

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

**Minutes of the February 16, 2012 Meeting**

**Members 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  
Harry Walsh, Constable, Allegheny County

**Members Absent**

Captain Adam Kisthardt, PA State Police

**Commission Staff Present**

John Pfau, Manager, Bureau of Training Services  
Donald Horst, Bureau of Training Services  
Sherry Leffler, Bureau of Training Services  
Kathy Clarke, Bureau of Training Services  
Mary Taylor, PCCD Legal Counsel  
Bob Merwine, Director, Office of Criminal Justice System Improvements (OCJSI)  
Derin Myers, Director, Office of Financial and Management Administration (OFMA)  
Theresa Ford, Manager, OFMA  
Norma Hartman, OFMA  
Holly Koppenhaver, OFMA  
Denise Barry, OCJSI

**Visitors**

Mike Marcantino, Indiana University  
Garry Kimmel, Indiana University  
Barbara Butcher, Mansfield University  
Teresa Conley, Temple University  
Ted Mellors, Penn State University  
Terry Morgan, Constable, Clearfield County  
Emil Minnar, PA State Constables Association (PSCA)  
Ronald Clever, PA Fraternal Order of Constables (PAFOC)  
Beth Dombrowsky, Harrisburg Area Community College  
Chris Capasso, Constable, PAFOC

**I. Call to Order**

The Constables' Education and Training Board (Board) meeting was held at 10:00 a.m. on Thursday, February 16, 2012, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North Front Street, Harrisburg, Pennsylvania.

The Honorable Richard Opiela, Chairman, called the meeting to order at 10:00 am and asked all to join him in the Pledge of Allegiance.

## **II. Election of Board Officers**

Chairman Opiela said it is time for the nomination of Board Officers and noted for nomination purposes that only three of the Board members have been officially re-commissioned to the Board. They are Mr. DeFilippi, Constable Sokoloff, and Constable Walsh.

Chairman Opiela turned the floor over to PCCD legal counsel, Mary Taylor, for the election of Board Chair and Vice-Chair. Ms. Taylor solicited nominations for Chairman of the Constables' Education and Training Board. Mr. DeFilippi made a motion to nominate Judge Opiela for Chairman. There were no other nominations. Constable Walsh seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Ms. Taylor asked for nominations for the position of Board Vice-Chairman. Constable Walsh made a motion to nominate Constable Contino for the position of Vice-Chairman. No other nominations were made. Mr. DeFillipi seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

## **III. 2013 Curriculum Update- Penn State Fayette Campus**

Chairman Opiela said that Ted Mellors from Penn State-Fayette is going to guide us in the 2013 Curriculum update. Mr. Mellors said one of the Continuing Education courses in 2013 is going to be Civil Law Review. It will include segments on Seizure of Personal Property and Forcible Entry. It will also include step by step process and video footage on serving an Order of Execution.

There will also be a Criminal Law Block in Continuing Education in 2013. It will include information on Warrant Service. Another block of training being developed is a Lessons Learned Course. Based on comments from the Board Meeting last year in Monroeville, Penn State-Fayette is going to concentrate this section with constable involved shootings. The course will highlight the shooting in Sheridan a couple of years ago and a shooting that occurred in Harrisburg about a year and a half ago. There will be videos of interviews of the three constables involved and the material will include steps on what to do immediately after a shooting, the short-term effects, the mid-term effects, and the long-term effects. The information included will be based on the experiences of the three constables involved.

Penn State-Fayette has also been developing more role-playing scenarios based on the suggestion of Board Member Constable Fred Contino at a prior Board Meeting. Two scenario building sessions have been held so far this year with participation from the training delivery contractors and various instructors. There were about 24 instructors involved and about 25 different role-playing scenarios were developed. Eventually the scenarios will be implemented into the training courses after policies and procedures are developed. The intent is to have a categorized library of scenarios.

Constable Contino asked Mr. Mellors if the scenarios are being developed are all shoot/don't shoot scenarios. Mr. Mellors said the scenarios are on Civil and Criminal Law process. They will be for use in the Classroom oriented subjects, not Defensive Tactics and Firearms oriented classes.

Chairman Opiela asked if there is any time available in the 2013 curriculum to possibly add a 30-45 minute segment on utilizing the MDJ system. He has a computer printout of what the MDJ system looks like. The language in the new system is substantially different than the language in the fee bill. He would like a comparison of the two, but he will also be talking to AOPC about the language in the MDJ system, so it is possible that it could change. It has been a problem in Allegheny County and he is surprised that there hasn't been more of a statewide issue regarding this.

Mr. Mellors said that he will set aside a 30 minute block of instruction and when Chairman Opiela gets some definitive information to let him know. Constable Contino gave an example of the confusion of the language in the fee bill compared to the language in the MDJ system. The fee sheet says "warrant", the MDJ system says "effectuate warrant." He said in his county, constables have had to sit down with MDJ staff to make sure they enter the fees in the appropriate places.

Chairman Opiela also said this instruction should not be an interpretation of the fee bill; it should basically be a comparison between the language in the fee bill and the language in the MDJ system.

Constable Contino said he has a lot of experience in Civil process and would like to be involved in developing scenarios. He said no matter how much experience he has, there is always a situation that arises where he has to call and ask questions. Mr. Mellors said towards the end of March, he will come to Constable Contino's area to get input and suggestions regarding scenarios.

Chairman Opiela asked what the deadline is for the 2013 curriculum. Mr. Mellors said in the beginning of May the draft curriculum should be sent to the schools, so the instructors will have time to look over the materials in their entirety before the annual updates with instructors in June.

Chairman Opiela asked if there is an update to the on-line attachment of the Constables Legal Guide. Mr. Pfau said that is dependent on the re-design of the computer system and when we are at an appropriate point; the curriculum developer will more involved. Sherry Leffler, PCCD staff, said that resources are on PCCD's website now that constables can go out to the PA Consolidated Statutes to look things up as well.

The next item on the agenda is the **Travel Policy**. Derin Myers, Director of PCCD's Office of Financial and Management Administration (OFMA), will now solicit questions from the Board regarding the Travel Policy. Mr. Meyers said that on January 1, 2012, the Commonwealth implemented a new travel policy and on January 24, 2012, the Office of Financial and Management Administration issued a memo which summarized the changes, recognizing the most significant change is that the "most economical type of ground transportation is to be used by all those travelling

on Commonwealth business.” When this management directive was issued, OFMA began to have interactions with the Comptroller’s Office describing to them some of the issues PCCD has in relation to PCCD’s Commissions, Boards, and Advisory Committees. For the most part, the individuals on these Boards are volunteers and are donating their time, so OFMA asked for some exceptions to be granted. The response was that other state agencies have similar issues and they would not grant a blanket exception to the management directive, but would consider individual exceptions based on individual circumstances. OFMA has been trying to go through each of the Advisory Committee member’s individual situations and where there is a reasonable argument, PCCD submits an exception request to Comptroller Operations. This will mainly be used to request a different type of ground transportation even though it may not be the most economical. The most significant thing that OFMA is considering for the exception is the productivity factor. For example, it takes time for people to use a rental vehicle and this time should be factored in the process.

OFMA understands that this is a new management directive and the clarification received was that Comptroller Operations will look at this directive down the road after they begin to review these exception requests and they understand in greater detail what types of issues the agencies are dealing with. OFMA has been implementing this policy in a reasonable way that does not impact to a great degree the member’s ability to attend the various meetings.

Constable Contino asked when the exceptions are decided, are they after the fact? For example, the CETB’s next meeting is in Pittsburgh and he asked if after he drives all of the way there, he could end up getting 19 cents a mile for mileage? Mr. Myers said if you anticipate driving to Pittsburgh, OFMA would ask that the member to work the travel arrangements out with Denise Barry, PCCD Administrative staff, and describe the circumstances and OFMA would submit the exception. OFMA would make this approval internal prior to the member’s travel. When the circumstances are looked at and it does not make sense to pay 19 cents a mile for the travel and it makes more sense for the individual to be reimbursed 51 cents a mile, then PCCD staff will tell you it is approved.

John Pfau, Manager of the Bureau of Training Services, stated that the Comptroller has the final say on the exception approval. Constable Contino said he is trying to find out if the mileage would be calculated out before the travel takes place. Then before the next meeting, the Board members should know if they will be approved or not for the travel exceptions. If these exceptions are not going to be approved, Constable Contino suggested that all of the meetings be held in Harrisburg. Mr. Myers said that PCCD staff should identify where the meetings are going to be and who will be attending and calculations should be completed by staff internally for each individual. PCCD does not want to burden our committee members to have to figure out the travel costs. PCCD will figure the costs out for each member individually and then submit the exception request ahead of time.

Chairman Opiela said he might suggest to the Board and ask legal counsel to look into if the Board is permitted to have meetings by video conferencing. He said that he asked legal counsel previously about conducting meetings by video conferencing and it was indicated to him that the Board was not permitted to do so, but he asked if legal counsel could re-visit this issue again.

Chairman Opiela said that if someone is looking at a GPS unit to figure out the course of travel, he asked why committee members have to print out E-Z pass receipts when tolls can be easily calculated out when figuring out the course of travel and mileage. It is a hassle for him and said it would be much easier for him to stop at the toll booth and get the receipt that way, which would cost the Commonwealth more money. He does not think this makes sense.

Constable Contino said he printed out the Management Directive and it said “Commonwealth funds,” but Constable Contino said that the money being reimbursed to the Board is not Commonwealth funds; it is funds that Constables have generated. He asked why the directive is applied to the CETB. Mr. Myers said the interpretation is that the reimbursement for meetings is based on Commonwealth travel policies. Mr. Myers said he has offered the Comptroller’s Office the language of the CETB statute. He asked the Comptroller’s Office to look at the language and apply it to this Management Directive. They said they would, but they have not replied yet to OFMA about this issue. There is a possibility that they may look at the language and make a different determination. Ms. Taylor said to be honest, we probably will not prevail. The matter is in front of the Office of General Counsel in the Office of Administration.

Mr. Myers responded to Chairman Opiela’s question regarding E-Z pass, he said it comes from the logic that all reimbursements have to be supported with financial documentation (receipts). He understands the Chairman’s concern and said maybe OFMA can address this issue with Travel Operations.

Constable Harry Walsh asked about the travel exceptions for the current meeting. PCCD staff said an exception has been submitted for him and he will be receiving 51 cents a mile for his travel for today’s Board Meeting. Mr. Pfau wanted to make it clear that it has been submitted, but it has not been approved yet. Bob Merwine, Director of the Office of Criminal Justice System Improvements, stated that he approved the exception and that he was informed that the Comptroller’s Office will accept all of our approvals during this initial period.

Constable Contino asked if staff will determine prior to the next meeting if the committee member’s travel will be approved. Mr. Merwine said that prior to the next meeting, staff will review each individual’s situation and do the calculations. If the calculations say that the rental vehicle is the most efficient and cost-effective means of travel, then staff will get in touch with the individual directly to discuss the situation. If there is any other information that staff is not aware of that would not make a rental vehicle the most efficient or economical mode of travel. Based on this information, staff will either submit an exception request or determine the use a rental vehicle to be the most efficient mode of travel. He said that Ms. Barry will complete the travel worksheet for each committee member prior to the next Board meeting and the determination will then be made. If a rental car is determined to be the most economical means of travel, then staff will be in contact with the committee member directly to find out if there is any other information staff should be made aware of that might alter the decision.

Constable Contino asked if using a rental car is determined to be the most economical means of travel, does that mean it has to use an economy car. He would need a vehicle that sits higher off of the ground because the lower cars are too hard on his back. Mr. Myers said that any exception request that OFMA puts in for this meeting will be approved. However, it may be different in the future. For example, if OFMA submits an exception request that the Comptroller does not agree with the rationale, the Comptroller’s office may ask OFMA to change it. If this would happen, PCCD staff would contact the individual affected and explain the situation.

Constable Julie Sokoloff said that she went through the process with Ms. Barry and Ms. Barry sent her the spreadsheet with the options. Constable Sokoloff was told she needed to use a rental vehicle, but she chose not to because of the inconvenience, so she decided to go with the 19 cents per mile.

She was curious how the state figures out what size car the spreadsheet is based on. Ms. Barry replied it is either a Standard or Economy car. Holly Koppenhaver, OFMA staff, said this information is in the state travel contract with Enterprise which is through the company, Adtrav. An individual would pre-pay and then get reimbursed for their travel expenses.

A.R. DeFilippi, Board member, said that he does not have a problem with the Travel Policy. He does feel that when someone have a medical condition and needs a bigger vehicle, it should be taken into consideration. He said it was already indicated by OFMA staff that medical conditions would be taken into consideration, so there should not be an issue.

Constable Contino pointed out that the constables on the Board are the only three members of the Board who do not have a job that is paying them while they are at the Board meetings. He said he sacrifices the money he would be making doing his job to attend the Board meetings, but is not sure it is worth it if he has to pay more for gas to attend the meetings. Mr. Meyers said that he believes the time that Board members put in should be factored in to the equation. For example, the time it takes to arrange for a rental vehicle, to pick up the rental vehicle, and to return the rental vehicle should factor in.

Chairman Opiela asked Board members if there is any interest to explore his suggestion on whether or not they could do video conferencing for meetings. The response from Board members was that it is a good idea. Chairman Opiela asked legal counsel to look into this because at one time the idea was rejected because of the advice prior legal counsel gave to the Board. He asked if she could give an opinion on this either at the May Board meeting or prior to the meeting.

Mr. DeFilippi said that video conferencing or even a conference call at a location where the public can attend should be sufficient. Mr. Pfau said that video conferencing is available at PCCD if the suggestion is approved. Chairman Opiela said the Board could still rotate the meetings to different regions (Pittsburgh, Harrisburg, and the Philadelphia area) and send staff to those meetings, so the meetings would still be accessible to constables.

Constable Contino asked about a prior meeting that Chairman Opiela participated by conference call because he was ill. Chairman Opiela said he was not allowed to vote at that meeting but his comments, etc., were still placed on the record.

Don Horst, PCCD staff, said that once the logistics were worked out, it sounds like it would be cost-effective. Chairman Opiela said he agreed and said the meetings would still have set locations. Ms. Taylor said she would check to see if having Board meetings by video conference or conference call would be permissible.

#### **IV. Action Items**

Chairman Opiela moved to the first action item on the agenda, **Minutes of the November 17, 2011, Meeting**, pages 1-12 of the board packet. Chairman Opiela asked if there were any questions concerning the minutes. Constable Sokoloff stated there was a typo on page 9, in the 2<sup>nd</sup> to last paragraph, the word “getter.” Mr. Horst said the word should be getting and we will make that correction.

Constable Contino asked Ms. Taylor if the statement on Page 10 is correct that states, "There is a clear record of legislative intent which is corroborated by the AOPC legal interpretation in terms of \$5 per docket number for Criminal cases and \$5 per named defendant in Civil cases in which a constable or deputy constable performs a service." His question is regarding the part of that statement regarding the Civil cases. Ms. Taylor said she would have to check her file. Constable Contino stated that according to the meeting minutes, it sounds like the Civil (CETA) fees are being collected correctly, but they are not. He spoke with the Delaware County Court Administrator and asked if her office is collecting \$5 for every service a constable performs for a Civil complaint. For example, first he posts a landlord/tenant and the \$5 is collected. Next he serves a possession order; the Court Administrator said the AOPC (MDJ) system will not allow her to enter the \$5 fee. Then, when the eviction is served (which is another service), the MDJ system will still not allow the \$5 to be entered. Constable Contino said there is a lot of money not being collected on Civil cases.

Mr. Pfau stated that PCCD staff went to the AOPC offices in January to see the new MDJ system. Chairman Opiela said there is an issue with Failure to Appear warrants. The MDJ system does not allow the constable to be paid if the defendant is found not guilty. Chairman Opiela said that AOPC said in these circumstances there is a provision in Act 49 that says if the defendant's charges are dismissed, the constable is supposed to send the fee bill to the county. In the past, if somebody failed to appear and a warrant was issued, the constable would go out and collect \$500. Of this \$500, \$110.00 might be the Constable's compensation. The balance would go to the Court for fines and costs. A hearing would be scheduled. If the defendant is found not guilty, the collateral has to go back to the defendant. Under the old system, they were able to pay the constable out of the collateral. Under the new system, if the case is dismissed, the only way the Constable would get paid is if the Constable submits his bill to the County.

Chairman Opiela said a similar situation arose in Maryland. In Maryland, there was a question whether the cost is a fine or a service charge and they took the position that all of the money goes back to the defendant. Chairman Opiela said that it goes back to the question which branch of government Constables belong to, the Executive or Judicial Branch of Government.

Constable Contino said that in his County, if charges are dismissed, the district judge will tell the defendant that he/she must pay the service fee for the Constable bringing him/her in to Court. There is also the problem when the defendant is indigent and does not have enough money to pay the Constable's fees; the fees are then submitted to the County to pay the Constable.

Mr. Pfau asked Board members if AOPC involved stakeholders from the Counties when they re-designed their system. Chairman Opiela and Mr. DeFilippi both said that they did. Mr. Pfau wondered how much input they received from District Judges on how the fees should appear, etc.

Constable Contino said when an Order of Execution gets transferred from another County and gets printed out, the plaintiff's name does not appear anywhere on the complaint. When the defendant asks who the plaintiff is, the constable has no idea. The answer his County received was that the defendant should know who it is from. He said that AOPC also re-designed possession orders. These orders went from a one page form to a two and sometimes a three page form which causes a lot of extra paperwork for constables.

Mr. Pfau said that when staff went to AOPC's office to see how PCCD's data is being used, there were concerns how the data is being utilized and PCCD is going to address this with AOPC during

the re-design of PCCD's system. Mr. Pfau is concerned that a MDJ may be able pull a Constable's name from the list that should not be on the list because the constable is not certified.

Chairman Opiela said that the new AOPC (MDJ) system has a learning curve, but it is not all bad. Overall, AOPC has been trying to make positive improvements.

Chairman Opiela asked for a motion to accept the CETB meeting minutes of November 17, 2011. Constable Sokoloff made a motion to accept the minutes. Constable Contino seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item of the agenda, **Financial Report for February 16, 2012, Meeting**. Norma Hartman said this report will be for the first half of Fiscal Year 2011-2012 as of December 31 2011, pages 13-16 of the packet. Under receipts, the balance from the previous year was \$6,513,974.24. The fees collected for the first half (7/1/11 - 12/31/11) was \$965,885.08. Based on the estimated collections of \$2,004,431.00 for the entire 2011/2012 state fiscal year, the total funds available as of December 31, 2011 were \$8,518,405.24.

Ms Hartman said that under Expenditures and Commitments the total expenditures as of December 31, 2011 were \$1,100,791.51. The total expenditures and commitments as of December 31, 2011, were \$5,990,393.09 which includes \$433,948.20 of administrative costs. The breakdown of the administrative costs can be found on page 15 of packet. On page 15, the correct cumulative dates of July 1, 2011, to December 31, 2011, are listed at the top of the page. The estimated balance of the account as of December 31, 2011, was \$2,528,012.15. Page 16 shows the list of current purchase orders, as of 12/31/11. She explained that there is a difference between the PO status page and the PO's listed on the fiscal report because the status page is based on the term of the purchase orders (usually 24 months). The list of the PO's on the fiscal report is based on that fiscal year only.

Chairman Opiela had a question on page 16. He asked why, when we are half way through the contracts, it seems like the expenditures "paid" to date are not even close to half of what their beginning balance is, except for the Penn State Fayette contract. Ms. Hartman replied that there were issues with invoicing for the better part of the entire 2011 calendar year. As of right now, there are a number of purchase orders that have not been invoiced since July 2011. Slowly, the contractors are getting caught up on the invoicing. Chairman Opiela asked if there should something added in the RFP about having invoices submitted on time. Ms. Hartman said contractors have 60 days from the end of the purchase order to submit invoices, but it doesn't state time periods throughout the purchase order. We request invoices to be submitted timely.

Mr. Pfau explained an issue that one of the contractors had with their fiscal person. Their fiscal person works for a different part of the university. The person doesn't work for the university now, so hopefully the issues have been resolved. Ms. Hartman said there had also been an issue with not getting the details needed submitted with the invoices. Mr. Pfau said we had a meeting in December with all of the contractors and their fiscal staff and reviewed procedures for invoices and budgets to

rectify the issues regarding details. We developed a standard format to use for budgets and invoices and are now in the process of implementing these formats.

Commissioner Teresa O'Neal said this sounds like poor business practice, but it also sounds like that issues are being resolved. She wondered if there is any language that could be revised in the contracts regarding the submission of invoices. Mr. Pfau said we could look at the language in the contracts, but the language used is standard for state contracts. We would have to check with the Department of General Services to see if they would allow additional language in our contracts. Mr. Pfau said invoices should be back up to date now because of the meeting held in December.

Chairman Opiela asked Mr. Horst if anything has changed since the Board last discussed projections regarding the fund solvency. Ms. Hartman said it is difficult to do projections because of evaluating one fiscal year to the next fiscal year. Ms. Horst reminded the Board that these are maximum priced contracts, we have never paid the full price, and we always get money back at the end. Mr. Horst said there is no reason to think the projections are incorrect. Ms. Hartman agreed and said it is critical to have invoices submitted timely in order to have accurate information for projections.

Chairman Opiela asked for a motion to approve the financial report. Commissioner O'Neal motioned to approve the submission of the financial report. Constable Sokoloff seconded the motion.

ROLL CALL VOTE:

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

VOTING NAY: None

ABSTAINING: None

The motion carried.

Chairman Opiela moved to the next action item on the agenda, **Instructor Certifications, starting on page 17**. Kathy Clarke, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

### **Harrisburg Area Community College**

The instructor application for Jason F Cleck was reviewed at the November 17, 2011 Board meeting. The Board approved him for the subjects listed below along with the subject, Civil Law and Process. Upon further review of his qualifications, staff recommends **removing** the certification for Jason Cleck to teach Civil Law and Process.

#### **Jason F Cleck**

##### Current 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  
Chemical Aerosol  
Expandable Baton

**Anthony C. Clements**

New Subject Certification  
Expandable Baton

**John W. Ford**

New Subject Certification  
Professional Development

**Philip M. Intriери**

New Subject Certification  
Professional Development

**John K. Kidman**

New Subject Certifications  
Professional Development  
Criminal Law and Process  
Use of Force  
Prisoner Transport and Custody

**Indiana University of Pennsylvania**

**John F. Lisco**

New Subject Certifications  
Professional Development  
Crisis Intervention  
Use of Force  
Mechanics of Arrest  
Prisoner Transport and Custody  
Court Security

**William B. Luchkiw Jr.**

New Subject Certification

Firearms

**Paul K. Montag**

New Subject Certification

Firearms

**David F. Nelson Jr.**

New Subject Certification

Firearms

**Tracy Veri**

New Subject Certification

Professional Development

Court Security

Crisis Intervention

Firearms

**Charles P. Stipetich**

New Subject Certification

Defensive Tactics

Chemical Aerosol

## **Temple University**

**Stephen Homoki**

New Subject Certification

Use of Force

Ms. Clarke asked if there were any questions from the Board regarding the applications. No questions were asked and Chairman Opiela asked the Board to go into Executive Session to discuss potential litigation with the Instructor Review and Certification.

The Board went into **Executive Session** at 11:10 a.m. The Board was in Executive session from 11:10 a.m. – 11:20 a.m., took a break and then reconvened the meeting at 11:30 a.m.

Chairman Opiela said Executive Session was held in regard to possible litigation with the Instructor Review. After receiving an opinion from legal counsel, Chairman Opiela said the Board is prepared to move with acceptance or denial of instructor applications.

Chairman Opiela asked if there was a motion to accept staff recommendation to remove the certification for Jason Cleck to teach Civil Law and Process. Commissioner O'Neal motioned to accept staff's recommendation. Constable Walsh seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried.

Mr. Clements, Mr. Ford, Mr. Intrieri, Mr. Kidman, Mr. Stipetich, and Mr. Homoki are currently Certified Instructors for the Constables Training Program. They are requesting the additional certifications listed above. Mr. Lisco, Mr. Luchkiw, Mr. Montag, Mr. Nelson, and Ms. Veri will be new instructors for the program. Staff recommended certification of each individual for all subjects listed.

Chairman Opiela asked for a motion to accept staff recommendations for the instructor applications and their respective subjects for Clements, Ford, Intrieri, Kidman, Lisco, Luchkiw, Montag, Nelson, Veri, Stipetich, and Homoki. Constable Sokoloff made a motion to accept the instructor applications. Mr. DeFilippi seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried.

## **V. Discussion Items**

The next item on the agenda is **Optional Training Statistics**, which is Addendum #1 of the board packet. Ms. Leffler said we were looking at the costs of the Optional Training classes that we have been holding since 2005. When the Optional Training classes first were held back in 2005, the percentage of the training population who attended was 32%. When we look at the statistics from 2011, the percentage of attendance has dropped down to 2%. In 2005, there were 47 Optional Training classes scheduled (34 classes were held and 13 were cancelled). There were 443 constables/deputy constables enrolled in the course and 401 completed the course. The total number of certified Constables/Deputy Constables at the time was 1,224.

There are six Optional Training classes scheduled for 2012. As of 1/26/12, there are only 27 Constables/Deputy Constables enrolled in the training, which is 2% of the training population. PCCD wanted to give this information to the Board now because staff is going to prepare some courses of action to bring to the May 10<sup>th</sup> Board meeting.

Ms. Leffler said that Mr. Horst reviewed the 2011 invoices to determine the costs associated with the Optional Training classes. Of the five optional training classes held in 2011, only three training delivery contractors have submitted direct costs associated with these classes. At this point, the cost to train 28 constables/deputy constables was \$128.68 each.

Mr. Horst said that the cost of the instructor re-certification for OCAT (which is part of the Optional Training) is about \$177.00 per constable. This number is pro-rated among all of the constables who successfully completed the training. It is an Instructor cost, but it is still our cost.

Constable Sokoloff asked how many Optional Instructor courses there are. Ms. Leffler said the re-certification is coming up for OCAT and MEB at the Instructor Updates being held in June. This is to train the instructors to teach the Optional courses.

Constable Contino asked if we are paying to train the instructors to work for a school. Ms. Leffler said we pay to re-certify the instructors to train the constables. It is part of the instructor development costs. Constable Contino said if he wants to go to Temple to teach, he should come in with the necessary certifications. Mr. Pfau explained by giving the example of when we selected MOAB to introduce in the curriculum, we paid to have the instructors trained in the subject. Instructors do not have control over what is determined to be part of the curriculum, so if they want to continue as instructors in that particular subject, we need to get the training certifications for them. Constable Contino said that the instructors are also working for other programs, such as the Deputy Sheriff's program, so we are paying for them to get their certification and they are teaching in other training programs.

Mr. Pfau said that the Constables' Training Program is benefitting from other instructor certification programs that another entity is paying for, such as a MPOETC certification or a FLETC certification.

Chairman Opiela said he does not have a problem with this, it is quality control. Constable Contino said when we talked about Tasers, it was going to cost \$100,000 to train instructors to train Constables. Mr. Pfau said the total cost to implement the Taser training program was over \$300,000. A very small portion of that number was to pay to train the instructors. A lot of the instructors already were certified to teach Taser training through their own departments. Mr. Pfau said there are times when we select something new to become part of the curriculum and we have to pay the bill.

Constable Contino said he thinks it is the school's responsibility to make sure their instructors have the certifications they need. Mr. DeFilippi said perhaps the schools should pay to get their employees certified and then charge it back to us. Mr. Pfau said that typically this kind of stuff goes into the Curriculum Development contract, so when we selected MOAB, there was enough money in the curriculum development contract to send a number of individuals to become certified Train the Trainer instructors. They can then come back from the Train the Trainer course and train the remaining instructors to teach the subject. Mr. DeFilippi is not sure that we should be picking up the bill. It should be part of the instructor's compensation. Mr. Pfau said we could run into the situation where we do not have enough certified instructors to teach a particular course.

Constable Contino said at every CETB meeting we go through seven or eight instructor applications and over the seven years he has been on the Board that makes a lot of instructors. The schools are hiring instructors who are already certified and he feels if they want to be re-certified they should get it on their own. Mr. Pfau said we are not paying for 100% of these instructor re-certifications. Penn State advises the number of instructors who have to get re-certified to teach these specific courses.

Mr. Horst said that we do benefit from certifications that instructors already have received, such as Firearms and Defensive Tactics. We are benefitting from the more expensive certifications.

Instructors do not have control of what is going to be selected as part of the curriculum. Constable Contino said if an instructor wants to teach for a PCCD school, they need to have their certifications and we should not be paying the bill.

Chairman Opiela said he understands Constable Contino and Mr. DeFilippi's positions, but he thinks we need to look at the cost benefit analysis and allow staff to compute some numbers and weigh out the numbers versus the principle of it all. Maybe we could find a middle ground to allot a certain amount of money to a school and have them pay for it and get reimbursed. Mr. Pfau said we used to have this in their budgets but we eliminated because it was hardly used. Most of time instructors already had the certifications needed when they began working for the school.

Ms Leffler said getting back to the statistics that staff brought forward to the Board concerning the Optional Training; we wanted to make the Board aware of the high cost to train a small number of constables in the Optional training classes. We will do a cost analysis of the optional training and bring it back to the Board in May. Chairman Opiela asked if there is a way to look at previous optional courses to see if the reason for the low attendance is because there is a cycle of the same course and there is no need for the same courses being offered. Ms. Leffler said this year the optional training is Expandable Baton, so two years prior (2010), it would have been Expandable Baton. In 2011, the Optional Training was OCAT. Every other year, those two topics switch back and forth for the Optional training. These two subjects are both included in the Basic Curriculum as well. Mr. Pfau said we have been offering constables and deputy constables to get re-certified in OCAT and Baton for no charge and of the 1,300 constables and deputy constables, only 32 of them are taking advantage of it. Constable Contino said a lot of constables are going to their local police departments to get re-certified and it takes much less time than through our training program. Mr. Pfau said we are a training provider and we must follow the training guidelines for re-certifications.

Constable Contino said he thought that we already did away with the Optional training. Mr. Pfau said that it was the classroom portion of the Optional training.

Constable Sokoloff asked what the cost of Continuing Education training is per constable. The charge when someone has to pay to go back through the 20-hour continuing training is \$121.00. It is \$6.05 per training module-hour. The cost for Annual Firearms training (20 hours) is \$366.00, Basic Firearms (40 hours) is \$1,124.00, Basic Training (80 hours) is \$617.00, and Optional Training (eight hours) is \$234.00. These would be the costs for a constable or deputy constable to attend these trainings if they were a no show or had to repeat a class in the same training year for whatever reason. Under normal circumstances, there is no charge for constables and deputy constables to attend these trainings.

## **VI. Informational Items**

The next item on the agenda is **Status of Certifications Issued**, page 27 of the packet. Mr. Horst said that as of January 24, 2012, there were 1,332 constables and deputy constable currently listed as active and certified. Of these, 985 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 3,784 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 **Constables' Information System Redesign Update**. Ms. Leffler reported that we have an additional Informational Technology (IT) staff person that is doing database development. Also, On January 23, 2012, Program and IT staff met with staff from the Administrative Office of Pennsylvania Courts (AOPC) to discuss the way that the constables' information is transferred to AOPC and how this information is utilized by AOPC. AOPC staff provided PCCD staff with a demonstration on what the screens look like in the Magisterial District Judges' System (MDJS). They also provided a demonstration on where the Constables' Education and Training Act (CETA) surcharge is entered in the MDJS. Staff has requested screen shots from AOPC so that a training bulletin can be sent to all Magisterial District Judges to educate them on the importance of the collection of the CETA surcharge. Ms. Leffler said the surcharge is pre-filled with \$5.00. Chairman Opiela said it does not automatically queue his staff to go to surcharge area, they would still have to know where to go to add the surcharge. Hopefully, when the training bulletin gets sent to the Magisterial District Judges, it will provide more education to MDJ staff on how to put in the CETA surcharge fee.

Constable Contino said when talking about screen shots to train the MDJ staff about the \$5 CETA fee, it should be brought up that the \$5 CETA fee should be entered for every service rendered in Civil cases. Mr. Pfau said that we are just trying to take what AOPC already has and get it to the MDJs to make sure they are educated in getting to the right places to put the fees in. The purpose is to make sure the CETA fee is being collected and we can only use what AOPC sends us as far as screen shots.

Ms. Leffler informed the Board that a workgroup has been formed with various Clerk of Courts offices throughout the state. The workgroup consists of two small, two medium, and two large counties. The Workgroup will be meeting with PCCD staff on March 22, 2012. We are hoping the system is going to be beneficial to the Clerk of Courts offices. Staff will continue to update the Board as work progresses with the redesign and will also show screen shots to the Board.

Chairman Opiela said the next informational item on the agenda is the **RFP update**. Mr. Horst said the Request for Proposals for the Delivery of Constable training was released on January 5, 2012. He said February 15, 2012 was the last day for potential offerors to submit questions to PCCD. PCCD will respond to all of the questions by February 27, 2012. The sealed proposals will be opened on April 26, 2012 after 1pm, which is the deadline for submission. If any Board members would like to see the entire RFP, they can access the Department of General Services website and go to Emarketplace. If anyone wants additional details on how to find the RFP, let Mr. Horst know and he will provide detailed instructions.

Chairman Opiela asked if the Board could have a summary of where we are at with the RFP at the May Board Meeting. Mr. Horst said we can do that in Executive session and Board members will be asked to sign a confidentiality agreement. The information is not public until after the contractors are selected. The review committee will begin with the DGS scoring process after the April 26<sup>th</sup> deadline for submission. We will not have this information for the May meeting. Chairman Opiela asked if anyone had questions for Mr. Horst.

The final informational item is the **Regulation Update**. Ms. Leffler provided an update to the Board. She said PCCD received several comments and questions back from the Independent Regulatory Review Commission and answered the questions, but we had to formalize changes back into the final

form regulation. It is with PCCD's legal counsel right now. It should be ready by spring to go back to the Senate and House Committee, the Attorney General's Office for their review, and then back throughout the rest of the process. Hopefully, by summer, the regulation changes processes will be complete.

## **VII. Public Voice**

Chairman Opiela announced the Board would take public comments and questions at this time.

Emil Minnar, PA State Constables Association (PSCA), said he has a follow-up question from the last meeting concerning the Constable Legal Reference Guides. He asked the Board's position on the availability of the guides. Mr. Pfau said constables get a copy of Title 246, the Rules of Court, only in Basic Training. If any rules are changed, Mr. Mellors will make sure schools know about the changes for the next training year. There are links on PCCD's website on the various available sources to get the information online to get the most current information. One of the issues was as soon as the guides were published, there were out of date.

Chairman Opiela said he contacted the DUI Association in Harrisburg in March. One can purchase the West Criminal book for around \$40.00. Constable Contino said he thought we had the information online. Mr. Pfau said yes, the links are on PCCD's webpage.

Mr. Minnar asked how many books does the State of Pennsylvania buy annually for court related personnel, etc.? Isn't there a procurement method available where bulk purchases could be made?

Mr. Pfau said we looked at this issue and we would end up spending a lot more money purchasing the large volumes of books, of which constables would need only a small portion, and they are out-of-date soon after they are printed anyway.

Constable Contino asked if Ms. Taylor would look at the AOPC opinion in regards to the Civil fees. Mr. Pfau said that Ms. Taylor would look at her notes again.

There were no other questions or comments from the audience.

## **VIII. Adjournment**

Chairman Opiela asked for a motion to adjourn the meeting. Constable Walsh made the motion and Chairman Opiela adjourned the meeting at 12:10 p.m. The next Board meeting will be held May 10, 2012, in Cranberry Township.