was provided by Mr. Horst and Mr. Pfau. Mr. Pfau indicated that if current training costs continue to increase and additional constables continue to be included in the stipend payment, as indicated by the addition of more than 500 newly elected constables in 2009, the fund would have to pay out monies for over 1700 individuals. Mr. Horst reminded the Board that at the last meeting, Mr. DeFilippi suggested that compromise payments could be made based on either per diem or mileage rates. Payments are currently based on Commonwealth management policy regarding travel and per diem, in order to be certain all individuals are treated in a similar fashion. The average distance traveled by all constables to their nearest training locations is used to determine the mileage figure. Constable Sokoloff pointed out that the rate table on page 17 of the Board Packet should read, "Constables eligible because of attendance at training in 2009, payments to be made in 2010." Mr. Pfau indicated that payments are made the year after training has been provided. The decision for payments is made at the fall Constables' Board meeting. The final decision is made at the subsequent Commission meeting. Processing of payments begin in March. Constable Sokoloff asked for a clarification regarding any Board decision forwarded to the PCCD. Mr. Pfau confirmed that Board decisions are recommendations to the Commission; the Commission has the authority to ratify the recommendations or to reverse them. The issue will be presented at the March 2010 Commission meeting.

Constable Contino asked whether or not the cost of training ammunition was included in the review of cost savings. Constable Contino was concerned that if payments were not made for 2009, payments would continue to be discontinued in subsequent training years. Chairman Opiela indicated that the stipend payments are not considered "expenses," as the costs associated with training are. Section 7149(f) of Act 49 specifically identifies the stipend assistance as an allocation of "any surplus funds," over and above those "for the purposes of financing training program expenses," [Section 7149(a)]. Mr. Pfau reminded the Board that the primary, statutory obligation of

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the training program and the Board is to provide training and certification. Constable Contino stated that there have never been any real surplus funds, that more monies have been coming in than have been going out since the beginning of the fund, and that the first stipend payments were made anyway. Mr. Pfau reminded Constable Contino that the fund was created before training started. There was a \$3.2 million balance in the account before training started because previous legislation had already started surcharge collections. The fund has always had a "surplus" available. However, over 15 years, as basic training, continuing education, firearms training, and optional classes have been established and expanded, the associated costs of training have caught up with revenue and reduced the balance in the fund. Training costs also include legal reference guides provided to all constables at basic training and updates mailed throughout their careers. Average revenues over the years show an annual increase of approximately two percent. The costs of training over the past five years have increased by an average of 23 percent anually. Mr. Pfau indicated that as legislation changes, there may or may not be increases in the fund. In the meantime, decisions must be made regarding administrative steps that have to be taken regarding current and future spending, in order to be more fiscally responsible with existing funds.

A discussion was held among Board members regarding fees collected, inefficiencies in the Administrative Office of Pennsylvania Courts (AOPC) system, and differences among counties regarding fees being collected or not collected. Current AOPC training provides an overview of the fee collection as it pertains to the MDJ (Magisterial District Judge) system, but does not address specific situations or scenarios. The Board was encouraged to meet with AOPC training providers to give input. The MDJ Association annual meetings are also available for informal discussions. Constable Contino offered that the difficulty may lie with direction given by the Court Administrators Office to the judges. Mr. Pfau offered that it could be a simple lack of guidance and documentation about the purpose of the collection of fees (to assist with training) on the part of the judges. Chairman Opiela indicated that follow-up could be made with AOPC regarding the statistics provided, in an effort to clarify the data regarding dollar amounts collected versus numbers of transactions. He further indicated that AOPC was amenable to sending a laser fax as a reminder and clarification to each MDJ that the \$5 fee is a "per docket" charge, not a "per defendant" charge.

Chairman Opiela continued that he and Mr. Pfau and Mr. Horst had discussions with AOPC regarding mandatory collection of fees by way of the existing or updated MDJS system. AOPC's position was that the current situation could be remedied via an educational or awareness campaign regarding fee collections between constables and MDJ's within each county. AOPC further responded by providing fee collection data per transaction over a three year time period (2007, 2008 and 2009) for Allegheny, Dauphin and Chester Counties. It was determined that fees were collected for civil cases 95 percent of the time. The data was per transaction, not a dollar amount. The difficulty was found with criminal fines and costs warrants; amounts were not being collected at the same percentage as with civil cases. Chairman Opiela offered Allegheny County as an example: There were 68,000 cases with server fees; 48,707 cases showed fees collected (it is unknown if the fees were \$5 or \$2). There were discrepancies in the amounts of fees collected compared with the number of cases processed. Mr. Pfau indicated it was not clear from the data whether or not the constable training fund received the amounts collected. Constable Contino stated that he was aware of situations where a constable's name was removed from a warrant when a return of "not found" was entered. Payment was not made.

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On an additional note, Chairman Opiela suggested that substantial cost savings could be achieved by conducting continuing education classes online, with testing done at a training site. Mr. Pfau stated that PCCD is currently reviewing the possibility of funding an online virtual training academy. Deputy Sheriff and Constable trainings were viewed as possible test audiences for online training, with some limitations on the types of training that could be completed online. Issues have been raised regarding the documentation of the training, confirming the eligibility of persons to actually take the training, and the ability of students to access materials. Other agencies may become involved if those issues are eventually resolved and a workable system is developed. However, the investment in developing an online system and technical details may not be cost effective at this point. It is also important that the training population have access to an online system. There are individuals who do not possess computers and continue to use the paper registration process.

Captain Manning agreed that continuation of Act 233 payments may cause the training fund to be depleted within the next few years. He suggested that constables would be better served by continuing to attend yearly training. In the long term, the Commonwealth gains more professional constables with reduced liabilities.

Chairman Opiela requested a motion to approve or reject the staff recommendation to discontinue the Act 233 payments for Training Year 2009. Motion was made by Constable Walsh to reject the staff recommendation to discontinue Act 233 Payments; Constable Sokoloff seconded the motion.

VOTING AYE: Contino, Sokoloff and Walsh.

VOTING NAY: Opiela, O'Neal, DeFilippi, and Manning

ABSTAINING: None

The motion did not carry.

The CETB recommended that Act 233 Payments be suspended for Training Year 2009. Mr. Pfau reminded the Board that this decision would be presented to the Commission meeting on March 9 for a final decision.

Chairman Opiela moved to the next item on the agenda, Increased Costs of Attending Constables' Training Classes. Mr. Horst provided an explanation of the figures presented, indicating that staff recommended an increase in the amounts charged to attend constable training classes. The last cost increase was in 2003. The amounts would apply to non-constables who attend a basic training class, constables who fail the training, do not appear for a training and fail to give proper notice, or fail a particular module. (Applicable to continuing education only; the charge is per hour.) Mr. Pfau indicated that the costs were determined by obtaining a statewide average per constable cost for each type of training from all contractors for the 2009 training year. Cost figures were obtained from paid invoices and include classroom costs, instructor hourly wages, supplies and ammunition. Constable Sokoloff asked about a time limit for a "no show" for a class. Mr. Pfau indicated that Board Regulation states that a cancellation must be made seven days prior to the start of the class. However, the schools have flexibility with emergency situations. Since the policy was introduced several years ago, the amount of "no show" situations has dropped dramatically. Constable Walsh asked whether or not someone could schedule two different classes during the same year. Mr. Pfau

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indicated that the system currently does not allow that situation to occur. There had been problems with multiple enrollments in late 2009, but the issue has since been remedied.

Chairman Opiela requested a motion to approve the staff recommendation to increase the costs of constable training classes for Training Year 2010. Motion was made by Captain Manning to approve the staff recommendation to increase the costs; Mr. DeFilippi seconded the motion.

VOTING AYE: Opiela, Contino, O'Neal, DeFilippi, Manning, Sokoloff and Walsh.

VOTING NAY: None ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, Class Minimums for 2010 Training Year. Captain Manning asked how the student minimum number was calculated. Mr. Horst indicated that student numbers were obtained during the analysis of figures used for class costs. The average class size was calculated for each type of class for each region. Then an overall average figure was obtained. Constable Contino asked about the cut-off date for cancellation of a class if the minimum had not been reached. Mr. Pfau indicated that the schools and PCCD staff have good working relationships and are able to resolve this kind of issue. For instance, if a class is the last of a specific type, the class will be held whether or not the minimum student figure has been reached.

Chairman Opiela requested a motion to approve the staff recommendation regarding student minimum numbers for the 2010 training year. Motion was made by Captain Manning to approve the staff recommendation regarding class minimums; Commissioner O'Neal seconded the motion.

VOTING AYE: Opiela, Contino, O'Neal, DeFilippi, Manning, Sokoloff and Walsh.

VOTING NAY: None ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, **Instructor Certifications.** He asked Ms. Sherry Leffler, PCCD staff, to review the applications. Ms. Leffler reviewed the applications and gave staff recommendations as follows:

HARRISBURG AREA COMMUNITY COLLEGE

Richard Groff

Requested Subject Certifications:

Role of Constable in Justice System Professional Development Criminal Law and Process Use of Force Mechanics of Arrest Prisoner Transport and Custody Court Security Crisis Intervention

Jeanne Crawmer

Requested Subject Certifications:

Role of Constable in Justice System Professional Development Criminal Law and Process

Use of Force

Mechanics of Arrest Prisoner Transport and Custody Court Security Crisis Intervention

Maureen Kelly

Requested Subject Certifications:

Role of Constable in Justice System Professional Development Criminal Law and Process Use of Force Mechanics of Arrest Prisoner Transport and Custody Court Security Crisis Intervention

INDIANA UNIVERSITY OF PENNSYLVANIA

Carmen Prestia, Jr

Requested Subject Certifications:

Role of Constable in Justice System Professional Development Criminal Law and Process Use of Force Prisoner Transport and Custody Court Security Crisis Intervention

MANSFIELD UNIVERSITY

Donald L. Tressler

Requested Subject Certifications:

Role of Constable in Justice System Professional Development Criminal Law and Process Use of Force Mechanics of Arrest Prisoner Transport and Custody Court Security

Raymond C. Gausline

Requested Subject Certification:

Civil Law and Process

TEMPLE UNIVERSITY

Pamela Metzger

Requested Subject Certifications:

Professional Development Crisis Intervention

Jason Mark

Requested Subject Certifications:

Use of Force Court Security
Defensive Tactics Firearms
Mechanics of Arrest Expandable Baton
Prisoner Transport and Custody

Staff recommended certification of each individual for all subjects listed.

Chairman Opiela asked if there were any questions from the Board regarding the applications. Hearing none, he asked for a motion to approve the certifications. Mr. Rodney Manning made a motion to approve the applications of the eight instructors. Constable Sokoloff seconded the motion and Chairman Opiela called for a vote.

VOTING AYE: Opiela, Contino, DeFilippi, O'Neal, Manning, Sokoloff and Walsh

VOTING NAY: None ABSTAINING: None

The motion carried.

Prior to addressing the next item on the agenda, Chairman Opiela recognized Michael Kane, Esq., Executive Director of PCCD. Mr. Kane provided comments regarding his background, his role at PCCD, and the mission of the agency as it pertains to constable issues.

IV. <u>Discussion Items</u>

The next item on the agenda was **Training Issues**. Chairman Opiela recognized Mr. Horst who provided on overview of a few issues that have arisen over the years. No immediate action was required on any of the issues. The issues included: (1) Board regulation regarding basic training waivers, (2) Instructors reading exams to constables, (3) Attendance at continuing education classes without liability insurance certification, and (4) Priority attendance at basic training and current student population. A brief explanation of Board policy and past practice was discussed. Incidents regarding these issues were also discussed. Constable Contino questioned why newly elected constables are trained at no cost to them; a newly elected constable has never contributed to the training fund. Mr. Pfau explained that the original purpose of the fund was to treat all constables

equally and a decision was made to train at no cost. Constable Contino asked if the Board or PCCD staff could investigate the possibility of placing a charge on a newly-elected constable to cover the cost of training. Chairman Opiela suggested the possibility of a pro-rated reimbursement over subsequent years after basic training was completed, even though it might create an administrative burden. Mr. Kane indicated that it might require a statutory amendment because the intent of the original legislation was to cover the training of all constables.

The next item on the agenda was **Cost Cutting Measures**. Chairman Opiela requested that each item be assigned a cost figure to better understand the amounts being spent. A brief discussion was held regarding training ammunition, continuing education training materials, and the cost of instructor updates. Captain Manning inquired if the schools have the ability to coordinate and compare the supply of ammunition. Mr. Pfau indicated that updates to the current online system are being made. They should assist schools in tracking ammunition and supplies, and sharing information.

The next item on the agenda was **More Taser**®TM **Information**. A copy of a more detailed survey to be mailed to all certified constables and deputies was provided to the Board members. A brief discussion was held. Constable Contino voiced his concern that constables would not respond to a mailed survey; that the survey should require a mandatory response. Ms. Sherry Leffler indicated that response to the first Taser survey was over 50 percent. Chairman Opiela indicated that the informational course for constables would be provided after a determination is made regarding the actual interest in the training. Mr. Pfau indicated that the Taser informational sheet has been posted on the PCCD web page.

Chairman Opiela added an additional item to the agenda, regarding a letter to the Pennsylvania Legislature regarding language to clarify the definitions of constable duties as they relate to training requirements. Mr. Pfau indicated that PCCD staff and Representative Thomas R. Caltagirone's office have been discussing the legislation and a meeting will be scheduled at a later date.

V. <u>Executive Session</u>

At 12:15 pm, Chairman Opiela asked members of the audience to please leave the room while the Board met in Executive Session. He asked them to return after the Executive Session ended at 12:25 pm.

VI. Informational Items

The next item on the agenda under Informational Items was the **2011 Curriculum Review**. Mr. Ted Mellors, Penn State Fayette, provided an update regarding constable and instructor comments received during training sessions. He also indicated that a statewide training needs analysis will be performed in 2010. The information will be used in developing fresh and new information for the continuing education classes. Mr. Mellors also indicated that topics for 2011 continuing education will include four hours of Court Security, four hours of Dealing with Individuals with Special Needs, eight hours of Defensive Tactics, and four hours of Mechanics of Arrest. Optional tactical courses will be held on a rotating basis, bi-annually for OCAT/OC and MEB, and four hours of Optional Defensive Tactics. Mr. Mellors then provided a brief overview and discussion of these topics.

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He indicated that the module for Mechanics of Arrest is important because the skills are perishable and must be consistently practiced. The continuing education module had not been offered since 2002. Penn State is currently developing a report for the Board and PCCD staff regarding suggestions made at the annual updates in November 2009. One of the suggestions included the removal of four hours from the Criminal Law section of the 80-hour basic course and adding four hours to the Crisis Intervention segment by including the Management of Aggressive Behavior course. There should not be any negative consequence to the Criminal Law section by shortening the number of hours.

Chairman Opiela requested clarification of reasons given by constables who decide to "opt out" of active participation in the hands-on drills in the defensive tactics modules. Mr. Pfau indicated that the reasons given range from concerns about current physical condition or previous injury, to constables who fear that there will not be any medical coverage if an injury does occur during training. Board regulation requires that the constable must demonstrate skills and be evaluated to pass the course. Administratively, it is difficult to execute that requirement, because constables do not have employers who could require the activity. Constable Contino offered that, originally, during the practical portion of training, the issue usually arose when constables demonstrating the skills with other constables as partners. He thought that, currently, the training does not involve extreme activity and appears to be more conducive to student participation in demonstrating tactical skills. Chairman Opiela agreed that all constables should be able to complete some level of active participation in the demonstration of skills unless they are medically unable to participate. Mr. Pfau stated that current training involves scenario training, where classroom education and active demonstration work together to provide the skills needed to perform duties. It is important that all portions of the training receive participation. However, it is currently left to the individual judgment of the constable to determine the level of his or her participation. Mr. Pfau stated that the schools have been encouraging more constable participation during these types of classes, and participation has increased.

The next items on the agenda under Informational Items was the **Status of Certifications Issued** and Classroom **Code of Conduct Update**. Chairman Opiela asked if there were any questions from Board members regarding the information provided. Ms. Leffler commented that the total number of documents received by mail or fax was 1,492.

Constable Contino commented on the situation that occurs when training and insurance are up-to-date, but election certificates have not been received in a timely fashion. This results in a constable not being able to register for class. Mr. Pfau indicated that since the registrations are automated and no longer paper-based, this year it is not possible for a constable to register for class without current term dates in the system. This situation will recur every six years, the normal election cycle. Additionally, those constables who enrolled in classes prior to the ends of their terms must provide current election or appointment certificates in order to be admitted to class. If a new document bearing current term dates is not received prior to the beginning of class, the constable will be removed. Additional discussion was provided regarding the current status of the constable information system, issues encountered, and subsequent resolution of issues.

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VI. Public Voice

The next item on the agenda was **Public Voice**. Chairman Opiela recognized Constable Ron Clever. Constable Clever had a question regarding individuals listed on the PCCD Constable Finder. He indicated that there are some constables who have not taken the oath of office or filed their required bond with the county. He alleged that, according to the Pennsylvania Constitution, a term of office has begun on paper; however, they cannot perform the duties of the office. He also alleged that local Magisterial District Courts rely almost exclusively on the PCCD Constable Finder, as well as AOPC, to determine constable eligibility for duties. Constable Clever provided a written resolution for Board consideration regarding this situation and responsibilities of the clerk of court and PCCD. Mr. Pfau stated that Constable Finder is a public webpage provided by PCCD for anyone to search constables by county. The information collected in the constable system is linked directly with the AOPC and MDJ system. If certification status changes, it is directly noted in the AOPC system. He further indicated that it has never been the role of PCCD to track the oath of office and filing of bond, because both are county requirements. Currently, the clerk of court only provides insurance information. Constable Clever offered that the inclusion of the oath of office information would improve communication between counties and PCCD regarding the constitutionality of the performance of the duties of the office. Mr. Pfau offered that each county may also have additional requirements for a constable to perform duties in other counties, and asked whether that would that also be required information for the system. Chairman Opiela suggested that the issue may be more appropriate for state legislative review. Constable Jack Esher agreed with Constable Clever and stated that a person is not a constable until he is sworn-in and files a bond with the county. Further discussion was held regarding the disparity among individual counties regarding the taking of an oath of office. Mr. Pfau and Mr. Horst indicated that some counties are able to complete this formality in early January, but others are not able to complete the task until February or later. If additional documentation were to be required, it could cause additional days, weeks, or even months of delay in recertifying constables and their deputies.

VII. Adjournment

Chairman Opiela thanked staff for making arrangements for the meeting, and asked if there were any more comments from staff or Board members. There were none, and he called for a motion to adjourn. Commissioner O'Neal made a motion to adjourn, seconded by Mr. DeFilippi. Chairman Opiela adjourned the meeting at 12:45 pm.

Chairman Opiela noted that the next meeting will be held Wednesday, June 9, 2010, in State College. The meeting will be held in conjunction with the Annual Instructor Updates.