

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

**Minutes of the December 6, 2013 Meeting**

**Members Present**

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

**Commission Staff Present**

John Pfau, Manager, Bureau of Training Services  
Sherry Leffler, Bureau of Training Services  
Kathy Clarke, Bureau of Training Services  
Robert Merwine, Director, OCJSI  
Norma Hartman, OFMA

**Members Absent**

Honorable Rodney Ruddock, Commissioner, Indiana Co.  
Harry Walsh, Constable, Allegheny Co.

**Visitors**

Jeff Watson, Indiana University  
Anthony Luongo, Temple University  
Van Scott Sr, Temple University  
Todd Brothers, Penn State Fayette  
Thomas Impink, Constable, Berks Co.  
Barry Betz, Constable, Lehigh Co.  
Terence Morgan, Constable, Clearfield Co.  
Ira Kerber, Constable, Delaware Co.  
Jack Garner  
Dan Oneufer  
Deb Williams

**I. Call to Order**

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Friday, December 6, 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 10:00 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 Fred Contino moved to the first action item on the agenda, **Minutes of the August 8, 2013, Meeting**, pages 1-13 of the Board packet, Chairman Contino asked if there were any questions or comments concerning the minutes.

Ms. Sokoloff said on page 11, it doesn't seem like the statistics on the number of constables who are firearms certified is correct because it shows almost 100% and she didn't think that was correct. Ms. Leffler indicated it was 1,342 that were active and certified and 1,309 that were certified to carry a firearm. Mr. Pfau said the average age is dropping for Constables. Ms. Sokoloff said she believes in the minutes that it says 98% of constables are firearms certified and that is not right based on what is in the current Board packet statistics. PCCD staff will double check the numbers and if it is different staff will amend the minutes and bring it back to the Board at the February meeting.

Constable Contino said on page 3 of the minutes, it says the Curriculum Manager Position, Deborah Williams, is a contract position for one year and he wondered if it was the end of the year for that position. Mr. Pfau said yes and PCCD is planning to renew the contract. She has done a lot of work on the Curriculum and in keeping Penn State on task, making sure the Curriculum is accurate and done well, etc. Constable Contino's concern is that since the \$100,000 contract was divided with the Deputy Sheriff's Training Program, is Ms. Williams putting in enough time working for the Constable's Program, since the Constable's Program is paying \$50,000 of the contract. Mr. Pfau explained she works on 80 hours of basic training curriculum, 20 hours of continuing education curriculum, 20 hours each of advanced and annual firearms, and 40 hours of basic firearms curriculum.

Constable Contino said on page 7 of the meeting minutes, Ms. Leffler indicated the action item for the Constable Code of Conduct will be tabled until November 14 meeting but he didn't see that in the agenda for the current meeting. Mr. Pfau indicated they were looking to make changes to the Code of Conduct and one of the issues was because of the roll-out of the the new online system coming the end of January or beginning of February. When we first rolled out the Code of Conduct, constables could accept it online when registering for a class. The change is minor, so staff decided it to wait to bring it to the Board for approval until we were ready to implement it with the new system. Ms. Leffler indicated that the change is the electronic usage policy that the Board had approved at the August meeting of last year, which is currently not included in the official Code of Conduct. PCCD staff will have the Code of Conduct for the students ready for next meeting in February 2014.

Constable Contino said page 11 mentions the WebEx web sharing tool. Mr. Pfau indicated that we did not utilize WebEx for the current meeting because of the last minute schedule change for this meeting. Constable Contino asked if we set to go with it. Mr. Pfau mentioned there are a few things they need to be worked out, so we want to run it at as a test for the next meeting in February one more time to make sure we have the proper process worked out so we are ready to go with it. Ms. Leffler indicated the true intent of having WebEx capability is not for the Board members to not be present at the Board meeting. We still would like to have as many Board members present at the Board meetings. However, it would give the capability for Constables throughout the State to access the Board meeting via WebEx so they do not have to travel to Harrisburg for the Board meeting, they can remotely access the Board meetings. Mr. Pfau indicated that the Commonwealth negotiates contracts for IT services and they call it an Enterprise Solution. All of the Commonwealth State Agencies utilize a certain product which PCCD has no control over. We started using WebEx but the Commonwealth has now decided to move away from WebEx and go into another system called OpenScope which staff has not worked with yet. Constable Contino asked if the State is paying for WebEx. Mr. Pfau indicated we are just a user and we have to use whichever IT product the State says to use. Constable Contino said we need to get that up and running because it is a cost savings.

Constable Sokoloff made a motion to accept the **Minutes of the August 8, 2013, Meeting** with amendments. Major Kisthardt seconded the motion.

VOTING AYE: Contino, 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, **Financial Report for August 8, 2013, Meeting**, beginning on page 14 of the Board packet.

Ms. Hartman indicated this is the report for the first quarter of 2013/14 state fiscal year. Under receipts the balance carried forward from June was \$5,951,535.86. The fees collected during the first quarter were \$491,203.69. Total funds available as of September 30, 2013 were \$7,956,176.86. Under Expenditures and Commitments, the total expenditures were \$838,255.19. The total expenditures and commitments were \$5,172,456.88 which includes \$649,163.39 of administrative expenditures and commitments. The breakdown of these costs can be found on page 16. The actual account balance as of September 30, 2013 was \$2,783,790.98.

Constable Contino asked about the IT Consulting-Computer Aid expenses on page 16 of the Fiscal Report. He said in the August 2012 minutes we talked about a second IT person being brought on for approximately one year. Mr. Pfau indicated there were several people brought in the last couple of months to help with the rollout of the new system in January or February. We had a meeting yesterday that once the new system is built and rolled out, we are going to drop down to one or two IT staff to troubleshoot any problems and then we will go down to one. Eric Hockensmith has been on staff with us for several years and he maintains the Deputy Sheriff and Constable computer systems. When an IT project like this is being built, they bring in multiple programmers/developers and they build it and then go away. At the beginning you have a surge of people to build the product and then the number of people drop off. The rollout will be at the end of January or the beginning of February. Ms. Leffler will be showing the demonstration of the system at today's meeting. Ms. Leffler indicated right now we have Eric Hockensmith and four other developers that are working on the project to get it up and running by our deadline.

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

VOTING AYE: Contino, 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 an addendum that was provided to the Board Members prior to the meeting. Ms. Kathy Clarke, PCCD staff, reviewed the applications and gave staff recommendations, as follows:

## **Indiana University of Pennsylvania**

### **William Dorgan**

New Subject Certification:

Firearms

### **Andrew McCauley**

New Subject Certification:

Firearms

## **Penn State University- Fayette Campus**

### **Todd Brothers**

New Subject Certifications:

Role of Constable in Justice System

Professional Development

Criminal Law and Process

Prisoner Transport and Custody

Court Security

### **Steve Chamberlain**

New Subject Certifications:

Role of Constable in Justice System

Professional Development

Criminal Law and Process

Prisoner Transport and Custody

Court Security

## **Temple University**

### **Harry Burke**

New Subject Certifications:

Professional Development

Use of Force

Defensive Tactics

Mechanics of Arrest

Prisoner Transport and Custody

Firearms

### **John Crerand**

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

**Steven Flick**

New Subject Certifications:  
Professional Development  
Criminal Law and Process  
Use of Force

**Charles Hentz**

New Subject Certification:  
Firearms

**Joseph Holman**

New Subject Certifications:  
Defensive Tactics

**Van Scott, Sr.**

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

**Stacy Wertman**

New Subject Certifications:  
Professional Development  
Criminal Law and Process  
Prisoner Transport and Custody  
Court Security

Mr. Dorgan, Mr. McCauley, Mr. Brothers, Mr. Chamberlain, Mr. Burke, Mr. Crerand, Mr. Flick, Mr. Hentz, Mr. Scott, and Ms. Wertman will all be new instructors for the Program. Mr. Holman is currently a Board certified instructor in other subjects.

Mr. Dorgan, Mr. Brothers, Mr. Chamberlain, and Ms. Wertman are all Constables who have completed the 40-hour PCCD sponsored Instructor Development Course and have completed at least 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. Clarke 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 addendum. Major Kisthardt made a motion to approve the new instruction applications. Constable Sokoloff seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The next Action item on the agenda is **Act 233 of 1994 (Stipend Payments)**. Ms. Leffler indicated the Act 233 payments that were put into place several years ago and stipend payments were made out to Constables for their attendance at Continuing Education classes in 2006, 2007 and 2008. Based upon the projected revenues and commitments for the Program, staff is asking that the Board does not recommend approval of payments to the Constables for Training Year 2013. This will need to be passed on to the Commission for approval as well once it is approved by the Board. Constable Contino explained that Constables go to school 20 hours for Continuing Education and 20 hours for Annual Firearms training and they do not get compensated. When there was a surplus in the fund we were paying them \$165 to attend Continuing Education. It comes up for review each year. Ms. Leffler stated that given the current financial situation, staff *does not* recommend the Constables' Education and Training Board to approve Act 233 Stipend payments to constables under Section 7149(f) for Training Year 2013.

Chairman Contino asked for a motion to not provide the stipend payment for Training Year 2013. Constable Sokoloff made the motion to not provide the stipend. Judge Wenner seconded the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The last Action item on the agenda is **2014 Board Meeting Schedule**.

Ms. Leffler indicated that initially when the 2014 Board Meeting Schedule was brought to the Board in 2012, we were not involved as much with WebEx. Originally the Board had approved the May and August 2014 meetings in the east and west regions of the state. Program Staff wanted to bring this back to the Board to have a discussion on whether or not we still want to do the travelling road show or whether we want to have all the meetings here at PCCD to utilize the WebEx technology. Constables Contino indicated staff did a cost analysis for having some Board meetings on the road. It costs about \$8,000 to do the road trip and if we stay at PCCD it was \$1,700 with the ability of doing WebEx. If the meetings are held at PCCD we can utilize WebEx and if we are on the road we do not have the infrastructure to do WebEx.

Chairman Contino made a motion to approve the 2014 Board Meeting schedule with all of the meetings to be held in Harrisburg. Constable Sokoloff seconded the motion.

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

The motion carried unanimously.

### **III. Discussion Items**

Constable Contino had asked if it would be possible for Board members to have the discussion items before the meeting as it was done in the past. He realizes that today there were no discussion items but he remembered in the past that is how it was done.

### **IV. Informational Items**

Mr. Pfau indicated the Act requires the Auditor General to audit our training funds but it doesn't say how often, it just says the Auditor General periodically could review the fund. The last time the fund was audited it was 2006. The Auditor General started on it a year-and-a-half ago and we just got the report in October and it is available on the Auditor General's website. It is a combined audit report with Constables, Deputy Sheriffs and the Victims Compensation Assistance Program. Both Deputy Sheriffs and Constables training funds received a clean bill of health by the Auditor General. One of the things that is different about the audit this time around was that previously they looked at dollars coming in and dollars going out that didn't add up. This time they wanted to see if the Programs have policies in place, how they make management decisions, budgetary decisions, how do we oversee contracts and control costs, etc. They interviewed staff on how we go through the budget process and control costs. Both Programs got a clean bill of health on all aspects of the audit.

Ms. Leffler indicated that finally we have been put on the schedule for the January 16, 2014 meeting of the Independent Regulatory Review Commission (IRRC) for the Board Regulation changes that we have been going through for the past three years. There was no public comment on the regulation changes. There were some questions that came back to us from IRRC that were answered. It was smooth sailing both in the House and Senate and we are hoping it will be passed and finalized and then we can start implementing the Regulation changes. Most of the Regulation changes have put into Board Policies so we could implement those, however; there were quite a few things that have not been made into Board Policies, such as the attendance policies with the no shows and having them pay if they were no shows in the previous year or the current training year. Those types of things will be implemented. In 2014, PCCD will start handling the payments instead of the schools and the instructors. Currently what happens is if someone was a no show for a class and they had to pay to go to the class, the schools and instructors would actually be handed the checks at the class. Now all of the checks will be coming directly in to PCCD and staff we will be handling that part of the payment process.

Ms. Leffler introduced Wayne Hower from the audience, who will be joining the Constables Program Staff on January 13, 2014 and wanted to welcome him on board.

Ms. Leffler indicated that Ted Mellors, the Curriculum Development Contractor, was unable to attend today's meeting and she is going to provide the Board with the **2014 Curriculum Overview**. It will be an overview of the Continuing Education classes for 2014. The course titles are as follows: Lessons Learned: Prisoner Transport (4 hours), Civil Law Review: Title 246, Chapter 500. Actions for the

Recovery of Possession of Real Property (4 hours), Criminal Law Review: Use of Force Report Writing (4 hours), and Defensive Tactics: Core Competencies (8 hours). The highlights on the Civil Law Review will be a step-by-step emphasis on the order for possession. The course will be reviewing recovery of real property including the order for possession of real property issued by the Magisterial District Courts. The effects of bankruptcy as they apply to civil and landlord/tenant actions and the related services performed by constables. The course will also highlight the Magisterial District Judges' System (MDJS) forms that constables are required to use throughout the service process. The course will review Issuance and Reissuance of Order for Possession and notation of time receipts, which will include several exercises on the calculation of time.

Ms. Leffler asked if there were any questions on the Civil Law. Constable Contino asked with the Chapter 500 when they are talking about doing the possession order, AOPC rules are the Courts, when the plaintiff/landlord is filing for the order for the possession, they are supposedly to collect all the monies upfront for the possession and the eviction. That is not happening in some counties and what happens is the monies are supposed to be collected because that constable when he posts that possession he gives the date of the eviction because he is entitled to it. Some counties collect possession fees and make the landlord come back. Mr. Pfau indicated it is a local rule. Constable Contino said we should teach it the right way how AOPC wants and let the constable from that county say look this is what we are being taught, you are doing it wrong in your county. Mr. Pfau said our focus is on the rule and as far as when the constable gets paid, the fees are collected PCCD never touched that. The Board accepted and we put in every module, we are teaching what is out there but your county may have local rules. You need to make sure you are checking with your county court administrator to make sure you are following any local process. Mr. Pfau mentioned that Penn State Fayette contacted about 18 court administrators and asked if they had local rules regarding services of process. Of those 18 court administrators that were contacted no one had a written policy about when to serve. Constable Contino just wants them to follow the rule that AOPC states because where the problem lies is filling out that form. If we could teach what the fee bill is and let the constable stir the pot, we have to show it the right way and let them come back and say look this is the way we are being taught.

Ms. Leffler continued with the next module, Criminal Law Review: Use of Force Report Writing. When Pennsylvania's constables employ a force option, their reports must include critical information related to the event chronology, details, and the people involved. This course is designed to provide constables with the ability to write clear, succinct reports to document use of force incidents. The course includes video-based simulated incidents that were developed to improve constables' report writing ability.

Ms. Leffler continued on with the next module, Lessons Learned: Prisoner Transport. This course provides Pennsylvania's constables with a review of the procedures to properly handle prisoners when transporting to correction facilities and when escorting into court. The training additionally addresses numerous variables of prisoner transport including: constable safety, prisoner movement preparations, proper control/restraint, and special considerations such as a pregnant or suicidal prisoner. The course also includes discussion on movement and transportation issues based on several actual incidents that have occurred throughout the United States. Three recent incidents in Pennsylvania are included: "Constable Stabbed While Transporting Suspect to Jail," "Constable in Jail for Inappropriately Touching Prisoner," and "Wanted Man Escapes from Fayette County Constable." This segment will provide constables with actions and precautions they can employ to reduce the possibility that a prisoner will escape their custody or that a problem will occur during transport. The "new" Supreme Court Rules will also be discussed in this module, which includes having a cage in place. This module will highlight the different types of cages and what to look for with the cages and restraints. This module will also review

“Why Handcuffs are a Temporary Restraining Device”? It will give examples of how prisoners have gotten out of handcuffs and things they need to look for when they follow the proper handcuffing procedures. They are going to review handcuff and restraint care and maintenance, which will include disinfecting of handcuffs and restraints.

The Defensive Tactics module will follow similar guidelines as previous years for the Defensive Tactics Core Competency module. Ms. Leffler asked if there are any questions on the 2014 curriculum. There were no questions.

Ms. Leffler moved to the next item on the agenda, the **Constables’ Certification, Education & Training System (CCETS) Demonstration**. The Development Team has been working very hard to get us up and running as quickly as possible with CCETS. Ms. Leffler reviewed the registration process for users of the System. Each user will be issued a unique user id and password to discourage the sharing of login information amongst users. Ms. Leffler indicated that the County Clerk of Courts Offices will have direct access to CCETS in order to enter liability insurance and election information for constables and deputy constables. Ms. Leffler also indicated that we will be capturing the borough, township or ward where the constable and deputy constables are elected or appointed. This information will be helpful to Program Staff in projects trainings needs for the Program in the future. The County Clerk of Courts Offices will also be able to enter bond information, which is currently not captured by the Program but is an important component for the counties. The Clerks will also be able to attached any additional documentation so that they will have access to all information on a constable and deputy constable. Most counties currently keep a separate listing of their constable and deputy constable information so CCETS can be used a repository for this information all in one place.

Ms. Leffler stated that CCETS will allow the Program and schools to email notifications and letters to constables and deputy constables, who have a valid email address, which will significantly cut down on postage costs for the Program. Ms. Leffler further stated that based on a recent survey to all constables and deputy constables, the sharing of personal information amongst the constable population will be available as well.

Ms. Leffler stated that the targeted go live date for CCETS is early Spring 2014, which testing to begin the third week in January, 2014.

The last informational item on the agenda is the **Status of Certifications Issued**, page 30 of the Board packet. Ms. Leffler indicated as of October 21, 2013 there were 1,348 constables and deputy constables currently listed as active and certified. Of those, 1,095 that were certified to carry a firearm in performance of their constable duties. Since the inception of the Constables’ Training Program in 1996, there have been a total of 3,985 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

Constable Contino mentioned that both the CETB and PCCD encourage constables and deputy constables to provide feedback and to complete the class evaluation forms. He said that last year he sat in the classroom and listened to the instructors tell the students to fill out that questionnaire because the Board sees them. Constable Contino said he stood up in the class and said the Board doesn’t see the evaluations unless 75% of the men write something at the bottom of the form. The schools do see the evaluations, but the only thing the Board sees are the grievance forms. He explained that the grievance forms were made up so if a constable has a complaint about the training, he/she could file a grievance and that would come before the Board.

Mr. Pfau indicated staff has access to every individual evaluation. There are more than 10,000 evaluations completed on an average year because they are filled out for every subject, so there are four evaluations completed for a 20-hour continuing education course. Penn State-Fayette, the curriculum developer, collects all of the evaluations from the training providers and scans them into their system. We compare them to the instructors in our instructor database. When an there is a poor rating received, Penn State pulls them and staff look at those individual evaluations.

Constable Contino mentioned that when constables write notes on the bottom of the evaluations, the Board does not see the comments, but the constables are led to believe the Board that see these comments. Mr. Pfau indicated PCCD could make sure instructors are correct in what they are saying to the constables. Constable Contino said he and the constables would appreciate it if PCCD could talk to Ted Mellors about it. Ms. Leffler stated that it would be possible to upload the evaluations to the secure, private area on the PCCD website. She stated that she will discuss with the IT staff and report back to the Board at the February, 2014 meeting.

## **V. Public Voice**

Constable Thomas Impink, President of the State Constables Association, wanted to know if the \$165.00 stipend payment could be paid at a reduced rate. Mr. Pfau indicated that when the stipend was added to the Act, the legislation indicated that the Board could do these payments, but did not say how or on what basis, so mileage was based on the Commonwealth Travel Policy. Mr. Pfau said he could look at it and see what the cost would be using a partial mileage rate, but can't promise anything because the recommendation is based on how much it is going to cost. Mr. Pfau said a lot of constables look at the money on the annual report. For example, in 2010, \$88,000 was expended on ammunition alone. That is a good example to show what it costs to run this Program. Constable Contino said on the best year constables received a \$165.00 payment. That payment amount times 1,300 constables is \$214,000.

Constable Ira Kerber from Delaware County said he would like to address a training grievance form he filed that was never reviewed by the Board. He said Mr. Pfau looked into it and responded to him. Constable Kerber said in February he signed up and attended the first day of a two-day continuing education class. On the second day, he went back to the class although his fiancé went into a coma on Friday. He stated he was not going to go, but the policy says you need to give a seven day notice so he went to the class. On the first day of the class, he talked to Teresa Conley from Temple University and explained the situation regarding his fiancé. He told her that he may need to leave the class at some point because of the situation. On the second day of the class, he received a phone call and had to leave for a doctor's conference. He told Ms. Conley he had to leave and she said she understood and told him not to worry. He was at the class the first day in its entirety and about two hours on the second day.

Constable Kerber said he tried to contact Ms. Conley when things calmed down after his fiancé had passed away. He tried to contact her by voicemail messages and nothing. Finally, he called Temple directly because he needed to get this straightened out and wanted to know what he needed to do to make up the missed class. Temple indicated Ms. Conley no longer worked for them and had not replaced until Mr. Van Scott began working for Temple in July. Constable Kerber and Mr. Scott tried to work through this and Constable Kerber attended a second class in August. He did not realize that the curriculum sequencing was going to be different than the February class because he went to a two-day class initially and then was trying to make-up what he missed in a three-day class. He didn't realize the class structure was different and at that point he didn't think Mr. Scott was familiar either. Constable Kerber attended

the class that he thought he was supposed to make up, but when he didn't see anything in the computer system he decided to make phone calls to see what the problem was and what needed to be done. By the time it was figured out what was going, the training classes were over for the year. Mr. Kerber offered to pay the instructor that taught the class at his own expense and take whatever he needed to make up the missed class. Mr. Kerber stated that Mr. Pfau refused this request and advised him that his certification will lapse until he takes one of the first Continuing Education classes in 2014. Constable Kerber's appeal to the Board is that he is willing to do whatever he needs to do so his certification doesn't lapse. Constable Kerber advised that he is already registered for the first Continuing Education class available in 2014 and asked the Board if they would give him an extension on his certification into 2014, so that his certification doesn't lapse at the end of the year. This would give him the opportunity to take the class in its entirety because his lapse of certification is his main concern. He would like to do whatever the Board feels is appropriate, so he doesn't lose those three weeks of certification in which he will not be able to work.

Constable Kerber said he is not blaming anyone and it is not anyone's fault that this happened. It just got caught up in administrative transfer of people coming and going and things happen. He found out by accident in November that he was not going to be certified beginning in 2014. When he found out, he was on the phone with Ms. Leffler the next day to try to work through this and she advised him to file a training grievance. He is appealing the decision of Mr. Pfau to the Board to see if there is anything else that can be done.

Mr. Pfau said he would like to address the situation. He stated that constables have had access to their training records for many years. He stated that this information can be accessed at anytime, so a constable can see if they have completed their training requirements, view test grades, and check certification dates. Even if a constable takes the training in February, the grades are processed for the class and re-certified as long as their insurance is valid. Mr. Pfau also stated that Constable Kerber did not contact Ms. Leffler until November. Constable Kerber said that is when he found out there was going to be a problem. Mr. Pfau indicated that the timeframe that is being discussed is from February through November. The training year always ends in November and that has been consistent since the Program started. Mr. Pfau stated that it was his understanding that Constable Kerber did not complete and take the test for the criminal law module. Mr. Pfau stated that Ms. Conley was let go at Temple University and there was a gap of two or three months wherein Tony Luongo, Temple's Director, was trying to fill in until someone was hired full-time. Mr. Pfau said at anytime, a constable can call PCCD staff if they are having an issue with the training provider.

Constable Kerber said he doesn't go online and check his training records if he doesn't feel a need to check. He didn't think anything was wrong and doesn't check his records for the sake of checking. He indicated he didn't find out he wasn't complete until November when someone called him to tell him he was not certified for the following year. He would like to make amends before he becomes de-certified. Constable Contino suggested the Board go into Executive Session and discuss the situation because it is a matter of expedience and the meeting will adjourn after the executive session.

Prior to the Executive Session, Mr. Luongo, speaking on behalf of Temple, said they have an interest in making sure things work out and they will be flexible and accommodating in any way possible if it would assist in any resolution the Board comes to. Temple's policy in cases where something of this level rises where a constable has an emergency and could not complete training is that it should always be documented. Mr. Pfau indicated the Board Regulation allows the school director to address extenuating circumstances and to work with the constable in these types of instances. Constable Contino said the

biggest issue was that Constable Kerber tried to make up his classes in a three-day course, but originally attended part of a two-day class, so the modules did not match up.

At 12:10 p.m., Chairman Contino requested that an **Executive Session** be held. 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 12:40 p.m. Mr. Pfau stated the Board made a decision in Executive Session to extend Constable Kerber's certification to just pass the class he is currently enrolled in. However, if he is a no-show for that class, the regular Board Regulations apply which means his certification expires until he attends another continuing education class and he would have to pay to attend that additional continuing education class. The continuing education class that he is currently registered for is the opportunity to fix it. This will all be put in writing in a letter to Constable Kerber. Constable Kerber said he appreciated the decision and thanked the Board for their consideration.

## **VII. Adjournment**

Chairman Contino asked for a motion to adjourn the meeting at 12:45 p.m. Constable Sokoloff made the motion and Judge Wenner seconded the motion. The next Board meeting will be held on February 20, 2014 at PCCD's Office in Harrisburg.