

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

Minutes of the February 14, 2013 Meeting

Members Present

Fred Contino, Constable, Delaware County
Harry Walsh, Constable, Allegheny County
A.R. DeFilippi, Court Administrator, Beaver
Major Adam Kisthardt, PA State Police
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
Sherry Leffler, Bureau of Training Services
Norma Hartman, OFMA

Members Absent

Hon. Rodney Ruddock, Commissioner, Indiana County

Visitors

Mike Marcantino, Indiana University
Teresa Conley, Temple University
Ted Mellors, Penn State University
Todd Brothers, Penn State University
Daniel Watkins, Constable, Adams County
Barry Betz, Constable, Lehigh County
J.R. Anderson, Constable, York County
Jack Garner
Craig Stone
Michael Gwinn

I. Call to Order

The Constables' Education and Training Board (Board) meeting was held at 10:00 a.m. on Thursday, February 14, 2013, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 North Front Street, Harrisburg, Pennsylvania.

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

II. Action Items

Constable Contino turned the meeting over to Donald Horst, PCCD. for the **Election of Board Officers**. Mr. Horst asked for nominations for the position of Chairman of the Constables' Education and Training Board (CETB). Mr. A.R. DeFilippi nominated Constable Contino for Chairman of the CETB. Constable Sokoloff seconded the nomination. There were no other nominations.

VOTING AYE: DeFilippi, Kisthardt, Sokoloff, Wenner and Walsh
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

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

VOTING AYE: Contino, DeFilippi, Sokoloff, Wenner and Walsh
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

Constable Contino welcomed and introduced a new Board member, William Wenner. He is a Magisterial District Judge in Dauphin County and was unable to attend the November 2012 Board Meeting.

Board and staff introductions were then made to audience members.

Constable Contino moved to the next action item on the agenda, **Minutes of the November 16, 2012, Meeting**, Pages 1-21 of the board packet. Constable Contino asked if there were any questions or comments concerning the minutes. There were no questions or comments.

Constable Contino asked for a motion to accept the CETB meeting minutes of November 16, 2012. Constable Walsh made a motion to accept the minutes. Major Kisthardt seconded the motion.

VOTING AYE: Contino, Kisthardt, DeFilippi, Sokoloff, Wenner and Walsh
VOTING NAY: None
ABSTAINING: None

The motion carried unanimously.

Constable Contino moved to the next action item of the agenda, **Financial Report for February 14, 2013, Meeting**. Ms. Hartman said the fiscal report begins on Page 22 of the Board packet. It is for the first half of the 2012-13 State Fiscal Year (SFY) ending December 31, 2012. Under receipts, the balance from the previous year was **\$6,411,197.56**. The fees collected for the first half of the year were **\$969,142.04**. Based on the estimated collections of **\$2,012,033** for the 2012-13 SFY, the Total Funds Available as of December 31, 2012, were **\$8,423,230.56**.

Ms Hartman said that under Expenditures and Commitments the total expenditures as of December 31, 2012 were **\$1,245,726.80**. The Total Expenditures and Commitments as of December 31, 2012, were **\$5,133,240.62** which includes **\$541,384.83** of Administrative Expenditures and Commitments. Breakdowns of these costs are on the Administrative Costs page (Pg 24). Ms. Hartman noted that the purchase order for the Curriculum Manager position with Alutiiq Diversified Services is included in the Administrative Costs. As of December 31, 2012, there were no expenditures but commitments of

\$49,858.60. This is 50% of the total cost OF THE Alutiiq contract, the other 50% being paid out of the Deputy Sheriffs' funds. The estimated balance of the Constables' Education and Training Account as of December 31, 2012, was **\$3,289,989.94**.

The list of current Purchase Orders for education and training are on Page 23. Ms. Hartman noted that the difference between the Purchase Order status (Pg 23), and the Purchase Orders on the fiscal report (Pg 22) 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 based on the 12 months of the current fiscal year of July 1, 2012, through June 30, 2013.

On the PO list page, the first PO listed is PSU Fayette. There was \$260,602.77 liquidated on October 24, 2012. Since January 1, 2013, funds were liquidated for the HACC, IUP Northwest, IUP Southwest, and Lackawanna purchase orders. These liquidations will result in roughly 2 million returned to the available funds.

Mr. Pfau said, as a result of the RFP and the change in training contractors, any remaining balance on the old contracts goes back into the training fund. Mr. Pfau reminded the Board that, while looking at the dollar amounts for the new contracts, they should keep in mind that we never pay the full price of the contracts. It gives PCCD some flexibility when training providers need to schedule additional classes or to increase class sizes, etc.

Constable Continuo had several questions regarding the Constables Fiscal Report. He said at the November 16, 2012, Board meeting, the report was quarterly (July to September). IT consulting was reported as a commitment of \$378,000. The current report is for the six month period of July 1, 2012, to December 31, 2012, so the numbers do not add up when the expenditure detail and the amount that was committed is added. The numbers are \$90,000 less than the amount of money that was committed on the November report. Ms. Hartman reported that it could be the result of purchase orders for the IT contracts, which she does not handle for PCCD.

Mr. Pfau said that, for IT contracts, the State has a contract that all state agencies use. The state agency gives the requirements on what kinds of computer services they need and there are pre-negotiated rates the different services. The various rates that the state pays changed in the fall of 2012. Some of the negotiated rates went down. We only buy hours through the end of the fiscal year, so the commitments will only go to June 30th. Constable Contino said that they both start on July 1, 2012, the one that goes to September, \$378,000 is the committed amount, the report that goes to December, shows the commitment of approximately \$158,000, plus the expenditures if \$126,000. Mr. Pfau said it is like the training contracts, in which we commit so many hours, but do not spend it all. We may say we need 400 hours, but we only use 200 hours. For the commitments, we have to show the amount as if we will be using all of the 400 hours. Mr. Pfau said the problem is that we have to show commitments for as much as two years, but we can't project revenues for the two years. Sometimes, we can only figure it to the end of the quarter.

Constable Contino also asked about the description on the fiscal report called, "Other Specialized Services- Alutiiq Diversified Services." He asked what this was and why the costs were split between the Constables' Program and the Deputy Sheriffs' Program. Mr. Pfau explained that a Curriculum Manager, Ms. Deborah Williams, was hired and she started in January 2013. The contract is being split 50-50 between the two programs. The curriculum development contractor for both programs has been an issue for staff, because staff does not have the time to dedicate to properly

managing the entire curriculum. It takes a full-time person to manage the curriculum because of the amount of material in both programs and to make sure there are not issues or problems in the curriculum. She will also be keeping a timeline for the delivery of the various curriculum projects.

Mr. Pfau said this position will be overseeing the entire curriculum development process. Penn State Fayette is the curriculum developer contractor and writes the curriculum. As they are developing the curriculum, they send drafts to staff who then review it, which takes a lot of time.

Constable Contino said this is disturbing because he feels there is no need to spend \$100,000 a year for this position because the laws regarding constables do not change every year and the Board can't even afford to pay the constables a stipend to go to class. He said the constables complain now because the information being taught does not change very much. He would like this issue looked into further.

Mr. Pfau said he has been trying to get a person in this position for over seven years. Constable Contino said it is the first time he has heard of it. Mr. Pfau said in either 2005 or 2006, the position was advertised by RFP and there were no responses to the RFP. He said the firearms material alone consists of two large binders, including all of the instructor notes, power point presentations, and student handouts. When things are changed, there must be consistency with all of the materials, so there is a lot of reading, editing, and review work.

Ted Mellors, the curriculum developer for Penn State Fayette, explained that for every one piece of paper the constable student sees, there are about fifteen other pages of supporting material to go with it, including reference material, instructor guides, notes, job aids, etc. Every year there are subtle changes in the curricula. Mr. Mellors said all of the laws are reviewed and one small change could affect many other documents.

Constable Contino said his books are almost identical every year. When courses do not change very often, he doesn't see a need to spend this much money. He feels this money is being wasted. If anything, Constable Contino advised that the training classes should be consolidated into one location.

Mr. Mellors said for this training year, three of the Continuing Education courses are completely new. Also, there is a new topic in the Advanced Firearms course, and there is a new topic in the Annual Firearms course. The job aids were also brand new for this training year.

Constable Contino asked Ms. Williams if her company will be letting PCCD know when a law is about to be passed. Mr. Pfau stated that isn't her job. It is Penn State Fayette's job to monitor the laws and new rules and put these into the curriculum. Alutiq's role is to manage the mountain of documents and the constant feedback from the training providers and instructors. There are times when feedback comes back from an instructor that can change the curriculum. Mr. Pfau stated that the curriculum process is very long.

Constable Contino asked if there will be fewer expenses associated with PCCD staff since this agency has been hired. Mr. Pfau said between handling constable insurance, training classes, grades, and monitoring training, three people working in a statewide program that includes 1,200 to 1,300 constables is not enough. PCCD staff does not have enough hours in a day to handle everything that comes up. There is no time left to review the curriculum. By hiring the curriculum manager,

incorrect information and mistakes should not be slipping though anymore. The curriculum needs to be reviewed and to be consistent.

Mr. DeFilippi said that he feels that Constable Contino has made his point and that Mr. Pfau gave a reasonable explanation as to why the curriculum manager was contracted. He said that PCCD needs more manpower to get the job done and he has no issue with the added expense.

Major Kisthardt added that he understands Constable Contino's concern and commends him for questioning why the position is needed. He said at the Pennsylvania State Police Academy, there are dozens of instructors who manage the curriculum. There is a unit of clerical personnel who archive the curriculum. There are layers of people who review the curriculum. The Academy views it as a risk management strategy because anytime there is a civil liability issue, it always comes back to how the person was trained. He believes this contracted position will be money well spent, but he also understands the concerns of Constable Contino.

Constable Contino asked for a motion to accept the financial report. Constable Walsh motioned to accept the financial report. Major Kisthardt seconded the motion.

VOTING AYE: Contino, Kisthardt, DeFilippi, Sokoloff, Wenner and Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried.

Constable Contino moved to the next action item on the agenda, **Instructor Certifications, starting on Page 26** of the Board packet. Ms. Kathy Clarke, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

Previously Board Certified for HACC- Now teaching for Penn State-Fayette

Ronnie Millward

Penn State-Fayette

James Vogel

New Subject Certifications:

Expandable Baton

Jerry Cavanaugh

New Subject Certifications:

Management of Aggressive Behavior (MOAB)

Dennis Glaus

New Subject Certifications:

Management of Aggressive Behavior (MOAB)

Richard Horner

New Subject Certifications:
Management of Aggressive Behavior (MOAB)

Jeffrey Ogradowski

New Subject Certifications:
Chemical Aerosol

Dan Clark

New Subject Certifications:
Chemical Aerosol
Management of Aggressive Behavior (MOAB)

Gene Francesconi

New Subject Certifications:
Expandable Baton
Chemical Aerosol

Ralph Varrato

New Subject Certifications:
Expandable Baton
Chemical Aerosol
Management of Aggressive Behavior (MOAB)

Carl Martin

New Subject Certifications:
Expandable Baton
Chemical Aerosol
Management of Aggressive Behavior (MOAB)

Craig Westover

New Subject Certifications:
Expandable Baton
Chemical Aerosol
Management of Aggressive Behavior (MOAB)

These instructors were all previously certified to teach for Penn State-Fayette in other subjects. Ms. Clarke asked if there were any questions from the Board regarding these applications. There were no questions. 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. Major Kisthardt made a motion to approve the instructor applications. Constable Sokoloff seconded the motion.

VOTING AYE: Contino, Kisthardt, DeFilippi, Sokoloff, Wenner and Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried.

Ms. Clarke reviewed additional instructor applications and gave staff recommendations, as follows:

Indiana University of Pennsylvania

Scott Davis

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

Troy Gutshall

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

Christopher Riggs

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

Leo Hegarty

New Subject Certifications:

Chemical Aerosol
Expandable Baton

Temple University

Steven Ambrose

New Subject Certifications:

Use of Force
Firearms

Penn State-Fayette

James Baranowski

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

Michael Burgan

New Subject Certifications:

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

Jason Cox

New Subject Certifications:

Firearms

Garrett Kimmell

New Subject Certifications:

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

Richard Opiela

New Subject Certifications:

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

Steven Todoric

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

Previously Board Certified for IUP- Now teaching for Penn State-Fayette

Carlton Nagy

Doug Yuhouse

Mr. Davis, Mr. Gutshall, Mr. Riggs, Mr. Ambrose, Mr. Baranowski, Mr. Burgan, Mr. Cox, Mr. Kimmell, Mr. Opiela, and Mr. Todoric will all be new instructors for the program. Mr. Hegarty is currently a Board-certified instructor for the program.

Staff recommended Board certification of each individual for all subjects listed. Ms. Clarke asked if there were any questions from the Board regarding the applications.

Mr. DeFilippi commented that the ten new instructor applications look fine; however, there is only one new instructor who is a constable. He doesn't know what the answer is and doesn't know what to do to get more constables involved in teaching other constables. He would like to see more constables become instructors.

Mr. Pfau said that because a lot of constables do not have the required instructional experience, previously, there was a 40-hour Instructional Development training that constables were required to attend. They were required to team teach a set amount of hours with a certified instructor for one of the training delivery contractors. If they completed these tasks satisfactorily, then they would come to the Board for certification. Of the initial group of around fifteen constables who completed the requirements in 2004 or 2005, there are only about three or four of these instructors who are still teaching for the program.

Mr. Pfau said Penn State-Fayette just revised the 40-hour Instructor Development Training Course and the training delivery contractors are trying to recruit constables to become instructors. They will not get paid to come to the course, but meals and lodging will be provided to the constables at no cost to them. The Board's logic, when the program was originally developed, was that we are paying for them to meet the criteria to become an instructor, which will give them the ability to earn money as an instructor once they become Board certified. One of the training delivery contractors has already sent out letters and interviewed about twenty-five constables. They will be selecting some of those constables to put through the training development course.

Constable Sokoloff asked if staff could put something in the next training bulletin to announce that we are recruiting constables as instructors and outlining the process.

Constable Contino asked if the constable has to attend the entire Continuing Education course if he/she is teaching part of it.

Mr. Pfau said the policy is, if the constable is certified to teach one of the Continuing Education topics, the training delivery provider would REQUIRE the constable take the test at the beginning of the training year, but he/she would not be required to sit through the training class(es) in which the constable is certified to teach. Constable Contino said he would try to get the word out to constables by telling them they will get paid if they teach, and they would not have to take certain portions of the training.

Constable Walsh made a motion to approve the instructor applications. Constable Sokoloff seconded the motion.

VOTING AYE: Contino, Kisthardt, DeFilippi, Sokoloff, Wenner and Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried.

Ms. Leffler added that the way we will certify instructors will be changed with the re-design of the Constables Information System. Instead of coming to the Board with specific subjects, the subjects are going to put into topics. For example, the topics will be things such as General Subjects, Physical Skills Topics, Firearms, Communications, Law, etc. The list of requested subjects will be smaller when staff comes to the Board for Instructor Certifications. Staff will bring this information to the Board for approval. The instructor application will be changed to reflect the new topics.

Constable Contino moved to the next Action Item on the agenda, **Optional Training, starting on Page 39** of the Board packet. Mr. Horst said, in August 2012, the Optional Training issue was brought up to the Board and was tabled. The Board provides training and certification in less-lethal force options in Basic Training and they are offered in Optional Training. The issue is that the training certifications are obtained in Basic Training, but in order for the constable to get re-certified through the Constable Program, he or she must attend an Optional Training course provided by the Board. Only a little over 1% of the training population attends the Optional Training courses and there are substantial costs associated with conducting the classes.

Staff conducted an analysis of the problem by listing facts, assumptions, and constraints and developed various courses of action. Staff looked at the fact that Chemical Aerosol and Expandable Baton certifications are readily available elsewhere.

Mr. Pfau stated that many constables are going elsewhere to get re-certified in Chemical Aerosol and/or Expandable Baton. There were only sixteen constables who took advantage of the Optional Training offered in 2012.

Mr. Pfau said that staff framed out the information and made various Courses of Action (COA) in a logical fashion for the Board to review. Constable Sokoloff asked what the timeline would be for these options. Would it be for Training Year 2014? Mr. Pfau said it would be for Training Year 2014 because the Optional Training classes are already scheduled for 2013. Constable Sokoloff

asked how many of these classes are being offered this year. Mr. Pfau replied that there are six-eight hour Optional Training classes being offered in 2013.

Constable Sokoloff asked if the Board's vote is binding or if it is just a recommendation. Mr. Pfau said the Board's vote would be binding.

Mr. Pfau said the Board initially offered Optional Training for various classroom topics, including subjects such as civil law. Over time, the classroom optional trainings were eventually dropped because of low enrollments. Constable Sokoloff said that constables are obtaining Chemical Aerosol and Expandable Baton certifications where and when it is more convenient and because they do not have to wait the entire year for the training.

Judge Wenner asked, from the geographical standpoint, if the more rural regions are the ones that have greater enrollments because they do not have larger police departments or other opportunities nearby for constables to obtain their re-certifications. Ms. Leffler said usually the higher-populated areas are the regions with the higher number of enrollments for Optional Training.

Major Kisthardt said that, from a risk management perspective, there could be some constables who have no other way to obtain these re-certifications in less-lethal training, so it is important for the Board to offer the courses. Having the course one time in each region would save some money while still offering the training.

Michael Marcantino, IUP Training Director, IUP, said that constables do not want to attend the course because it is eight hours. The Optional Training course is currently four hours of Defensive Tactics training along with the four-hour re-certification of either Chemical Aerosol or Expandable Baton.

Judge Wenner agreed with Major Kisthardt about the liability issue, but was amazed at how few constables take advantage of this training.

Constable Contino asked if not offering TASER training, was a liability issue. Mr. Pfau said the Board introduced Chemical Aerosol and Expandable Baton in Basic Training because, for a long time, there had been just Defensive Tactics and Firearms training. There was no training on other aspects of the Use of Force Continuum. He said the Board looked at TASER training. Penn State-Fayette did research on the training and surveys were sent to constables. The training would have cost the Board about \$300,000 for the first two years. On the surveys, the number of constables who were interested in having TASER training dropped when constables realized they would have to purchase the TASER to attend the class.

Mr. DeFilippi said staff made a point to ask the Board if it feels like it is their obligation to offer the Chemical Aerosol and Expandable Baton re-certifications, so the discussion should be centered around if the Board is obligated to provide the training. If the Board is obligated, he feels that COA # 3 should be chosen. If the Board does not have an obligation, then liability should not be an issue.

Mr. Pfau said that, in a police department, the officers do not have a choice what they are going to carry while on duty, but constables have options as to what they are going to carry while on duty.

Constable Contino asked what Act 49 says regarding the Board functions. Mr. Pfau reviewed **44 Pa.C.S. §7144. Program established** with the Board. It says the Board, with the review and approval of the commission, shall: (3) Establish, implement and administer requirements for course of study and in-service training for constables and deputy constables. (8) Promote the most efficient and economical program for constable and deputy constable training by utilizing existing facilities, programs and qualified state and local personnel.

Mr. Pfau said this puts it in the Board's hands to determine what it feels is best for constables in the performance of their duties. Constable Contino said, if the fundamentals of Chemical Aerosol and Expandable Baton are a part of Basic Training, then he feels it is sufficient for the constable to have the option to maintain their certification on his or her own. He does not feel the Board can afford to continue to offer the optional trainings.

Major Kisthardt asked if constables are exposed to impact tools in basic training. Mr. Pfau replied that they are trained in Chemical Aerosol and Expandable Baton. Major Kisthardt's opinion was that the Board should continue to offer the optional training for these re-certifications, since TASER is not offered.

Mr. Pfau also advised the Board that the Act also allows up to 40 hours per year of continuing education training. In the history of the program, the Board has always agreed that 20 hours is reasonable for continuing education. When Chemical Aerosol was first added to the program, it was a mandatory continuing education subject and constables were very upset that it was mandatory.

Mr. DeFilippi said that, because of all of the discussion and problems deciding on which way to go, the Board should follow Major Kisthardt's lead and go with COA3.

Ted Mellors, Penn State-Fayette, said that right now the optional training is set up to include four hours of Defensive Tactics and four hours of Chemical Aerosol in one year. The following year Defensive Tactics and Expandable Baton would be subjects for optional training. He said that they could link the Expandable Baton and Chemical Aerosol training together. It could be linked together or the optional training could be changed to four hours only by offering Chemical Aerosol one year and Expandable Baton the next year.

After some additional discussion, it was determined that the Board was going to do a combination of COA2 and COA3. Major Kisthardt summarized his understanding of the discussion: Use COA2, remove the four hours of practical applications, change *either* Chemical Aerosol *or* Expandable Baton to Chemical Aerosol *and* Expandable Baton. By doing this, re-certification of training that is given in basic training is still available as an option for constables.

Mr. Pfau said there will be some administrative issues that staff will need to work out with the training providers, such as constables who only want to attend four of the eight hours to obtain one of the re-certifications. He said there may be issues if only twenty individuals want to take Chemical Aerosol in the morning and then only one wants to take baton in the afternoon. Over time, it will even out with the re-certifications.

Major Kisthardt drafted a new COA, COA5, which read "Each training delivery contractor would offer **one eight-hour** optional class annually consisting of **four hours** of re-certification in Chemical

Aerosol and **four hours** of Expandable Baton.” He also said that, with this option, costs would be cut in half.

Major Kisthardt made a motion to approve the above COA5. Constable Walsh seconded the motion.

VOTING AYE: Contino, Kisthardt, DeFilippi, Sokoloff, Wenner and Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried.

Constable Sokoloff said that a reminder that optional training is available should be included in a future training bulletin.

Constable Contino moved to the next Action Item on the agenda, **Board Policy on Registration Information, Page 44** of the packet. Ms. Leffler said the current Board regulations regarding registration information states that “A registrant shall inform the Board of a change to registration information within 15 days of the change.”

Ms. Leffler explained that, while working on the re-design of the new computer system, the development team is going through the step-by-step registration process for school staff, constables, county staff, and instructors. While going through this process, a question came up regarding emailing information instead of always mailing information. Currently, when Program staff receive a piece of returned mail from the post office for a constable/deputy constable, staff attempts to contact the individual by phone and, if unsuccessful, the constable’s certification status is “inactivated,” which means that he/she cannot work for the MDJ Courts. Normally, staff gets a return call within twenty-four hours of inactivating the constable’s certification. Then staff is able to update the constable’s mailing address and reactivate his or her certification.

In the Redesigned Constables’ Information System, the System will be sending email notification in place of sending notices by “snail mail.” The same process will be used if an email is returned as undeliverable. A phone call will be made to try to obtain a new email address and, if unsuccessful, staff will “inactivate” the constable’s certification until an updated email address is obtained. After discussions with program and IT staff and PCCD Legal Counsel, it was determined that the constable/deputy constable’s email address should be included as a part of the Board Regulation at Section 341.11. Registration. Since staff is still awaiting final approval of the current Board Regulation changes, Program Staff are asking the Board to implement this change, first, as Board Policy. Later, it will be made a part of Board Regulation.

Mr. Pfau commented that it will not be mandatory for constables to receive their correspondence by email in the new system; they will still have the option to get “snail mail.” Current regulation states what basic information must be provided to the Board, and that it must be updated within 15 days of a change in the information. Email addresses are just being added as a part of a constable’s required information. If a constable does not have email, he or she will still get correspondence by regular mail.

Ms. Leffler added that, by using this available technology, there will also be savings in mailing costs.

Constable Walsh made a motion to accept the recommended addition to the **Board Policy for Registration Information**. Mr. DeFilippi seconded the motion.

VOTING AYE: DeFilippi, Kisthardt, Sokoloff, Wenner and Walsh

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

III. Informational Items

The first informational item on the agenda is **Status of Certifications Issued**, page 46 of the packet. Mr. Horst said that as of January 22, 2013, there were 1,356 constables and deputy constables currently listed as active and certified. Of these, 1,026 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 3,901 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

IV. Public Voice

Constable Contino announced the Board would take public comments and questions during **Public Voice**.

Mr. Jack Garner commented on Mr. Pfau's earlier mention of the amount of staff time spent on constable liability insurance. He said there are many other state agencies that don't go through that process. If the legislature doesn't mandate PCCD to look at the insurance forms, why doesn't PCCD use the same insurance processes as doctors and dentists, etc.

Since everyone who is certified has to do mandatory re-certification every year, why couldn't instructors at continuing education ask to see a copy of each constable's professional liability insurance?

Mr. Pfau said that, in the constable information computer system being re-designed, the county clerk of courts offices will be able to enter constables' insurance information directly into the system, which would take workload off PCCD. The Act does state that constables must file proof of their liability insurance with the clerk of courts.

Mr. Garner asked why it takes approximately two months of staff time dedicated primarily to working on constable insurance. Mr. Pfau responded that the bulk of constables' insurance policies have turnover dates in February and March. Insurances are sent to PCCD from the counties day after day throughout these months. Without updated insurance, a constable's certification will lapse.

Constable Contino said constables wait to the last minute and sometimes they forget to file the insurance. If they do file them timely, sometimes they find out the PCCD never received it. It happens a lot and PCCD staff gets swamped trying to jump through hoops. PCCD staff sometimes

needs to get involved between the insurance carriers, the constables, and the counties when an issue occurs where PCCD does not receive proof of insurance from the county.

Constable Contino asked about a previous request he made regarding the ability of constables to share their information with other constables in the computer system. He asked that, since Board Policy on Registration Information is being changed, is it possible to look into having an option in the system which would allow a constable to share contact information with other constables?

Mr. Pfau said staff had talked about this. When a constable has access to his record, he can check a block that he is willing to share his information with other constables. Staff needs to work out the details and would have to survey constables about what information they would be willing to share with other constables. It will be accessed through the secured Constable Information System. Clerks of courts offices will only be able to access constable information in their own counties. They will be able to search for constables in other counties, but they will not be able to see those constables' contact information.

Constable Contino asked if any other agencies have access to constables' information. Mr. Pfau said only PCCD has the constable's contact information. PCCD is required to electronically send to the Administrative Office of Pennsylvania Courts (AOPC) a constable's name, address, certification number, and social security number in order for the constable to get paid through the courts. The new system is also going to be capturing both physical and mailing addresses.

Constable Contino asked Mr. Pfau about the status of video conferencing for future Board meetings. Mr. Pfau advised that staff had been looking into the WebEx system that the Commonwealth uses as a video conferencing tool, but then found out that the Commonwealth is doing away with WebEx beginning June 1, 2013, because vendors have changed. The state is transitioning to another system called OpenScape. The information Mr. Pfau has received from PCCD's IT Department is that the OpenScape system is not user friendly. So, he has a document in to the IT Department to determine what other methods may be available at the Commonwealth level to use for video conferencing. He is waiting for a reply to see what options are out there. The goal for the first time would be to utilize a method where Board members who could not physically be at a meeting, but could still be able to participate in the meeting. According to legal counsel, as long as there is audio and the Board members can be identified, they would be able to vote. With WebEx, the goal was for constables to be able to log in to view the meeting wherever they were or, since WebEx can be recorded, the meeting could be posted on-line and be viewed by constables at a later date.

Mr. Pfau said he is not familiar with other tools the Commonwealth may be using, but he is in the process of looking into the State's capabilities and finding out what would work for the Board. Constable Contino said he appreciates this effort because it will save the Board money.

There were no other questions from the audience.

V. Adjournment

Constable Walsh made a motion to adjourn the meeting at 11:30 am. Major Kisthardt seconded the motion. The next Board meeting will be held on May 9, 2013.