

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

Minutes of the August 8, 2013 Meeting

Members Present

Fred Contino, Constable, Delaware County
Harry Walsh, Constable, Allegheny County
A.R. DeFilippi, Court Administrator, Beaver
Julie Sokoloff, Constable, Montgomery County
Major Adam Kisthardt, PA State Police
Honorable William Wenner, MDJ, Dauphin County

Commission Staff Present

John Pfau, Manager, Bureau of Training Services
Sherry Leffler, Bureau of Training Services
Megan Castor, PCCD Asst Legal Counsel
Robert Merwine, Director, OCJSI
Norma Hartman, OFMA

Members Absent

Hon. Rodney Ruddock, Commissioner, Indiana County

Visitors

Mike Marcantino, Indiana University
Anthony Luongo, Temple University
Van Scott, Temple University
Ted Mellors, Penn State University
Todd Brothers, Penn State University
Frank Colantonio, Constable, Montgomery County
Joseph Atteniese, Deputy Constable, Montgomery County
Thomas Impink, Constable, Berks County
Richard Vogelsong, Constable, Dauphin County
Ian Castaneira, Constable, Dauphin County
Ronald Clever, Constable, Lehigh County
Jack Garner

I. Call to Order

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, August 8, 2013, at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Chairman Fred Contino called the meeting to order at 9:57 a.m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were then made to audience members.

II. Action Items

Chairman Contino advised that the first item on the agenda for the meeting was an Executive Session. Chairman Contino asked PCCD staff and the Board members to remain in the room but asked the audience members to leave the room.

The meeting adjourned at 10:35 a.m. and Chairman Fred Contino moved to the first action item on the agenda, **Minutes of the May 9, 2013, Meeting**, pages 1-12 of the Board packet. Chairman Contino asked if there were any questions or comments concerning the minutes. There were no questions or comments.

Major Kisthardt made a motion to amend the **Minutes of the May 9, 2013, Meeting** to include the PowerPoint slides regarding the training disclaimer that will be included in the Constables' Curriculum. Constable Sokoloff seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

Board Member Richard DeFilippi then made a motion for the Board to accept the amended **Minutes of May 9, 2013, Meeting** and Major Kisthardt seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

Both motions carried unanimously.

Chairman Contino mentioned that the May 9 minutes stated that there were twelve constables going to an Instructor Development Course. Mr. Pfau stated that twelve constables successfully completed and passed the 40-hour Instructor Development Course. But in addition to that, they must complete eight hours of team teaching prior to coming to the Board for certification. There are currently four constables who are being brought to the Board for certification at today's meeting. The remaining eight constables have not completed their eight hours of team teaching with a certified instructor and will be brought to the Board for approval at later meetings.

Chairman Contino moved to the next action item on the agenda, **Financial Report for August 8, 2013, Meeting**, beginning on page 13 of the Board packet.

Ms. Hartman said the balance in the Fund from the previous year was \$6,411,197.56. The actual fee collections through June 30, 2013 were \$1,944,168.02. The total funds available were \$8,355,365.58. Under expenditures and commitments, the total expenditures were \$2,403,829.72. The balance of the account as of June 30 was \$572,780.24. However, the actual carryover forward balance on July 1 for the 2013-14 state fiscal year was \$5,951,535.86. Mr. Pfau stated that the Fund is currently in a transition period because the Fund is showing the old contracts that are closing out and the new contracts that are beginning. Every time contracts change, it looks like the fund is taking a dip but until Staff closes out the old contracts and any money not spent under the old contracts comes back to the Fund, there will be a dramatic increase in the fiscal report for the next quarter.

Chairman Contino questioned the amount for Alutiiq Diversified Services. Mr. Pfau explained the amount for Alutiiq is the Curriculum Manager, Deborah Williams. The cost of this contract is being split between the Constables' and Deputy Sheriffs' Programs. It has always been difficult for the staff of both Programs to devote time necessary to give the curriculum an adequate review because of staff's daily workload. The Curriculum Manager position could not be added as a civil service position, it was created as a contract position, which is good for one year and can be renewed at the end of the year. Curriculum review is a full time job and Ms. Williams works directly with the Curriculum Developer on a daily basis. Chairman Contino asked if the services provided for IT Consulting through the Computer Aid Company was for the entire fiscal year. Mr. Pfau explained that one IT consultant is currently employed to maintain the current database but is also involved in the rewrite of the Constables' Information System (CIS). However, because of the rewrite of CIS, it was necessary to bring additional programmers on board to work with our current IT consultant to assist with the design and development of the new system. Once the new system is in place, the additional programmers will go away as will the costs related to their services. Chairman Contino also questioned the line item for Specialized Services – IES and Comptroller Services. Ms. Hartman explained this line item is for comptroller services which are only billed to the Program once a year. Mr. Pfau further explained that these services are in relation to the Comptroller's Office processing invoices for the Program. Chairman Contino asked about the Printing and Mailing line item, which Mr. Pfau explained was for anything that is printed or mailed by the Program, i.e. Training Bulletins, Training Schedules, Id Cards, etc.

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

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Contino moved to the next action item on the agenda, **Instructor Certifications** and the addendums that were provided to the Board Members prior to the meeting. Ms. Sherry Leffler, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

Penn State – Fayette

Ronald Haggerty Jr.

New Subject Certifications:

Role of Constable in Justice System

Professional Development

Civil Law and Process

Criminal Law and Process

Use of Force

Philip Michael

New Subject Certifications:

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

Charles Stipetich

New Subject Certifications:

Role of Constable in Justice System
Use of Force
Defensive Tactics
Mechanics of Arrest
Chemical Aerosol
Expandable Baton
Firearms

Craig Westover

New Subject Certifications:

Firearms

Daniel Clark

New Subject Certifications:

Defensive Tactics
Use of Force
Mechanics of Arrest

Ralph Varrato

New Subject Certifications:

Defensive Tactics
Criminal Law and Process
Use of Force
Mechanics of Arrest
Prisoner Transport and Custody

Indiana University of Pennsylvania

David Bolton

New Subject Certifications:

Defensive Tactics
Firearms

William Stoeffler

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

Ronald Quinn

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

Hugh Umpstead

New Subject Certifications:

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

Mr. Stipetich, Mr. Haggerty, Mr. Michael, Mr. Bolton, Mr. Stoeffler, Mr. Quinn, and Mr. Umpstead will all be new instructors for the Program. Mr. Westover, Mr. Clark, and Mr. Varrato are currently Board certified instructors in other subjects.

Mr. Michael, Mr. Stoeffler, Mr., Quinn, and Mr. Umpstead are all Constables who have completed the 40-hour PCCD sponsored Instructor Development Course and have completed eight hours of student teaching in the Constables' Training Program. They have been recommended for full instructor certification by their Cooperating Instructor and School Director.

Program Staff recommended Board certification of each instructor for the subjects listed above. Ms. Leffler asked if there were any questions from the Board. There were no questions.

Chairman Contino asked for a motion to approve the instructor applications, including the addendums. Constable Walsh made a motion to approve the new instruction applications. Mr. DeFilippi seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

Chairman Contino moved to the next action item on the agenda, **Changes to Instructor Certifications.**

Ms. Leffler indicated that the Board currently certifies an instructor by a specific subject. Because of the redesign with the new computer system, Program Staff felt it was a good opportunity to restructure how instructors come before the Board for certification. Program Staff looked at other law enforcement agencies' certification structure; for example, the Municipal Police Officers' Education and Training Commission and they certify their instructors by generalized topics rather than each specific subject. Program Staff feel that this is a perfect model for restructuring the Board's certification process. Ms. Leffler asked the Board to look at Attachment B of the Board packet; Program Staff have taken the current subjects and rolled them up into a generalized topic. For example, Role of the Constable in the Justice System, Professional Development, Criminal Law and Process, Basic Investigative Interviewing, Ethics, and the Drug Identification subjects have been placed into the General Topic category. With this model, when an instructor is brought before the Board for certification, rather than listing out six different subjects, Program Staff will be requesting certification for the General Topic category. The proposed categories are: General; Law; Communications, Firearms and Physical Skills. This will categorize over 30 subjects into five generalized topic categories. This will also be helpful for Program Staff and our Curriculum Developer when a new subject is introduced in the curriculum. Program Staff and the Curriculum Developer can determine where the new subject will fit within one of the five topic categories and the instructors who are currently certified to teach a specific topic will be automatically eligible to teach the newly introduced subject.

Ms. Leffler also pointed out, that there are several topics, wherein the subjects within those topics will require a separate certification necessary to teach a specific subject. Those subjects are: Crisis Intervention, Management of Aggressive Behavior, Chemical Aerosol and Expandable Baton.

Ms. Leffler asked the Board Members to review Attachments B1 and B2, which highlights Crisis Intervention, this subject's sub-qualification would be possessing law enforcement related crisis intervention and/or experience in addition to the other three criteria needed to teach the Communications Topic.

Ms. Leffler asked the Board to review Attachments C1 and C2 which is a revised Instructor Application that would be shared with the schools after the Board's approval. Ms. Leffler stated that by changing the certification model from individual subjects to generalized topics does not affect the requirements set forth by the Board for the instructor certification process. These changes are an internal process for staff on how we certify instructors. Mr. Pfau indicated that the Board has already established the instructor certification requirements and they are still in effect and apply to all instructors.

Chairman Contino raised concerns regarding the requirements for the Law topic because he has had instructors who were attorneys teaching Civil Law and Process but they did not know anything in regards to a constable's civil work. He requested that the Law Topic be changed to Constables Law.

Mr. Pfau said that the Board can update requirements for any topic at any time, the Board is free to take a look at the certification requirements and update or amend them as they see fit. That is one of the roles of the Board.

Ms. Leffler explained to the Board that changes were recently made to the Instructor Application wherein it was never really clear on what qualifications were needed for each subject. The changes made helped to clarify the qualifications that the instructor candidate should have a Law Degree, Bachelors Degree, Paralegal Certification (or comparable degree), or three years experience as an attorney, member of the judiciary, or paralegal specifically dealing with civil law and process, or three years law enforcement experience serving civil process and two years experience as a law enforcement trainer. Mr. Pfau explained that if a constable has experience in civil process that would count because it is an or and not an and statement, so they would not need to have a law degree in order to be qualified to teach the subject of Civil Law and Process. Mr. Pfau further explained that this is why the Program provided the Instructor Development Course so that those without a law enforcement training background could be considered to teach this and other subjects. The Program is providing them with the means to obtain this qualification in order to become certified to teach these subjects by the Board. The Instructor Development Course is giving them a gateway into the system to become certified to teach. Mr. Merwine asked if an instructor has the qualifications to teach Physical Skills but does not have the certification for Expandable Baton for example, does that disqualify them from teaching Physical Skills. Mr. Pfau answered that they would still be considered for certification of Physical Skills even if they do not have the sub-qualification for Expandable Baton because that is considered a sub-qualification and is something that could be obtained at a later date. If the instructor obtains that sub-qualification they would then be certified to teach that subject as well because it is an additional certification that is needed in order to teach that subject. Mr. Pfau further explained that Program Staff are currently looking to identify if those additional certifications are current and if not then they would only be certified to teach Physical Skills and not the additional subject that requires the sub-qualification. Mr. Merwine then asked if the instructor is brought before the Board for Physical Skills will Program Staff identify if they are currently certified with the additional sub-qualifications and Mr. Pfau replied in the affirmative that Program Staff will highlight that information for the Board.

Judge William Wenner made a motion to approve the **Changes to Instructor Certifications**. Major Adam Kisthardt seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

III. Informational Items

Ms. Leffler indicated that the Action Item for the PA Constables' Classroom Code of Conduct will be tabled until the November 14 meeting because it is pending Legal Counsel review. Chairman Contino then mentioned that he and Program Staff received a letter from a constable and that the letter has been referred to Legal Counsel for review, prior to the Board addressing the letter.

The first informational item on the agenda is **Changes to Firearms Qualification Standards**.

Mr. Pfau stated prior to discussing the first information item he wanted to advise the Board that Donald Horst has retired from the Constables' Program effective July 12, 2013. He stated that Mr. Horst had been employed with the Program for fourteen years and that he worked long and hard with the Program and that his tenure with the Board is greatly appreciated. Mr. Pfau also indicated that Ms. Leffler is currently filling in during this transition. The Program is currently down to two staff members and he asked that the schools and constables and deputy constables please be patient with Program Staff because this is an extremely busy time of the year for the Program. Mr. Horst's position has been advertised and the notice closed on August 7, 2013.

Mr. Pfau said that while looking at the rewrite of CIS, staff pulled together firearms qualification data for 2011-12 and it showed that the average passing score in Basic Firearms is 88.5% and the average passing score in Annual Firearms is 94.5%. Mr. Pfau asked the Board to refer to Attachments E1 to E4 of the Board packet, which shows the different firearms courses and the breakout of the qualification scores. He indicated that a very small percentage of constables and deputy constables fail or have a very low qualification score and a large percentage of constables and deputy constables are scoring in the high 80s and 90s on the qualification course. He stated that one of the things the Board needs to look at down the road is if the current qualification standards are sufficient. Any change to the qualification of course of fire cannot be made arbitrarily just because there may be too many people are passing. Mr. Pfau stated that he wanted to bring this to the Board's attention for background information but in the next six months or so staff will take a closer look into this. The training and skills proficiency of constables and deputy constables has greatly increased in the past eighteen years that the Program has offered firearms training. He stated that the Advanced Firearms course has been in place almost 5 years and there is still only a small percentage of constables and deputy constables who take that course. The constables and deputy constables only need to achieve an 88% or higher on the qualification course to be eligible for the Advanced Firearms course. If you take a look at the qualification scores, there are a lot of constables and deputy constables who would be eligible to take that the Advanced course but do not take it. Mr. Pfau stated that during the Advanced Firearms course the qualification is done on the first day, so there is no practice prior to taking the qualification course as in the Annual Firearms course. However, if a constable would fail to qualify during the Advanced Firearms course they are permitted to attend the 20-hour Annual Firearms course free of charge. He stated that there are incentives to taking the Advanced Firearms course, if you pass then the rest of the range time is spent on more advanced firearms skills and those advanced skills are rotated every year. The advanced skills include; shooting and moving, working with a partner, and officer down scenarios. The Advanced Firearms course is a much higher skills setting and they are not covering the basics and getting constables back up to speed to qualify.

Chairman Contino asked if the changes would mean simply changing the qualification score from a 75% to 80%, which would disqualify twelve or thirteen constables and deputy constables from firearms certification. He stated that as the constables and deputy constables get older it is harder to obtain the minimum score for qualification on the back end of the qualification course at the longer distances. He also stated that in his personal opinion the reason that the scores are increasing is because the instructors are going above and beyond and are really working with the constables and deputy constables and that extra time assistance really helps them to achieve passing qualification scores. He added that as far as the Advanced Firearms course, he feels that it is a lot of fun and a great training course.

Mr. Pfau mentioned Program Staff are not looking at the standard to fail more people just an arbitrary change. As the training entity responsible for firearms certification of constables and deputy constables, the Training Board has an obligation to reassess Board standards as a part of routine business. The Board

may reassess it and say it is fine and we don't need to change anything. But it is time for the Board to reassess the firearms qualification course. The last time the requirements were changed was in 2005, with those being implemented in 2006. Mr. Pfau explained that the Board worked through 2004 and 2005 to make those changes to the qualification scoring. The actual course is where the Board needs to make an assessment to make sure that our firearms courses are on target. Mr. Pfau stated that in the last couple of years, there have been several constable-involved shootings, the most recent of which took place in Pittsburgh. However, the constable involved in that incident was not performing any constable related duties and the shooting happened at less than fifteen yards. Of all the other shootings that have been documented, those took place at longer distances. It is the appropriate time for the Board to assess the firearms qualification course to ensure that the standards are where they need to be. Mr. Pfau explained that from the recent demographic survey performed by Penn State-Fayette Campus, the average age of the constable is dropping to their mid 50s and that under 30% of the constable population have some previous law enforcement or other relevant experience. Mr. Pfau further explained that 20 years ago less than 1% of the constable population had any law enforcement experience and that has changed the constable population's experience coming into the constable and deputy constable positions.

The second informational item on the agenda is the **Supreme Court New Rules for Constables**.

Mr. Pfau reported the Pennsylvania Supreme Court issued new rules regarding constables. There are two pieces of information provided; the first are the Supreme Court rules that were issued to the counties, President Judges, and County Court Administrators, wherein the standards for constables have changed. It will be up to the County Court Administrators and President Judges to administer these changes at the county level. The second piece was a letter to the Legislature recommending ten areas that the Legislature needs to take a look at and resolve, that the Supreme Court felt was outside of their jurisdiction. One of the things that was addressed in the rules was the need for a constable to use a Level 2 security holster for their weapon to be firearms certified. There are no national standards for a Level 2 security holster because the standards vary by manufacturer. Mr. Pfau stated that he has been in contact with the Administrative Office of Pennsylvania Courts (AOPC) and Program Staff are currently drafting a training bulletin to inform constables of the physical attributes of a Level 2 security holster.

Mr. Pfau stated that in the discussions with AOPC, they thought that the Board would adopt a standard on what a Level 2 holster is. Mr. Pfau explained that the National Institute of Justice (NIJ) is working on establishing standards on the retention level of security holsters. If that standard is made by NIJ, then the Board can say that this is the NIJ standard on a Level 2 holster and that is what the constables and deputy constables should abide by. At this point in time, we can only provide the constables and deputy constables with information and advice because we cannot recommend one manufacturer over another; it is up to the constable and the county. Mr. Pfau also explained that it will be up to the President Judge and County Court Administrators to enforce the use of the standardized Level 2 holster. Constable Walsh indicated that in McKeesport their Magisterial District Judge (MDJ) said that the constables and deputy constables need to have a Level 3 holster or they will not work for him. Constable Walsh further indicated that some constables and deputy constables currently carry revolvers and there is not a Level 3 holster for revolvers. Mr. Pfau again stated that we are trying to give the constables and deputy constables information on what is the minimum requirement, however, the counties may come up with more specifics on these rules but again that is up to the President Judges and County Court Administrators.

Mr. Pfau stated that another issue that would impact the Board and Program is the sharing of certification information to the counties. The Supreme Court Rules state that the County Court Administrator must

keep a list of the certified constables and deputy constables within their county and which ones are eligible to work in their county. Mr. Pfau explained that right now our certification information is transmitted electronically to AOPC and shows up in the Magisterial District Judges' System, the MDJ's staff can look up the constable or deputy constable to see if they are certified or not.

When reviewing the Supreme Court Rules, it also allows the President Judge to impose sanctions on a constable for an offense even if they have met all the training requirements for the Program. The constable would remain certified but the President Judge may say he cannot perform minor court work in their county. Mr. Pfau explained that one of the things staff are discussing with AOPC is how does a President Judge let an MDJ know that there is a county order in place stating that a particular constable cannot be assigned work within the county. Mr. Pfau further explained that when rewriting CIS, the County Clerk of Courts Offices will have access to enter term of office dates and appointment orders directly into the system. One of the considerations would be to allow them to post these county restriction orders directly into our system as well so that the MDJ knows that particular constable or deputy constable cannot work within their county. Mr. Pfau indicated that the Board and Program currently has no authority to require the counties to supply this information to PCCD.

Chairman Contino stated that the deputy constable is an agent of the appointing constable and if the appointing constable is not certified to work, his deputy should not be permitted to work because his authority comes from the appointing constable. Mr. Pfau indicated that this issue has been around as long as the Training Act has been in place, however, the definition in the Training Act says it applies to constables and deputy constables and the Board has looked at it over the years and felt that it is a county issue and not a certification issue. Mr. Pfau further indicated that if the deputy constable is holding office and meets the requirements of the Training Act, the opinion has always been that the Program has to train and certify them. Chairman Contino said his concern is that if he is certified for 2014 because he met the training requirement in 2013, what if something happens to the constable, he gets removed from office or passes away, where does the deputy constable stand? Mr. Pfau answered that if this happens staff does break that link if PCCD is notified by a county that the appointing constable has been removed from office, staff would decertify his deputies because the appointing constable has been removed and they would no longer exist as the employing constable. Mr. Pfau stated that the Program does not always get these notifications even though our system is connected with JNET. If a police department does not utilize LiveScan but are still using the old fingerprint cards and a constable or deputy constable is arrested or charged it may be a month or more after the fact that PCCD finds out or PCCD may never find out.

Mr. Pfau reiterated that it is a communication issue between the counties and the Program, however, going forward with the County Clerk of Courts Offices having direct access to the system, they will be able to provide us with more information and they will be able to see if a constable or deputy constable is certified or not.

Mr. Pfau indicated that Program Staff will be coming back to the Board on how we are working with the counties as far as sharing status information regarding constables and deputy constables. Ms. Leffler said that Program Staff will be providing outreach to the counties on different aspects of information sharing. Ms. Leffler also stated that the counties have gotten much better on providing pertinent information to the Program.

The third informational item on the agenda is **Personal Information Survey Update**.

Ms. Leffler reported that Program Staff recently mailed a survey to all certified constables and deputy constables in the State based upon the discussion Chairman Contino brought up at a recent Board meeting. Chairman Contino had suggested that with the development of the new computer system, it would be timely to ask if the constables and deputy constables would be willing to share personal information with each other in the new computer system. Program Staff sent out 1,318 surveys and received 528 completed surveys back which is 40% of the constables population responding to the survey. Of those 528 surveys, 373 indicated yes they would be willing to share their information with other certified constables and deputy constables, and 155 indicated they would not be willing to share their personal information. Ms. Leffler explained that when a constable or deputy constable registers in the new computer system, the system will ask them specific questions on what information they are willing to share with other certified constables and deputy constables. They will have the option to only share an email address and not telephone numbers, or they can share all of their personal information, the choice will be theirs. If they choose to not share any information, they will need to select the appropriate box when registering in the system and none of their information will be publicized for other certified constables or deputy constables to see. Users will have the capability to change what information is shared as they please or if they decide after a few months that they no longer wish to share information they will have the capability to turn off the personal information sharing. Program Staff will try to make this as flexible and user friendly as possible. Ms. Leffler stated that based upon the survey results Program Staff will move forward with the IT consultants to implement this feature in Constables' Certification and Education Training System.

The last information item on the agenda is the **Status of Certifications Issued**.

Ms. Leffler indicated as of July 12, 2013, there were 1,342 constables and deputy constables that are currently active and certified. Of those 1,342, there were 1,309 who are certified to carry a firearm in the performance of their constable duties. Since the inception of the Program in 1996, there have been 3,956 individuals go through the basic training and/or the waiver examination and have been certified by the Board. Mr. Pfau mentioned that firearms certification has increased significantly over the past several years. He stated that at the beginning of the Program it was only about 70% of the certified constables and deputy constables who became firearms certified and it is now almost 98%.

Mr. Pfau mentioned that Program Staff are starting to experiment with WebEx, a web sharing tool for video conferencing. WebEx will provide the ability to remotely share the Board meetings so constables and deputy constables have greater access and information. Two things that WebEx will allow us to do is; one, have the ability for constables and deputy constables to register for the Board meetings and they will be able to view and listen to the Board meeting remotely and second, have the ability to post the presentation being delivered by Program Staff or one of the Contractors so that the constables and deputy constables can view the presentation remotely as well. WebEx will also allow past Board meetings to be viewed in the future. Mr. Pfau further explained that participants who register and submit questions through the WebEx web sharing tool so that the Board can address those questions during the Public Voice segment. Program Staff would read the submitted questions out loud so that they can be made a part of the official meeting minutes.

Mr. Pfau said that Deborah Williams, Curriculum Manager and Doug Hummel, Deputy Sheriffs' staff member were both attending the meeting today remotely through the WebEx web sharing tool. Ms. Williams is located here in the building; however, Mr. Hummel is at Penn State's Main Campus in State College.

Mr. Pfau indicated that there are a lot of things that Program Staff will need to work out procedurally, however, it will be an excellent tool to allow Board members and constables and deputy constables the ability to attend Board meetings remotely. Mr. Pfau stated that by utilizing WebEx it will give the Board members and constables and deputy constables the ability to watch previously recorded Board meetings. It will also provide more accessibility for constables and deputy constables around the state to be able to remotely attend the meetings. Mr. Pfau asked Ms. Williams if the clarity of the Board members talking was good, she indicated that it was, however, she suggested that when someone is not on camera that they identify themselves before speaking. Mr. Hummel submitted several questions to provide the Board by using the question and answer section of WebEx. Mr. Pfau indicated that when a constable or deputy constable registers for the meeting they will be required to provide their name, county and certification number in order to participate in the meeting. Mr. Pfau also indicated that Program Staff will be utilizing WebEx for the November 14 meeting and staff will try to identify any other procedures that need to be addressed at that time.

IV. Public Voice

Constable Ian Castaneira stated that he had two questions for the Board and Program Staff; the first of which is in reference to instructors. Constable Castaneira stated that he applied for an instructor position to become a defensive tactics and firearms instructor. He stated that he has many years of martial arts experience and has teaching and training experience as well. He stated that he was informed that PCCD did not want people with martial arts training and instruction. He asked what the thought process was behind that because he thought that someone with training in the martial arts would be able to teach more effectively and understand what is being taught better than someone off the street for the defensive tactic training course. Mr. Pfau answered that the Program has never accepted martial arts as a standard for teaching law enforcement level defensive tactics. Mr. Pfau explained that the Board requires some type of law enforcement related defensive tactics certification and that the Board does not accept martial arts experience and training as a standard. Mr. Pfau further explained that the level that you are teaching someone law enforcement related use of force is very different than someone using martial arts to defend themselves on the street.

Constable Castaneira then asked about the law suit that was filed against PCCD by the Pennsylvania Fraternal Order of Constables regarding incorrect information being taught in the constables' curriculum regarding a constable's capabilities and authority. Megan Castor, PCCD Assistant Legal Counsel stated that she did not feel the open forum of the Board meeting was the proper place to be arguing the merits of the lawsuit in question. She indicated that the case has been referred to the Office of the Attorney General (OAG) to defend. She indicated that the attorney assigned to the case from the OAG, in consultation with this agency, is making the best defense against that lawsuit using her legal judgment as to why PCCD is not guilty of what it is PCCD is being alleged to have done. Mr. Pfau stated he has been telling the constable population for over 20 years that they need to unite and have legislation introduced that clearly defines what the constable's powers and duties are. Chairman Contino stated that the Board is an advisory board for training and education and that the Board cannot become involved in the political end. He also suggested that it is time for the constables and deputy constables to unify and have their powers and duties clearly defined.

Mr. Jack Garner from Dauphin County stated that when using the "Constable Finder" on the external PCCD website that the county name should be a drop down list rather than having to type in the county name. Ms. Leffler indicated that will be a change in the new system. Mr. Garner asked if there was any

change in regards to the Stanley Act where it says a constable could not hold an office of private detective. Mr. Pfau mentioned that in the letter from the Supreme Court to the Legislature they discussed that issue of addressing political activity and they asked that the Legislature address the issue of incompatible offices. Mr. Garner asked if any County President Judges have given PCCD a local manual or rules to review since the Supreme Court decision came out and Mr. Pfau answered no.

Constable Richard Vogelsong from Dauphin County asked with the President Judges setting new rules and standards for the county, is PCCD aware of anything upcoming in Dauphin County to meet with the President Judge to set up new standards for Dauphin County's constables and deputy constables. Chairman Contino mentioned that the Board is just the education and training advisory board, that information would need to come from your County Association. Chairman Contino advised Constable Vogelsong to contact the Dauphin County Court Administrator to determine if there will be such a meeting.

V. Adjournment

Chairman Contino asked for a motion to adjourn the meeting at 12:08 pm. Major Kisthardt made the motion and Judge Wenner seconded the motion. The next Board meeting will be held on November 14, 2013 at PCCD's Offices in Harrisburg.