

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

Minutes of the August 4, 2011 Meeting

Members Present

Judge Richard Opiela, Allegheny Co, MDJ, Chairman
Fred Contino, Constable, Delaware County
A.R. DeFilippi, Court Administrator, Beaver County
Julie Sokoloff, Constable, Montgomery County
Honorable Teresa O'Neal, Juniata County Commissioner
Captain Adam Kisthardt, Pennsylvania State Police

Commission Staff Present

Donald Horst
Sherry Leffler
Kathy Clarke
Megan Castor, Assistant PCCD Counsel
John Pfau

Members Absent

Harry Walsh, Constable, Allegheny County

Visitors

Edward Holleran, Constable, Luzerne County
Fred Pierantoni, Constable, Luzerne County
Joseph Walters, Constable, Luzerne County
Jack Sarge, Constable, Schuylkill County
Lawrence Karis, Constable, Luzerne County
Ronald Clever, PA FOC Solicitor
Mike Marcantino, Indiana University
Teresa Conley, Temple University
John Bondura, Constable, Schuylkill County
Joseph Yosh, Constable, Luzerne County
Roger Metzgar, Constable, Monroe County, PA FOC
Emil Minnar, PA State Constables Association
Amanda Christman, Staff Writer, Standard Speaker

I. Call to Order

The Constables' Education and Training Board (Board) meeting was held at 10:00 a.m. on Thursday, August 4, 2011, at the Ramada Inn, 1213 Route 13 North, Hazleton, Pennsylvania.

The Honorable Richard Opiela, Chairman, called the meeting to order at 10:00 am and welcomed guests and audience members. He asked everyone to stand and join him for the Pledge of Allegiance. Board members and staff then introduced themselves to the audience. Chairman Opiela explained to the audience that Board would go through the agenda items and then have public voice towards the end.

II. Action Items

Chairman Opiela said the first action item is the approval of the minutes from the **May 26, 2011, Meeting**, pages 1-18 in the packet. Chairman Opiela asked if there were any questions from the Board regarding the minutes. Hearing none, he called for a motion to approve the minutes of May 26th. Constable Contino made a motion to approve the meeting minutes as provided. Captain Kisthardt seconded the motion.

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

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 August 4, 2011, Meeting**, which was e-mailed to the Board members. Chairman Opiela turned the floor over to Mr. Donald Horst, Pennsylvania Commission on Crime and Delinquency (PCCD) PCCD, to go through the report. Ms. Norma Hartman, Financial Administration Division, PCCD, prepared the report of the Financial Statement for Fiscal Year 2010-2011, for the period ending June 30, 2011. There was a beginning balance of \$6,918,158.17. With fee collections, the total balance as of June 30, 2011, was \$8,923,833.15. There were commitments (costing them out two years in advance) totaling \$5,619,394.67, leaving a balance as of June 30, 2011, of \$894,579.57. The actual carry forward balance on July 1, 2011 was \$6,513,974.24.

Chairman Opiela asked if there were any questions regarding administrative costs. There were no questions. Then Chairman Opiela asked if there were any questions regarding constable fee collections. There were no questions. Chairman Opiela asked if there was a motion to accept the financial report of August 4, 2011.

A motion was made by Mr. DeFilippi to accept the financial report prepared by Ms. Hartman. The motion was seconded by Commissioner O'Neal. Chairman Opiela called for a vote.

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

VOTING NAY: None

ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, **Board Policy Statements**. Ms. Sherry Leffler, PCCD, said these policy statements were what the Board had been reviewing over the past couple of meetings. PCCD staff has already implemented the first couple of policies. These would include policies regarding the five-year lapse of certification, re-issuing original certification numbers after the lapse of constable certification, basic training requirements, and eligibility for firearms qualification.

On page 21, the policies that will be implemented on January 1, 2012, include the type of firearm and ammunition required for qualification (elimination of 10 millimeter caliber). PCCD has sent a training bulletin out to the training population indicating these policies will become effective January

1, 2012. Under attendance policies for new weapons, advanced firearms failures, and weapons malfunctions, the schools have already been implementing these policies.

On page 22, Attendance Policy statements for Basic Training, Continuing Education, and Firearms Qualification will be implemented as a part of the Constables' Information System Redesign. Staff is hoping to receive the completed second design document from Information Technology staff by the end of August. Staff will then review the document and make appropriate changes to the design document. PCCD will then bring in a programmer to start designing the new computer system. Ms. Leffler said that staff are hopeful that in a year or a year in a half, a new computer system will be in place.

Ms. Leffler stated that another change is on page 23, regarding the lapse of firearms certification. If a constable has a lapse of three years or more in their firearms certification, they will be required to successfully complete a basic firearms qualification course.

Ms. Leffler asked the Board if they had any questions regarding the policy changes. Chairman Opiela asked if there were any questions at PCCD's June 14th Meeting. Mr. John Pfau, PCCD, indicated that there were one or two minor questions by the commission and he indicated to them that these were housekeeping regulation changes, not any radical changes from current practice. Chairman Opiela said there was no need to vote on these changes since the Board had previously voted on them.

Chairman Opiela said the next item on the agenda is the **Constables' Legal Reference Guide** (page 25 of the packet). Chairman Opiela said the Board previously indicated the desire for Penn State-Fayette to prepare a CD/DVD in lieu of the printed legal reference guide. Mr. Horst said that it is redundant and may be obsolete the day after it is prepared, just like the printed version of the legal reference guide. Staff reversed its previous recommendation and asked the Board to go strictly with links to the Pennsylvania General Assembly's web sites for statutes. Chairman Opiela asked if anything would be prepared for the constables. Mr. Horst said constables would still receive printed training materials in class. Chairman Opiela questioned if someone will be reviewing to make sure the web sites are kept up-to-date. He said that if PCCD is referring constables by links to other web sites, we need to make sure they are up-to-date. Mr. Pfau said that the curriculum developer already checks for changes to the Administrative Office of Pennsylvania Court's (AOPC's) rules, so it could be made a function of the curriculum developer. Mr. Pfau said that it would probably have to be done on a quarterly basis. If PCCD becomes aware of a change, staff currently passes the information along to the curriculum developer to review and update the curriculum.

Constable Contino asked if the information would be there instantaneously since people trust the information to be correct. Mr. Pfau said that, realistically, the Commonwealth's and General Assembly's web sites will only be able to be checked quarterly. He provided an example of how AOPC just changed rules on juveniles being shackled. When the rules committee approves a change, it then goes to the Supreme Court for final action before it becomes law. Staff tried to get the information ahead of time regarding when the juvenile changes would be approved, and the staffer said it could be next month or three months. It is up to the court as to what it puts on its schedule. For this example, the change became law within two weeks. It is hard to stay on top of when changes occur, but staff does the best it can to make sure the changes are out there.

Constable Contino said that the Internet is a wonderful tool, but people presume the information provided is correct. He provided an example of when the laws on evictions from mobile homes changed, constables did not receive the updated information until months later. He was concerned that constables could get caught in the switch to updated information.

Chairman Opiela said that he would like staff to explore the possibility of piggybacking with the PA DUI Association through Kathy Nestor for constables to obtain books. They negotiate a deal for West's Criminal Justice handbook. He thinks they charge around \$60-\$65 to law enforcement to purchase the book. If an individual buys it directly through West, it costs around \$140. He wondered if we could piggyback on them and obtain the same rate for constables to purchase the books. For under \$100, constables could probably purchase the handbook along with the rules of procedure and some other titles.

Mike Marcantino, IUP training provider, works with the PA DUI Association and advised the Board that Mr. George Geisler is the law enforcement contact and the book is provided to law enforcement for about \$50-\$60. Chairman Opiela said West is completely up-to-date when printed, but we should update our web site quarterly or as rules change. This would be the preferential way to deliver the material, as opposed to how the material has been delivered in the past. Chairman Opiela asked the Board members if they had any questions.

Constable Contino asked what the rule change is regarding shackling juveniles. Mr. Pfau stated that the rule change is what you can or can't do regarding shackling juveniles in a courtroom. A judge can make a determination on whether a juvenile should be shackled in the courtroom based on the history of the juvenile, etc. The rule change does not affect the way juveniles are transported.

Chairman Opiela said maybe we could do something simpler like a laser e-mail that would go out to all constables statewide. Mr. Pfau said that one of the features of the redesigned computer system will be the ability to send e-mails. Currently, the PCCD computer system does not have that ability.

Chairman Opiela said the Board needs to vote whether to reverse its previous decision regarding Penn State-Fayette and the Constables' Legal Reference Guide. Chairman Opiela asked if there was a motion to approve staff's current recommendation rejecting the development of a CD/DVD guide and proceeding with links to other Commonwealth of Pennsylvania web sites from the PCCD web site. The sites would be reviewed quarterly or semi-annually to make sure they are up-to-date. When the new computer system is in place, staff will be able to send laser e-mails with updated information. This would provide more timely and accurate information to constables.

Captain Kisthardt said that his department produced CDs for a while and there were times that, within two weeks, there were issues with the information on the CDs. Chairman Opiela said that there will still be some constables who are not computer savvy and that's where follow-up with the PA DUI Association would be helpful. Hopefully, they will be able to offer the books to constables at a lower price. Commissioner O'Neal made a motion to approve staff's recommendation of August 4, 2011. Constable Sokoloff seconded the motion. Chairman Opiela called for a roll call vote.

ROLL CALL VOTE:

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

VOTING NAY: None

ABSTAINING: None

The motion carried.

Chairman Opiela summarized by saying that we will come up with an advertising mechanism on our web page, try to obtain the publications at a lower cost for constables to purchase, and provide updates on our web site for any major changes.

Constable Sokoloff asked if we would be able to do a small review or provide a handout at continuing education classes to give constables an idea on how to use the links to other Commonwealth web sites. Chairman Opiela advised that, to make it clear to our training population, we should put in our next training bulletin that we, again, will not be publishing the Constables' Legal Reference Guide, in order to save money for education purposes. We should state the alternatives and also say there will be information at continuing education classes about how to use the links on the PCCD web site and access the other Commonwealth of Pennsylvania web sites. When the new computer system is in place, hopefully, we will be able to provide laser e-mail notifications. If constables do not have access to e-mail, they should notify PCCD staff so we get an idea of how many individuals in the training population do not have e-mail. Chairman Opiela also asked if Ms. Mary Taylor, PCCD Chief Counsel, could make sure that we are not doing anything against the Constables' Education and Training Board's requirements by not providing the Constables' Legal Reference Guide to constables.

Chairman Opiela moved to the next action item on the agenda, **Instructor Certification**. Ms. Kathy Clarke, PCCD, reviewed the application and gave staff recommendation, as follows:

Indiana University of Pennsylvania

Blaine Hertzog

New 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

Mr. Hertzog will be a new instructor for the Constables' Training Program. Staff recommended certification of Mr. Hertzog for all subjects listed.

Constable Contino made a motion to approve the instructor certification of Blain Hertzog. Mr. DeFilippi seconded the motion.

The motion carried.

III. Discussion Items

Chairman Opiela said the Board would discuss Senate Bill 1016 and the order from Westmoreland County during this part of the agenda. Mr. Pfau had said he wanted to make the Board aware of legislation that had been introduced. Senate Bill 1016 was introduced. It would grant certified constables, who are also firearms-certified under Act 49, eligibility to waiver out of Act 235. If the bill passes, the Board will have to discuss its position regarding liability.

Chairman Opiela asked if this bill was the result of SSR, Specialized Security Response, a security company out of Allegheny County. Mr. Pfau said he does not know, but the bill was introduced by Senator Solobay, a former Allegheny County constable. Chairman Opiela asked if anyone had questions regarding this bill. He said staff should monitor the bill and try find out what, legislatively, is behind it.

Chairman Opiela said the next handout was a court order from Westmoreland County, which will attempt to centralize their warrant process. Mr. Pfau stated that this is a county issue. Warrants that constables would normally get are going to the Sheriff's Office instead. The Sheriff's Office can then issue warrants to constables for service, as needed. The main impact is that warrants normally served by constables would be executed by the Sheriff's Office. There will be a percentage of constable training fees that aren't going to get charged and collected. Mr. Pfau said that is hard to say how much of an impact this will make on the training fund.

Chairman Opiela said the court order was discussed by the State Handbook Committee. Magisterial District Courts in Westmoreland County may continue their current practice of issuing warrants to constables, so non-traffic and traffic warrants may still end up going to constables. The committee does not really know how much of an impact this would have on the fund. Criminal warrants are required to be issued to a police officer. It will centralize family division warrants and possibly some private criminal warrants. These warrants may still be issued to constables. They still want constables to do the work; however, they want the Sheriff's Office to know to whom warrants are issued, so there is not a conflict having both a constable and a sheriff's deputy going to the same house looking for the same individual. If all warrants are centralized through the Sheriff's Office, a county judge would have to review the constable fee bill. The committee feels that sometimes there are conflicts between a deputy sheriff serving papers and a constable serving papers. They want to make sure there is not a potential conflict at the door.

Chairman Opiela asked Emil Minnar if he had any comments regarding this. Mr. Minnar said he had talked with Mr. Darren Breslin from AOPC. Mr. Breslin was going to meet with Westmoreland County on the reasons why they did this, and if there were any efficiencies. There should be a system for the sheriffs' offices to know what the constables are doing because there have been situations where a deputy sheriff and a constable have gone to the same house to serve warrants and civil papers. Because of this, the deputy sheriff or constable could be put at risk.

Mr. Pfau said he has no idea of what impact this may have on the \$5 surcharge collections. Chairman Opiela said he doesn't believe that a majority of Magisterial District Justice (MDJ) warrants would be going to county sheriff's offices.

Constable Holleran, in the audience, said that if this issue is going to be brought up and voted on by the legislature, every constable in the Commonwealth should receive a flyer from PCCD to let the constables know about it. He said that PCCD is the governing body over constables and the Constables' Education and Training Board (CETB) should be watching the constables' backs. Chairman Opiela said that the Board is an education and training board. Chairman Opiela explained that he just happens to be on the state committee working on a constable handbook, as well as being the Chairman of the CETB, and they were just passing information along to each other. Constable Holleran said that the Pennsylvania State Police (PSP) lets troopers know of every piece of legislation that is passed. Mr. Horst said that PSP employs troopers. PCCD does not employ constables; PCCD provides training and certification for constables.

Chairman Opiela passed-out a spreadsheet he received from Mr. Mark Rothermel at AOPC, the person in charge of re-writing the MDJS system, a task which should be completed by the end of the year. The spreadsheet, which had actually been created by Ms. Leffler, PCCD staff, will form the basis of a more accurate report under the new MDJS system, one that will be able to better track the CETA \$5 surcharge. Ms. Leffler explained that she requested the information from AOPC and made the spreadsheet using each region in the state. Eventually, there will be a report in the MDJ system that will show a breakdown by county. The report will show individual constables who serve process broken down by docket numbers. Chairman Opiela said that it should be more efficient to track the CETA \$5 surcharges with these reports. Some of the reports that we have received in the past showed that some counties were collecting more CETA \$5 surcharges than there were warrants, but in some counties it looked like they were not collecting enough. There is reason to believe the Constables' Training Account is being shorted because the number of warrants issued has gone up, but the number of collections has stagnated.

Constable Contino asked Ms. Leffler asked what the difference in \$5 surcharges by county meant. Ms. Leffler explained that when she created the report, she looked at whether there was a server fee assessed on a docket and if the CETA \$5 surcharge was assessed on the same docket. The number shown is the difference between the two numbers. As example of this was Venango County in 2007. The difference between the CETA \$5 surcharge assessed and the server fees assessed was 114. There were more server fees than there were CETA \$5 surcharges. Over a three year period, there was about a half-million dollar difference.

Chairman Opiela said the problem with this is that, of the half-million dollars, how much of it is money from situations where a defendant was in jail and the \$5 surcharges were deemed uncollectible. Under the new system, there will be better tracking of the \$5 surcharges. He also said that, in Allegheny County, they are starting to be trained in the new MDJ system. Chairman Opiela pointed-out that there *are* mandatory fields in the new system, but the CETA \$5 surcharge is not one of them.

Mr. Pfau said that AOPC's position had always been, if they make the CETA fee a mandatory field, then all the other agencies that have fees and surcharges will want their fees and surcharges put in mandatory fields as well. Chairman Opiela said that the lobby should be taken to someone higher, like Chief Justice Castille. The case has to be made that the \$5 surcharge has to be made a mandatory field for every civil action, or, by 2015, the CETB will be out of money and asking for legislation to increase the CETA \$5 surcharge. The problem is how to figure out what percentage of the \$5 surcharges are actually deemed uncollectible.

Constable Contino said that the \$5 surcharge collection comes down to the interpretation of the fee bill. Chairman Opiela said that the Board received a legal opinion as to when a warrant is reissued on the same docket. We can only charge one \$5 surcharge per defendant per docket. Constable Contino said that if you continue to read the fee bill, it says and “like services.” He believes the reissuance of a warrant is a “like service.” He said it was the same way with the use of a second constable, because the interpretation for years by AOPC was the judge was the only one who was allowed to approve a second constable to work a fines and costs warrant. If you read the law now, it is broken into two sections. Now, the constable makes the decision on the use of a second constable.

Chairman Opiela said that Ms. Taylor, PCCD Chief Counsel, identified what she believed to be the legal opinion. Constable Contino asked when the Board received the legal opinion. Chairman Opiela said it was at the last meeting in May. Constable Contino said the minutes from the last meeting indicated that Ms. Taylor was going to get back to the Board regarding an opinion. Ms. Megan Castor, PCCD Assistant Counsel, said that she would follow-up with Ms. Taylor.

Ms. Leffler said, after the May meeting, there was a conference call in which Chairman Opiela and Ms. Taylor both participated. Chairman Opiela said Ms. Taylor said the law was clear and the \$5 surcharge could only be assessed once per docket. Constable Contino said, as Vice Chairman, he would have liked to have been on the conference call, in order to debate his point of view on the law. Chairman Opiela asked if there could be a written opinion from Chief Counsel sent out before the next meeting, stating why she believes it is not a “like or similar service.”

IV. Informational Items

Chairman Opiela moved to the first informational item on the agenda, **Status of Certifications Issued**. Ms. Leffler advised, as of July 7, 2011, there were a total of 1,400 constables and deputy constables currently listed as active and certified. Of these, 1,069 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 3,752 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

The next informational item on the agenda is the **Tracking of New Constable/Deputy Constables with Terms of Office Beginning January 2010**. Ms. Leffler explained that the Board had requested Program Staff to track the core group of new constables and deputy constables throughout their six-year terms of office beginning in January 2010. There were 393 constables and deputy constables who were added to the Constables’ Information System (CIS) in 2009 and 2010, and who have valid terms of office. A total of 228 constables and deputy constables successfully completed the 80-hour basic training and obtained professional liability insurance, ultimately receiving a certification number from the Training Program. A total of 137 constables and deputy constables also successfully completed the basic firearms training and qualification course.

A total of 165 constables and deputy constables have not completed the 80-hour basic training; however, 16 are currently enrolled in the last two basic training courses for 2011. So there are a total of 149 constables and deputy constables who have valid terms of office, but have not yet taken the basic training course.

Taking a sampling from Allegheny County, which currently has the largest number of registered constable and deputy constables, 39 constables and 21 deputy constables have successfully completed the 80-hour basic training course. Twelve of these 60 have not become certified (no professional liability insurance). Only eight of the remaining 48 certified did not also become firearms-certified. Ms. Leffler advised that staff will continue to track the progress of this group over the next five years to see how many of them keep up with their certification.

Chairman Opiela asked if the 149 constables/deputy constables who have valid terms of office, but have not yet taken the basic training course, cost the Program anything. Ms. Leffler said that they have not cost anything yet, but they are all eligible to attend basic training.

Constable Sokoloff asked if we have statistics regarding the last round of constables six years ago. Ms. Leffler said that we have some statistics, but they would not be as accurate as the current statistics.

Mr. Pfau said that this past round of elections was the largest bump of new constables/deputy constables coming into the program. The prior two cycles of elections were from normal turnover, etc. In an average year, there are about 120-150 constables that need basic training due to normal turnover. On those two previous election cycles, there may have been about 50 extra constables/deputy constables. But with this past election cycle, there were almost 400 new constables/deputy constables. Mr. Pfau also said that the current number of 1,400 certified constables/deputy constables is a new high for the program.

Constable Sokoloff said that 228 constables going through the basic training is not a huge jump. Mr. Pfau said that the potential for planning basic training classes in 2010 was for around 400 new constables/deputy constables. Normally there are around six to eight basic trainings held a year. In 2010, there were 17 basic trainings held and almost all of those classes were full. He said staff is going to try to track this group of constables/deputy constables for planning training for continuing education and annual firearms training. Ms. Leffler said the 149 who have valid terms of office, but have not yet gone through the training, would make six basic trainings of 25 people. So, this has to be kept in mind when we are looking at the budgets and schedules for 2012.

Constable Contino said, when the program started, he thought there were around 4,000 constables across the state. Mr. Pfau said, in the beginning, there were probably around 2,200 constables/deputy constables who registered with PCCD. The first year there were a large number who went through the training, but after that, it has been pretty consistent. It's hard to predict the number of new constables that come in when there is a new election cycle. The average constable now is in his/her fifties; it used to be in the upper sixties. When the six year cycle comes around, people may fill some vacant positions which typically do not get a lot of work. Eventually, they filter out of the system.

Constable Contino asked how many actual Offices of Constable are available in the Commonwealth. Mr. Pfau thought it is around 5,000. Ms. Leffler said that the Bureau of Elections at the Department of State does not keep those statistics.

Ms. Leffler said she receives numerous calls regarding when someone gets in office, goes through the training and gets certified, and then they find out there is not enough work for them.

The last handout discussed was the 2010 Act 49 Constable Demographic Evaluation in Pennsylvania. Constable Contino had a question about the question whether the constable levied goods. 53% of the constables answered no, but looking at the question whether the constable did orders of execution, the percentages did not match up. Ms. Leffler said the survey is taken in training classes. If enough constables chose not to answer an individual question, the percentages would not match up.

Mr. Pfau said some data is better than none and the evaluation provides beneficial demographic information, such as how long the individual has been a constable. It is important to know the average age of constables, the experience level of constables, etc.

Chairman Opiela asked why the difference between those who execute arrest warrants and those who transport prisoners. Constable Contino said there are constables who just do transports.

Constable Contino said the survey looks as if everyone is doing a little of everything. The western part of the state used to do more criminal work and the eastern part did more civil work, but now it seems the work is becoming more even across the state.

V. Public Voice

Chairman Opiela announced the Board would take public comments and questions at this time. Executive Session would wait until the end of the meeting.

Constable Edward Holleran said that the Board should contact legislators and do everything possible to have every item handled by constables to have a CETA surcharge on it because right now 75% of money is being lost. Chairman Opiela said that we will research this again. There are many constables who will be retiring and there will not be enough money to conduct the training.

Mr. Pfau stated that PCCD staff and the Board have been looking at this issue for the past year and a half and have been going back and forth with AOPC for data on revenue, how many were assessed how many were collected, etc. We are working on this and trying to determine when the fund could possibly go in the red. Right now, it is looking like in 2015 the fund will go into the red if nothing changes.

Constable Holleran asked the Board why PCCD would turn down free help. If constables received a flyer from PCCD, they would respond because they are political animals. Explore the situations and leave it up to constables to write letters, etc., to legislators. Chairman Opiela said the Board cannot do those types of things.

Constable Contino said that, when constables come to Board meetings, those individual constables should go to their associations and get unified and figure out the problem. In this case, it's the CETA surcharge. Someone has to tell AOPC to collect the \$5 surcharge. Chairman Opiela said it is getting the powers to be to do it. It is an active issue right now and Justice Castille knows about it and would probably be willing to listen. Emil Minnar is also on the statewide committee for the handbook and is also in the audience today. Chairman Opiela said the constables should coordinate through Mr. Minnar. They should put their differences aside and work on these issues.

Constable Contino said that even in a classroom setting, he cannot speak about the various organizations or speak-out about anything as a Board member.

Constable Holleran asked if the re-instatement of the stipend for constables to attend training is out of the question. He said it happened one time in 42 years. Chairman Opiela said it was probably a mistake doing the stipend at all. Constable Holleran asked if everyone on the Board realized that constables are the only law enforcement agency in Pennsylvania that does not get any money from the state. He said the cost of obtaining liability insurance is astronomical. Chairman Opiela said all of Constable Holleran's points are valid; however, the reality is the Board cannot recommend changes to the legislature. The Board can recommend to constables that they should come together collectively to try to accomplish certain things.

Chairman Opiela said that there was a bill re-introduced to grant access to JNET photos through the MDJs. Mr. Pfau stated this is House Bill 1756.

Mr. Minnar said that he had an observation as an instructor for the last full year of training. He knows the costs are being looked at, but the Board did not provide books for Minor Court Civil Rules, and so forth. As an instructor for basic training classes, he didn't feel they did as good a job as they should have been able to do, because they did not have reference materials to give to the students. When talking about rules of procedure, there has to be a lot of reference given. The constables were denied the ability to get intense instruction, because they did not have any written materials.

Mr. Pfau addressed Mr. Minnar by saying the contract with Fry Communications, Inc., for printing the Constables' Legal Reference Guide had expired. There were no copies of the guide left. The Board has been deciding whether or not to continue publishing the guide. In the interim, PCCD contracted with Fry Communications to publish the Minor Court Civil Rules for the schools' basic training classes. Mr. Minnar said he never had any written material for any class he taught this past year at Temple and Lackawanna.

Constable Contino said there are committees currently meeting, which are doing some things that will benefit constables and some other things constables probably will not like. He is hoping that Justice Castille's committee is doing the right thing. The process is a slow-turning wheel.

Constable Contino asked Captain Kisthardt if he had looked into an issue that was brought up at the last meeting regarding constables involved in a shooting, and whether the State Police have resources available for the emotional impact after a shooting. The question was whether PSP or another agency could help constables in those types of situations. Captain Kisthardt said the State Police has a Members Assistance Program, which is an employee assistance program that offers critical incidents stress debriefing. He spoke to the program coordinator, who said, if there is an agency that does not have a program available and there is a need, they will make their services available to those who need it. The State Police could help in those types of situations.

Captain Kisthardt said this service would be for a traumatic type of incident, such as a shooting. Chairman Opiela asked Captain Kisthardt if he could get the relevant information to staff.

Constable Joseph Walters asked Captain Kisthardt that, if a constable was involved in a gun incident or a shooting in Luzerne County, to whom would he turn in his weapon and was he required to turn in

his weapon? Captain Kisthardt said that it would depend on who is investigating the incident. If it is relevant to the investigation, the constable would be required to turn in his weapon.

Chairman Opiela said that the next Board meeting will be held on November 17, 2011, at 10:00 am at PCCD in Harrisburg.

The Board took a five minute break and then reconvened for Executive Session at 11:40 a.m.

The Board resumed the meeting at 11:45 a.m.

VI. Adjournment

Commissioner O'Neal made a motion to adjourn. Constable Sokoloff seconded the motion. Chairman Opiela adjourned the meeting at 12:20 p.m.