

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

Minutes of the November 16, 2012 Meeting

Members Present

Fred Contino, Constable, Delaware County
Harry Walsh, Constable, Allegheny County
A.R. DeFilippi, Court Administrator, Beaver County
Captain Adam Kisthardt, PA State Police
Hon. Rodney Ruddock, Commissioner, Indiana County

Members Absent

Hon. William Wenner, MDJ, Dauphin County
Julie Sokoloff, Constable, Montgomery County

Commission Staff Present

John Pfau, Manager, Bureau of Training Services
Donald Horst, Bureau of Training Services
Kathy Clarke, Bureau of Training Services
Bob Merwine, Director, Office of Criminal Justice System Improvements (OCJSI)
Norma Hartman, OFMA

Visitors

Mike Marcantino, Indiana University
Teresa Conley, Temple University
Ted Mellors, Penn State University
Jed Friend, Penn State University
Tony Luongo, Temple University
Emil Minnar, PA State Constables Association (PSCA)
Tim Norek, Constable, Northampton County
Ronald Clever, PA Fraternal Order of Constables (PAFOC)
Daniel Hollenbaugh, Constable, Adams County
Barry Betz, Constable, Lehigh County

I. Call to Order

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

Constable Fred Contino, Vice-Chair of the Board, called the meeting to order at 10:00 am and asked all to join him in the Pledge of Allegiance.

Constable Contino announced new appointments to the Board. On July 6, 2012, Judge William Wenner from Dauphin County was appointed to the Board to replace Judge Richard Opiela, whose term expired. On July 6, 2012, Commissioner Rodney Ruddock from Indiana County was appointed to the Board to replace Commissioner Teresa O'Neal, whose term expired. On July 6, 2012, Constable Fred Contino from Delaware County was reappointed to the Board. Constable Contino

welcomed Commissioner Ruddock to the Board. Mr. John Pfau, Manager, Bureau of Training Services, PCCD, announced that Judge Wenner had a previous commitment and was unable to attend the meeting.

Constable Contino said the elections for the Board Chairman and Vice-Chairman will be held at the next meeting in February 2013. Board and staff introductions were then made to audience members.

II. Action Items

Constable Contino moved to the first action item on the agenda, **Minutes of the August 9, 2012, Meeting**, pages 1-12 of the board packet. Constable Contino asked if there were any questions or comments concerning the minutes.

Constable Contino questioned on page 2 of the minutes, if it is correct where it said "State Fiscal Year 2008-2009." Ms. Norma Hartman, Office of Financial Management and Administration, PCCD, said it is correct and referred Board members to page 14 of the current Board packet which includes some of the same information regarding Constable Fee Collections.

Constable Contino asked for a motion to accept the CETB meeting minutes of August 9, 2012. Captain Adam Kisthardt made a motion to accept the minutes. Mr. A.R. DeFilippi seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Kisthardt, Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Constable Contino moved to the next action item of the agenda, **Financial Report for November 16, 2012, Meeting**. Ms. Hartman said this report begins on Page 13 of the Board packet. This is the fiscal report for the first quarter of the 2012-13 State Fiscal Year (SFY) ending September 30, 2012. Under receipts, the balance from the previous year was **\$6,411,197.56**. The fees collected for the first quarter were **\$483,640.92**. Based on the estimated collections of **\$2,012,033** for the 2012-13 SPY, the total funds available as of September 30, 2012 were **\$8,423,230.56**.

Ms Hartman said that under Expenditures and Commitments the total expenditures as of September 30, 2012, were **\$516,990.19**. The total expenditures and commitments as of September 30, 2012, were **\$5,341,171.41** that includes **\$488,712.85** of administrative costs. The breakdown of these costs can be found on page 15 of the Board packet titled Administrative Costs. The estimated balance of the account as of September 30, 2012, was **\$3,082,059.15**. The list of current Purchase Orders are on page 16 of the Board packet. Ms. Hartman noted that the difference between the Purchase Order status (pg 16), and the Purchase Orders on the fiscal report (pg 13) is that the Purchase Order Status page is based on the term of the purchase orders, generally 24 months; whereas, the list of Purchase Orders on the fiscal report is just based on the 12 months of the fiscal year of July 1, 2012, through June 30, 2013.

Mr. Pfau reminded the Board that on the initial fiscal report, you'll see that we are in a transition period (and for the next fiscal report as well). The report includes the closing out of old contracts as well as the starting up of new contracts.

So, there is an overlap period and as the old contracts are closing out, any money that was committed and left over comes back into the fund. The fund gets money returned when the contracts are over.

Ms. Hartman explained that on page 17, the Training Fund Projection, the revenue was averaged from the year 06/07 through the year 11/12 and then the average percent was used as the projection figure for future years. For the year 12/13, the projected revenue listed is \$2,012,033. The same process is done for the projected expenditures. At the end of June 2012, the ending balance was \$6,411,198. Based on these numbers, the fund will still have a balance of over \$5 million in fiscal year 17/18. These projections are completed once year when the fiscal year closes and so the numbers can fluctuate based on the most current information.

Mr. Donald Horst, Constable Program Supervisor, PCCD, commented that the new contracts total about \$1.3 million less than the last two-year budget period, due mainly to the consolidation of training regions and the resulting reduction in administrative costs. In addition, cost cutting measures have been in place for the last several years.

Constable Contino said he had several questions. The first question is regarding purchase order analysis. He said in the August Board meeting minutes, a statement was made that "contractors budget for the maximum amount of training hours." It seems like the schools are over-budgeting training hours.

Mr. Pfau said legislatively, the Board is allowed to have training that is more than 20 hours. The Board has always held that number at 20 hours. When the schools budget for the higher amount, keep in mind, we only pay for services rendered, so that money comes back to us if it is not expended. Secondly, when there is an increased demand for training, it helps when the schools have some money from Continuing Education to put on an additional Basic Training or Firearms training classes if needed. A couple of years ago, there was a spike in demand for additional Basic Training courses. Normally, a training year will have six to eight Basic Trainings. That year there were sixteen Basic Training courses held.

Mr. Pfau said the money is there if it is needed. Also, in the new contracts, they did not budget for the maximum amount of training hours.

Constable Contino said his concern is whether the contractors are spending the money wisely when there is extra money available in their budgets. He wants to make sure everything is watched over closely and all the equipment, etc, is accounted for.

Mr. Pfau said when the invoices from the schools come in to PCCD, staff reviews the invoices. Staff is each assigned to training regions and knows whether or not classes have occurred, how many individuals were in the class, and if they make equipment purchases. PCCD requires the contractors to keep equipment inventories that they have to turn in to PCCD. PCCD is also overseeing the equipment transfers from old contractors to new contractors. Mr. Pfau said that when a contractor needs to put on an additional class at PCCD's request, the contractor must still submit a written request to show us if and how much money needs to be moved in the contractor's budget. This needs

to be approved by PCCD program staff and PCCD's fiscal office. Ms. Hartman said supporting documentation is required and calculations are also provided for all of the details for each class.

Constable Contino asked if the Board trusts PCCD staff to oversee contractors spending Constable Program money. Mr. Pfau said that they are.

Constable Contino also had a question regarding the Administrative Cost Breakdown part of the Fiscal Report. He said at the last meeting, the breakdown was set up differently. The last meeting's breakdown was for a year and the current one is for a quarter. He wondered why there is such a discrepancy in amounts when you multiply the quarterly number in Personnel Services, compared to the yearly amount. He also asked why the Commitment Detail for IT consulting was so high.

Mr. Pfau explained that the IT consulting fees are for the Constable Information System. It includes the on-line training registration. This web-based system is about eleven years old. Ms. Leffler, Constable Program Staff, PCCD, has given the Board reports on the re-design of the computer system. Normally, PCCD has one IT consultant to maintain the old system, so that it interacts with the schools, AOPC, etc. Since we are now fully upgrading and re-designing the system, two programmers are on board to do this project. Once this project is finished, the amount for IT consulting will decrease.

Constable Contino asked how long we expect to carry this extra full-time programmer on the budget. Mr. Pfau estimated that this project will last until about August of next year. Mr. Pfau said we need to preserve all of the old data from the computer system and need to make sure the data is functional with JNET, AOPC, etc. The system will be expanded to include Clerks of Courts offices inputting data directly into the system.

Constable Contino asked if the line items on the fiscal reports could remain the same from meeting to meeting. Ms. Hartman said she may have removed a description because there were not any expenditures for it. It is pretty much the same from meeting to meeting, but it may have been a situation where a line item was removed because money was not expended. Specialized Services was not included.

Commissioner Ruddock asked about the Purchase Order status page (pg. 16). He used an example of the IUP NW. It shows the term dates 1-1-11 to 12-31-12 with a remaining balance of \$570,173.10. He wondered what this means because when looking at page 13, a commitment of that same amount is showing. He wondered how this is connected when it is showing a different fiscal year.

Ms. Hartman explained that page 16 is based on the term of the purchase order. It shows the starting amount of the purchase order, what was expended to date, and what the remaining balance is. Page 13 reflects activity as of July 1, 2012. It is based on fiscal year, not on contract year. Mr. Pfau said the \$570,173.10 on page 13 is a commitment and IUP NW could theoretically spend up to that amount of money. Ms. Hartman said that there are six contracts that are due to end at the end of 2012.

Constable Contino asked for a motion to accept the financial report. Mr. DeFilippi motioned to accept the financial report. Constable Harry Walsh seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Kisthardt, Ruddock

VOTING NAY: None
ABSTAINING: None

The motion carried.

Constable Contino moved to the next action item on the agenda, **Instructor Certifications, starting on page 18** of the Board packet. Mr. Pfau reminded the Board that since we are changing contracts, we have a large pool of instructor applications to review. There will be a mix of new instructors coming on, as well as some current instructors who are changing employers from Contractor A to Contractor B. There are also some applicants who were Board-certified several years ago, but are not Board-certified currently.

Kathy Clarke, Constable Program Staff, PCCD, reviewed the applications and gave staff recommendations, as follows:

The following instructors were previously Board-certified in the Northwest Training Region for IUP and will be now be teaching for Penn State Fayette in the Western Training Region.

Paul Foltz
Philip Carlo
William Erickson
Paul Greiner
Jon McEnroe
Erik Christensen
William Wehrle

Temple University

Jessica Bloomingdale

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

Teresa Conley

New Subject Certifications
Chemical Aerosol
Expandable Baton

Mark Fetzko

New Subject Certifications
Professional Development
Mechanics of Arrest
Crisis Intervention

Timothy Flickinger

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

Michael Fusco

New Subject Certifications

Professional Development
Criminal Law and Process
Use of Force
Mechanics of Arrest
Prisoner Transport and Custody
Court Security
Crisis Intervention
Firearms

Michael Kane

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
Crisis Intervention
Firearms

Charmeka Parker

New Subject Certifications

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

Anthony Schuibbeo

New Subject Certifications

Civil Law and Process
Use of Force
Mechanics of Arrest
Prisoner Transport and Custody
Court Security
Expandable Baton

Deidre Sherman

New Subject Certifications

Professional Development
Criminal Law and Process
Use of Force
Prisoner Transport and Custody
Court Security
Crisis Intervention

Christie Willard

New Subject Certifications

Chemical Aerosol
Criminal Law and Process
Mechanics of Arrest
Expandable Baton

Ms. Conley, Mr. Fetzko, and Ms. Willard are currently Certified Instructors for the Constables Training Program. They are requesting the additional certifications listed above. Ms. Bloomingdale, Mr. Flickinger, Mr. Fusco, Mr. Kane, Ms. Parker, Mr. Schuibbeo, and Ms. Sherman will be new instructors for the program.

Ms. Clarke asked if there were any questions from the Board regarding these applications. Constable Contino asked about the subject certification of Role of Constable in Justice System for Michael

Kane and Charmeka Parker. He questioned these because the one individual was a police officer in New Jersey. New Jersey doesn't have constables and neither does Maryland. He didn't feel they had the experience working in Pennsylvania where they might have an idea of what a Constable really does. They would be training new, young constables.

Ms. Clarke responded that the reason staff is recommending certification for the "Role of Constable in Justice System" subject is because the subject is currently a General Subject in which applicants must meet the required criteria for General Subjects. These two individuals will be working for Temple University and PCCD staff will rely on Temple to make sure they are fully prepared to teach the subject before allowing them to teach it.

Constable Contino's concern regarding this is that new constables sometimes think that they are police officers, which is far from the truth. He wouldn't want an instructor to not totally understand the "Role of the Constable" before teaching it. He doesn't have a problem with it as long as these instructors are being closely watched.

Staff recommended certification of each individual for all subjects listed above. Constable Contino asked for a motion to approve staff recommendations for the instructor applications and their respective subjects above. Captain Kisthardt made a motion to approve the instructor applications. Constable Walsh seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Kisthardt, Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried.

Mr. Pfau commented that the Board normally does not have this many instructors to review and approve. It is because of the changeover of contracts. Also, staff is only presenting subject requests to the Board for which staff has received all supporting documentation. There were some instructor applications that had additional subjects requested; however, after staff review of the applications, staff notified the school that we would not be presenting some subjects to the Board for consideration. The applicant either did not meet the criteria at this time for certain subjects, or staff did not receive all of the required supporting documents. Therefore, some of these applicants will be brought back for Board certification for other subjects at subsequent Board meetings.

Ms. Clarke reviewed the instructor applications which are labeled as **CETB Addendums 1-31** and gave staff recommendations, as follows:

Ms. Clarke advised that the following are currently Board certified instructors who are requesting additional certification (Addendums 1 through 8):

Penn State-Fayette

Thomas Brletic

New Subject Certification

Mechanics of Arrest

Jerry Cavanaugh

New Subject Certifications

Role of Constable in Justice System
Professional Development
Use of Force
Crisis Intervention
Chemical Aerosol

Paul Foltz

New Subject Certification

Prisoner Transport and Custody

Paul Greiner

New Subject Certifications

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

Kirk Hessler

New Subject Certifications

Court Security
Management of Aggressive Behavior (MOAB)

Richard Horner

New Subject Certifications

Role of Constable in Justice System
Professional Development
Use of Force
Court Security
Crisis Intervention

Jon McEnroe

New Subject Certifications

Role of Constable in Justice System
Professional Development
Use of Force
Court Security

Andrew Toth

New Subject Certification

Prisoner Transport and Custody

Ms. Clarke advised that the following will be new instructors for the program (Addendums 9 through 16):

Roger Gunesch

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

Gene Francesconi

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

Crisis Intervention

Firearms

Mark Hall

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

John Hartman

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
Crisis Intervention

Kenneth Stahl

New Subject Certifications

Defensive Tactics

Jeffrey Ogrodowski Jr

New Subject Certifications

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

Carl Martin

New Subject Certifications

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

Thomas Horan

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
Crisis Intervention

Ms. Clarke advised that, starting with Addendum 17-28, they will all be new instructors for the program, but some of them were instructors who previously worked for Penn State when Penn State was one of the Training Delivery Contractors.

David Nale

New Subject Certifications

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

Todd Sherle

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
Defensive Tactics

William Richards

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
Firearms
Crisis Intervention

Harold Shane

New Subject Certifications

Use of Force
Defensive Tactics
Mechanics of Arrest
Prisoner Transport and Custody
Management of Aggressive Behavior (MOAB)
Court Security

Ralph Varrato

New Subject Certifications

Court Security
Firearms

James Vogel

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
Crisis Intervention
Firearms

Craig Westover

New Subject Certifications

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

Victor Yartz

New Subject Certifications

Use of Force
Mechanics of Arrest

Donald Sedlacek

New Subject Certifications

Professional Development
Criminal Law and Process
Use of Force
Defensive Tactics
Mechanics of Arrest
Prisoner Transport and Custody
Court Security
Crisis Intervention
Firearms

Daniel Clark

New Subject Certifications

Prisoner Transport and Custody
Court Security
Firearms

David Empfield

New Subject Certification

Firearms

Frank Baranyai

New Subject Certifications

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

**Temple University
Addendums**

Joseph Holman

New Subject Certifications

Professional Development
Civil Law and Process
Use of Force
Mechanics of Arrest
Prisoner Transport and Custody
Court Security

Mr. Holman will be a new instructor for the program.

The following instructors were previously Board-Certified in the Northeast Training Region for Lackawanna College. They will now be teaching for Temple University in the Eastern Region.

Thomas Roccograndi
A David Berman

**Indiana University of Pennsylvania
Addendum**

The following instructor was previously Board-certified in the North Central Training Region for Mansfield University. He will be now teaching for IUP in the Central Training Region.

Floyd Reed III

The following instructor was previously Board-Certified in the South Central Training Region for Harrisburg Area Community College. He will be now teaching for IUP in the Central Training Region.

James Adams

Staff recommended certification of each individual for all subjects listed. Ms. Clarke asked if there were any questions from the Board regarding the applications. Constable Continuo asked for a motion to approve staff recommendations for the instructor applications and their respective subjects. Constable Walsh made a motion to approve the instructor applications listed above. Captain Kisthardt seconded the motion.

VOTING AYE: Continuo, Walsh, DeFilippi, Kisthardt, Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried.

III. Informational Items

The first informational item on the agenda is the **2013 Curriculum Overview- Penn State Fayette Presentation**. Mr. Ted Mellors from Penn State-Fayette said some changes for 2013 include replacing the student workbook with a comprehensive course review student handout that they will be given at the end of class. The student study guide is now being incorporated into the lesson plan. There will also be more emphasis put into job aids including a pocket handbook of Chapters 300, 400, and 500 of Title 246.

Mr. Mellors said, in every training year, there will now be a Civil Law Review Topic, Criminal Law Review Topic, and a Lessons Learned Topic. In 2013, for the classroom courses, the first one is Enforcement of Judgments. The four-hour course will review, in detail, Title 246, Chapter 400. He received a lot of feedback from various constables and instructors for this subject. The four-hour Criminal Law Review course will focus on Warrant Service as per Title 234 and will also review the importance of the AOPC website. The four-hour Lessons Learned course will be Surviving a Constable-Involved Shooting Incident. It will include videos of interviews of several Constables in Pennsylvania who have been involved in such incidents. The interviews tell the experiences that the constables had in dealing with the shootings. The course will provide essential knowledge as to what a constable can anticipate following the incident and how they can prepare for and overcome the challenges of such a situation. The remaining block of continuing education is the eight hour block of Defensive Tactics.

Constable Contino asked about the Execution of the Judgments and the Warrant Service courses and having updates to these courses. Mr. Mellors said there will be a topic chosen each year for Civil Law Review and a topic for Criminal Law Review. Constable Contino said these will be really good topics to have every year. Mr. Mellors said in 2014, the civil topic will be Chapter 500 Landlord/Tenant.

Mr. Pfau said, after the re-design of the computer system, there will be searchable content of past curriculum when constables log into the system. So a constable will be able to access past material.

Mr. Pfau stated that former Board member, Judge Opiela, really pushed to make the past curriculum available.

Constable Contino said that Captain Kisthardt put together a link that is on PCCD's website regarding critical incidents where counseling services could be available. Mr. Mellors said this link is to the Pennsylvania Emergency Health Services Council and is also included in the Lessons Learned course. There are Critical Incident Stress Management (CISM) Teams available at the county level to assist with these types of incidents and their contact information is included as well.

Captain Kisthardt said he was glad the mechanism for Critical Incident Debriefing is going to be included in the training. He commended PCCD staff who worked to get this included as a resource for constables. He also said he is impressed with the materials Mr. Mellors put together for the courses, including the jeopardy-style learning game, best practices, and pocket cards.

Commissioner Ruddock asked if constables receive any training on understanding the role they play in the oversight of precincts in the election process. Mr. Mellors said, in basic training, they receive some information. There have also been recent memos regarding carrying firearms at polling places. They are included in the firearms courses in 2013. Also, this information will be reviewed in the Continuing Education Civil Review Course when Chapter 71 is reviewed in 2015 or 2016.

Constable Contino said, in some counties, the Elections Bureau puts on classes for constables telling them their responsibilities at the polling places.

Constable Contino referred back to the last action item on the agenda, **2013 and 2014 Board Meeting Schedules**. The Board already voted on the 2013 schedule. Mr. Horst asked the new Board members if there are any conflicts with the 2013 dates. There were no conflicts. Constable Contino asked for a motion to approve the 2014 Meeting Schedule. Captain Kisthardt made a motion to approve the 2014 Meeting Schedule. Mr. DeFilippi seconded the motion.

VOTING AYE: Contino, Walsh, DeFilippi, Kisthardt, Ruddock

VOTING NAY: None

ABSTAINING: None

The motion carried.

The next item on the agenda was **Status of Certifications Issued**, page 31 of the packet. Mr. Horst said that as of October 25, 2012, there were 1,397 constables and deputy constables currently listed as active and certified. Of these, 1,083 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 3,899 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

The next item on the agenda is **Firearms Certified and Defensive Tactics Non-Participation**, page 32 of the packet. Mr. Horst said at the August 9, 2012, Board meeting, Judge Richard Opiela asked for statistics on how many constables and deputy constables, who are firearms certified, waive out of

participation in Defensive Tactics during continuing education classes. Below are statistics for the 2010, 2011, and up to September 28, 2012:

2010 - 192 constables and deputy constables who were certified in firearms for 2010 chose to waive out of participation in Defensive Tactics

2011 - 247 constables and deputy constables who were certified in firearms for 2011 chose to waive out of participation in Defensive Tactics

Up to September 28, 2012 - 214 constables and deputy constables who were certified in firearms for 2012 chose to waive out of participation in Defensive Tactics

Captain Kisthardt commented that he is concerned that people waive out of Defensive Tactics participation. Constable Contino explained that, because constables are independent contractors, if they get hurt during training, they may not be able to work for a time period of time, and would not be able to make money. Also, Constable Contino gave an example of some constables having certain medical conditions and are afraid of participating in class where they may get paired-up with a student who may not know when to let up a hold, etc.

Mr. Pfau said about 90% of constables are currently firearms certified. About ten years ago, there were a lot more constables who were not firearms-certified and who were also waiving out of Defensive Tactics participation. It is a tough decision for constables to make, whether to participate in Defensive Tactics or not because of liability issues, etc. It is a personal choice that individual constables have to make.

The next informational item on the agenda is the **Request-For-Proposals Update**. Mr. Pfau said Board members had received a memo informing them of the results of the RFP. It was included in a recent training bulletin. The training region contracts were consolidated from six into three. There will still be six training regions, but administratively, the numbers of contracts were reduced from six to three. The contracts are IUP for the Central (NC and SC) region, Penn State for the Western (NW and SW) region, and Temple for the Eastern (NE and SE) region.

Mr. Pfau stated, the last time there was a change of training providers, there was anxiety among the training population. The training will still be provided in the same geographical area as in previous years. The first year there may be some bumps in the road, but it will get all worked-out. In January of 2013, PCCD staff will be meeting with school administrators to review procedures for the new training year.

The last informational item on the agenda is the **Optional Training Update**. Mr. Pfau said for the next Board meeting, we will have some compiled data regarding the Optional Training. He said this training has been offered for about five years now. The percentage of the training population who take the Optional training at its peak was around 20% and now the percentage is very low. Schools budget for this training, but most of it does not occur. Mr. Pfau said staff will put together some courses of action to present to the Board regarding Optional Training.

Constable Contino said we talked about this issue before and it was tabled. Mr. Pfau said that we need to take a look at the Optional Courses that are offered and see if they are readily available elsewhere.

Constable Contino said he had a couple of items of old business. He asked, in regard to the computer re-design, are we still looking at the idea to have constables to be able to look at other constables' work phone numbers? He said, because he is logging in with his secure information, he should have the capability to view others' phone numbers when needed.

Mr. Pfau said, from a technology standpoint, it is easy to do. But legally, we have to consider if constables wish to make their contact information available to other constables. So, if there are twenty constables in a county, perhaps only two could choose to make their information viewable by other constables in the secure system. Staff needs to work some of these issues out with our Legal Department.

Constable Contino said, since constables are public officials, this information should be made available. Mr. Pfau stated that as a public official, the county is obligated to provide the name of the constable for particular areas, but in our system, constables are providing the information as a condition of Act 49 and the training. We require certain information from constables, so it is a different set of circumstances than us providing public office information. We are talking about releasing contact information that constables are providing under a different set of circumstances.

Constable Contino wondered if it would be possible to have a field with home phone, then also have a work phone with an asterisk that makes the information available to other constables. Mr. Pfau said that that part of the new system is a while away, so we have time to go through this issue with legal counsel.

Constable Contino said the next item he wanted to ask about is if Board members would be able to be provided the minutes from the prior meeting earlier. Mr. Pfau said that staff will work on trying to get the minutes out earlier to Board members.

IV. Public Voice

Constable Contino announced the Board would take public comments and questions at this time.

Constable Daniel Hollenbaugh, Adams County, said that he has been in the military for sixteen years and has a Bachelor's and Master's Degree. He said that education is very important to him. His concern is that there are not enough constables who are trainers. There were only three mentioned during instructor certifications and it should be important to have constables teach "Role of the Constable in Justice System" in Basic Training. As a fairly new constable himself, when he finished the Basic Training course, he still had no idea what his job really was until he started asking other local constables to show him how to do the job correctly. He suggested the curriculum should include more of a bare-bones approach to what a constable actually does.

Mr. Pfau said the number of constables as instructors has always been an issue. PCCD previously held Instructor Development courses specifically for constables who did not have instructional experience. There have been about 16 to 18 constables who went through the 40-hour program. They were then paired with an experienced instructor and were required to team-teach a topic. Of those original 16 to 18 constables, there are only a few who are still instructors. Some were not comfortable getting up in front of their peers to teach. Some were teaching other constables whom they compete with for work. We have not had a lot of success with constables sticking with being

instructors. It is in the curriculum contract to put on this training, if we get another pool of constables interested in becoming instructors.

Second, it has always been an issue that we are teaching constables statewide on what they can do. The issue is local practice in their counties and their specific duties. Some counties heavily do criminal work and some primarily do civil process. It is hard to fine tune because there are so many variables in the duties at the local level. It is hard to create a statewide standard for performing certain duties.

Constable Hollenbaugh suggested it would benefit the program to at least offer to come into the Basic Training classes to answer questions of new constables.

Constable Contino said there are older constables who are very knowledgeable and are willing to answer questions and help out new constables. He offered the advice that, if you don't know if you are doing it right, you should not do it. Then go back another day after you find out the answer.

Mr. Pfau stated that, as the training entity, from the standpoint of statute, there is still a lot of ambiguity about constables. Constables want more clarity in the training about their duties. Constable Contino said that, according to the Act 49, constables are supposed to be trained on the fee system. It's hard to do because different District Justices interpret the fee bill differently. For example, the CETA fee, which his county collects, is not collected in other counties for multiple civil process services. There is no one to enforce this.

Constable Hollenbaugh's second question was in regard to funding for additional training. He asked if constables would have to collect more money for the CETA fund in order to get more training opportunities. Mr. Pfau said that constables need to get a clear definition of their powers, duties, roles and responsibilities, and get it codified. Once this is done, there will be less ambiguity from a training and day-to-day perspective.

Constable Walsh commented that when he was in Basic Training, the case scenarios for serving warrants were excellent. His instructor was a police officer at the time and did a terrific job. He said that you don't need a constable to teach warrant service. Police officers serve various warrants and PFA's. Constable Contino said that instructors who are police officers are good at what they do, but you can tell that they are a police officer when they are teaching a class. He gave an example of safety issues of having papers in his hands when he walks up to a door. The difference between when a constable is at a door compared with when a police officer goes to a door has never been addressed in training.

Constable Hollenbaugh asked how long has the CETA fee been \$5, and if the fee can be raised. Mr. Pfau said it has been \$5 since the Act passed in 1994.

Mr. Emil Minnar said the training for constable activities at the polls is a question that has come up several times. He is for it and thinks it is a necessity; however, the training fund, by law, is limited to service of process for the courts. There would have to be funding from another source for training regarding poll work. It would also vary county by county. There is a bill pending right now, Senate Bill 1175, which is in Appropriations and may or may not go to the floor for a final vote. It would give the counties the option of whether or not they even want to use the constable at the polls.

He took a stand against this because of the identification questions that have come up regarding elections; it would be ridiculous to not have a constable at the polls, at least for present situations. Things are in the state of flux. Legislatively and financially, it would fall on the counties to provide the training because it will vary by county.

He also wanted to touch upon that he and others have been working with legislators, but are at a static point right now because of the election process changes, etc. The House Judiciary Committee in the past has been very open to suggestions for legislation or amendments that might be worthwhile to the constable. Last year, there were some recommendations for some revisions in the constable bill which was put on hold at the request of Supreme Court Justice Castille. As to what is going to happen, Mr. Minnar did not know. He does not think anything will happen until the new session is in place with new people. Fortunately, the House Judiciary Committee has always offered at least one meeting per session where they request testimony on proposals for future legislation and changes. He has testified at least 7 or 8 of these in the past. It is up to the new Chairman of the House Judiciary Committee on how he wants to run things. He wanted to point these items out as information for attendees and possibly new Board members.

Since he raised the previous questions regarding the polls, Commissioner Ruddock said he is on his 3rd term as County Commissioner, and it wasn't until he got appointed to the CETB that he took an interest in finding out the rules for constables. During the last election, he asked his chief clerk who oversees the elections how they get constables out to the precincts. She said it is up to the constables to connect with the townships and/or municipalities to find out if they are needed. He said they have twelve constables in his county and they have 69 precincts. There is a breakdown there because there are not enough constables for the number of precincts in their county. He wants to make sure constables understand their parameters, when they are at a polling place.

Commissioner Ruddock responded to Constable Hollenbaugh's comments. He said to reach out for what one thinks needs to be done, in order to clarify what you think the purpose of the training is and what one thinks is needed, and it will get done. It will not get done unless one takes an active role in pursuing it.

Constable Contino said his final question for PCCD staff is regarding video conferencing for Board Meetings. Mr. Pfau said he has discussed this with his boss, Mr. Robert Merwine, and they are going to look into it. He said it will not happen for the February meeting for sure, but possibly for the spring or summer meeting. Constable Contino just wanted to make sure the issue has not been tabled. Mr. Pfau assured him that it is not tabled, just delayed, mainly because of the amount of work involved with the contract changeover.

There were no other questions from the audience.

V. Adjournment

Constable Contino thanked everyone for attending and adjourned the meeting at 11:50 am. The next Board meeting will be held Thursday, February 14, 2013, at PCCD in Harrisburg.