

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

Approved Minutes of the February 8, 2024 Meeting

Members Present

Chair Craig Westover, Constable, Venango Co.
Major William Cawley, PA State Police
Patricia Norwood-Foden, Court Admin,
Chester County
Harry Albert, Constable,
Lebanon County
Honorable Wilden Davis, Delaware County
Joshua Stouch, Constable,
Montgomery County

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Beaver, Constables' Program
Nicholas Hartman, Constables' Program
John Pfau, Constables' Program
Dorthey Jacobelli, PCCD
Theresa Ford, PCCD
Deborah Williams, PCCD
Charles Gartside, PCCD
Sally Barry, PCCD
Ekaterina Shull, PCCD
Deborah Sandifer, PCCD

Visitors

Steve Shelow, PSU JASI
Tony Mucha, PSU JASI
Anthony Luongo, Temple University
Constable Abraham Smith, Westmoreland County
Constable Jason Knapp, Allegheny County

Please note, additional constables were attending the Board Meeting, but did not elect to be recognized.

I. Call to Order:

The Constables' Education and Training Board meeting was held at 9:00 a.m. on Thursday, February 8, 2024, via in-person, and Teams. The Board Meeting was held in a hybrid style according to the Sunshine Act to make in-person an available option.

Mr. John Pfau explained that the Election of Officers would occur at the current Board meeting. Mr. Pfau asked for introductions from the Board, and the Pennsylvania Commission on Crime and Delinquency (PCCD) staff.

II. Introductions:

Chair Craig Westover asked Constable Joshua Stouch, the newest Board member, to provide a brief introduction of himself which Constable Stouch provided highlighting his work in public safety, and his work as a constable.

Mr. John Pfau began the introductions of the Pennsylvania Commission on Crime and Delinquency (PCCD) staff that were in attendance, those who were attending via Teams, and the Training Delivery Schools.

Mr. Pfau then introduced the Election of Offices for the 2024 Training Year. Ms. Patricia Norwood-Foden nominated current Chair Craig Westover for another term as the Board Chair, with Judge Wilden Davis seconding the nomination. There were no further nominations.

VOTING AYE: Davis, Norwood-Foden, Albert, Stouch, Cawley

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover then nominated Ms. Norwood-Foden for another term as the Board Vice-Chair, with Constable Harry Albert seconding the nomination. There were no further nominations.

VOTING AYE: Davis, Westover, Albert, Stouch, Cawley

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously. Ms. Sherry Leffler then reminded those in attendance to mute their phones when not speaking, to speak loudly, and to limit their comments to two minutes or less. Ms. Leffler also explained that the meeting is being recorded. A sufficient number of Board members were present to establish a quorum.

III. Action Items:

Chair Westover asked Mr. Nicholas Hartman to introduce the first Action Item: Unapproved Draft Minutes of the November 2, 2023 Meeting, which can be found on pages 2 through 10 of the Board packet. The Board did not request the item to be read and did not offer any discussion. Further, there was no comment by Public Voice.

Constable Harry Albert made a motion to approve the Unapproved Draft Minutes, with Major William Cawley as the second.

VOTING AYE: Davis, Norwood-Foden, Albert, Westover, Cawley

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the second Action Item: Unapproved Fiscal Report for February 8, 2024. This can be found on pages 11 through 17 of the Board Packet.

Ms. Ekaterina Shull provided the balance from the previous year as \$3,433,114.41, and reported that from fee collections for July 1, 2023, through June 30, 2024, as \$783,764.27 which leaves a total funds available as of December 31, 2023, of \$4,216,878.68. Both the financial expenditures and financial commitments totaled \$568,679.35 and \$5,002,546.77 respectively as of December 31, 2023, for a total of \$5,571,226.12. The uncommitted balance as of December 31, 2023 was - \$1,354,347.44. Class payments that have been received to date totaled \$39,828.00.

Mr. Pfau then reminded the Board that the Program is in a period where old contracts are opened, and waiting to be closed, while having new contracts open which impacts the fiscal numbers reported. Mr. Pfau also explained that old contracts will be liquidated, and the money will be returned to the training fund. Constable Albert then clarified by asking if this is normal, and Mr. Pfau said yes as the Program waits for contracts to close, and for the money to return to the fund. Ms. Leffler also explained that when the contracts moved from one year to two years it would impact the amount of money being spent because the contract cost would be increased. Judge Davis asked what the fiscal year was, and Ms. Leffler explained it was from July 1, 2023, to June 30, 2024. Constable Stouch asked how long the balance had been in the negative, and not a zeroed amount. Mr. Pfau replied that it had been more than 10 years since the account was zeroed. Mr. Pfau added that the Board had become concerned with the revenue amount, and balance of the fund as early as 2009. Mr. Pfau explained that the Board had then begun casting projections to determine the financial health of the Program. Mr. Pfau explained that the Board decided in 2018 to go to online training as a cost-saving measure and that Annual Firearms was changed to a show-up, and qualify process with Annual Firearms, as Annual Firearms is the costliest expense. Chair Westover added that the Program has completed many audits from the Office of the Auditor General with Mr. Pfau adding that the Program has completed five audits in the last 10-12-year span. Chair Westover then addressed rumors about Program spending while adding that when he is instructing, he hears the rumors of Program spending for other agencies, and explains that the rumors are not true. Chair Westover asked Mr. Pfau about the period of the last audit, and Mr. Pfau added that the audit took four to five months before completion. Mr. Pfau also explained how the audits have evolved from money spent to include the process of decisions, contract review, and internal procedures. Chair Westover hopes this explanation will dispel the rumors of Program spending. Chair Westover then explained that the Constables' Education Training Act (CETA) fee having not been increased has contributed to the concerns about spending as the CETA fee has not been raised to match inflation. Constable Stouch also addressed the concern that when warrants are assessed, the field for CETA fees is not always selected. Constable Stouch then asked if it were possible to have the Administrative Office of Pennsylvania Courts (AOPC) always check the field for CETA fees. Mr. Pfau explained that in 2014 the Board spoke with AOPC about making the field mandatory, with an AOPC staff attending a Board meeting to answer questions. Mr. Pfau explained that the request to have the field mandatory/automatically checked did not go anywhere after the conversation. Mr. Pfau also explained that during the same period, AOPC had begun an automated payment process for minor offenses. These minor offenses were then not making their way to the Magisterial District Justice (MDJ) level and were not becoming work for constables that would generate CETA fees. Constable Albert asked that when the warrant is issued the CETA fee were to be assessed. Mr. Pfau clarified that he was speaking to the warrants that were not making it to the MDJs to be assigned to constables. Mr. Pfau did explain that there are many fees, and fines assessed by AOPC, but that very few are automatically assessed. Mr. Pfau added that the Board reached out to AOPC to have the conversation again about assessing the CETA funds and that AOPC has been easy to work with

regarding the data requests. Constable Stouch then added that a data request would show that not all constable work that can generate CETA fees will be assessed to generate fees. Mr. Pfau also added that even if the CETA fee is assessed it can take more than one year to collect the full amount of the assessment. Chair Westover further addressed the frustrations of the amount of time that is required to fully collect a fee. Mr. Pfau added that even if a fee increase were to occur, it would follow the current pattern of taking more than one year to collect the assessed amount of money.

Chair Westover then asked for a motion to approve the Unapproved Fiscal Report for February 8, 2024.

The motion to approve the Fiscal Report was provided by Constable Stouch and seconded by Judge Davis.

VOTING AYE: Davis, Norwood-Foden, Albert, Westover, Cawley, Stouch

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the third Action Item: Instructor Certifications. This can be found on pages 18, and 19 of the Board Packet.

Ms. Beaver was asked to introduce the PSU-JASI instructors for Board approval: Timothy Cox (PSU-JASI – General) and Michael Popp (PSU-JASI – Firearms). All the instructor candidates met the requirements for Board certification to teach their requested topics.

Judge Davis made the motion for approval, with Constable Stouch seconding the motion.

VOTING AYE: Westover, Albert, Davis, Norwood-Foden, Cawley, Stouch

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

IV. Discussion Items:

Ms. Leffler introduced the Constables' Program Supervisor's Report. Ms. Leffler provided statistics as of February 6, 2024, regarding the 2023 Continuing Education Courses: with 33 being completed, and three canceled for a total of 36 classes. 810 constables have completed the in-person component of Continuing Education. Regarding Online Training, out of the 889 enrollments 754 Constables (85%) have completed De-Escalation, 752 Constables (85%) have completed Disease of Addictions, and 742 Constables (83%) have completed Legal Updates. De-Escalation had 38 first-attempt failures and six second-attempt failures with no double failures. Disease of Addictions had 67 first-attempt failures and 16 double-second-attempt failures with one double failure. Legal Updates had 85 first-attempt failures and 21 second-attempt failures with one

double failure. 718 Constables (81%) have completed all the 2023 Continuing Education requirements.

Ms. Leffler introduced statistics regarding the 2023 Annual Firearms Qualifications to the Board: with 36 being completed, and six canceled. 561 have completed the firearms qualification, and 33 failures of which three were double failures.

Ms. Leffler presented that six Basic Training Courses were scheduled, and four were completed. Ms. Leffler added that seven Basic Firearms Training Courses were scheduled, and five were completed. The failure rate of Basic Firearms was at 9 Constables (9%).

Ms. Leffler introduced statistics as of February 6, 2024, regarding the 2024 Continuing Education Courses: with 2 being completed, and none canceled for a total of 37 classes. 49 constables have completed the in-person component of Continuing Education. Regarding Online Training, out of the 930 enrollments 98 Constables (10.5%) have completed Legal Updates, 107 Constables (11.5%) have completed Lessons Learned, and 93 Constables (10%) have completed Working with Different Abilities. Legal Updates had no first-attempt failures and no second-attempt failures with no double failures. Lessons Learned had no first-attempt failures and no double second-attempt failures with no double failure. Working with Different Abilities had two first-attempt failures and no second-attempt failures with no double failures.

Ms. Leffler presented that three Basic Training Courses are scheduled (SW01BT24 with 22 enrolled, SE01BT24 with one enrolled, and NW01BT24 with 2 enrolled), and none were completed. Ms. Leffler added that three Basic Firearms Training Courses are scheduled.

Ms. Leffler reported that as of February 6, 2024, there are 785 certified constables and deputy constables. 613 of the 785 are firearms certified and a total of 4,837 constables and deputy constables have either completed the Basic Training or passed the Waiver Exam since 1996.

Ms. Leffler updated the Board on the Board Regulations, and that Program staff had worked with Legal Counsel on preparing the Regulations for the next step of approval process which is an external review by other Pennsylvania government agencies.

Ms. Leffler then spoke about her upcoming retirement. Ms. Leffler announced that March 8, 2024, would be her last day working with the state. Ms. Leffler provided a history of her employment of working with the state highlighting her time in the Constable Education and Training Program. Ms. Leffler then added her thanks to the various outside agencies, constables, Program staff that she had worked with over the years, and family during her employment in the Program.

V. Informational Items:

Ms. Leffler asked Mr. Hartman to introduce the first Informational Item: Elective Firearms Survey Results. Mr. Hartman explained that in 2023, the topic of elective firearms training was discussed at various Board meetings, and in the Firearms Workgroup. Program staff released a survey to the certified Constable population requesting feedback regarding potential elective firearms training.

Mr. Hartman then provided the following information from the Informational Item that the survey was sent to over 850 constables and deputy constables and Program staff received 318 responses. The survey consisted of Yes/No questions and Multiple-Choice questions. Based on the survey results, it can be inferred that constables are not interested in elective firearms training, even if firearms qualification for certification were offered. Regarding advanced firearms training, the majority of constables would want to spend less than \$150. The \$150 would not cover the costs associated with holding an advanced firearms course if constables are willing to pay.

Mr. Hartman then provided the following Staff Recommendation from the Informational Item: Program staff recommends that no Elective Firearms or Advanced Firearms Courses be scheduled at this time. The objective of providing additional firearms training was not supported by the Constables' feedback. The likely outcome, therefore, would be the cancellation of any scheduled courses due to cost, or class size minimums not being met. An additional concern is the cost and time associated with administrative duties of both Program staff and the Training Delivery Coordinators if a class is canceled. Mr. Hartman then asked the Board if they had any additional questions regarding the findings of the survey.

Constable Stouch then provided his feedback regarding concerns about safety, the precautions that he takes when attending his Annual Firearms, and his disappointment in the results of the survey. Constable Stouch added that he knows of constables who receive training from outside entities, and believes this could also be a factor in the results of the survey. Constable Stouch voiced his frustrations regarding constables who only use their weapons during their Annual Firearms qualification and no other time of the year. Constable Stouch was also disappointed in the number of constables who replied to the survey. Constable Stouch then asked if the survey could be required to be completed at the end of a Continuing Education class. Constable Stouch was concerned that a minority of the constable population was speaking for a majority of the constable population regarding the state of elective firearms training. Mr. Pfau explained that a downside would be the delay in receiving the results until the end of a training year. Judge Davis then added that people may want until the end of the year to take their class which would further delay, and impact the results of a survey. Mr. Pfau added that there is a large uptick in enrollments at the end of the year. Mr. Pfau then compared the results of the firearms survey to when other elective classes were offered by the Program where over time it was not cost-effective for the Program to offer the classes as constables were receiving their training elsewhere. Ms. Leffler added that the number of constables who answered was a higher number of responses compared to other surveys in the past. Chair Westover then addressed that constable skills are decreasing when handling their weapons. Chair Westover then addressed that the cost of ammunition, and costs related to firearms training is a factor in deciding how the Board should progress with the concerns about decreasing skill demonstration. Mr. Pfau also addressed manpower being an issue not just for safety, but for constables to receive proper instruction and feedback on how to improve their skills. Chair Westover then asked Mr. Tony Mucha for his feedback, and Mr. Mucha agreed with Chair Westover's assessment of weapon skills having decreased over the years. Chair Westover then asked the Board to consider changing the Annual Firearms to an eight-hour day to have some weapon skills added back into the day to address safety. Mr. Pfau then offered that Program staff could provide the cost analysis of what an eight-hour Annual Firearms Day would cost the Board, without providing ammunition. Mr. Mucha brought up how Airsoft would reinforce proper

weapon handling skills while being cost-effective. Constable Stouch added that dry fire could be practiced by the constable using their weapon, and then the use of Airsoft for other skills. Mr. Mucha added that the Municipal Police Officer's Education and Training Commission (MPOETC) has added movement into their qualification course, while the Annual Firearms qualification remains static. Vice-Chair Norwood-Foden then asked if the constable population knows that there has been a decrease in skills of weapon handling. Chair Westover then made the statement that skills are diminishing to address Vice-Chair Norwood-Foden's concern about the constable population not knowing that skills have diminished over the years. Ms. Leffler added that the failure rates have increased at Annual Firearms. Chair Westover then praised the Firearms Instructors of the Program recognizing their knowledge, and abilities. Constable Albert added that constables are aware of safety issues at Annual Firearms, and decreasing skills. Mr. Pfau added that in a 2022 workgroup, the issue of decreasing weapon skills was discussed and that some constables need additional firearms training, while other constables enjoyed participating in Advanced Firearms. Mr. Pfau added that Basic Firearms may be the first time some constables have ever received instruction on how to use a firearm. Mr. Pfau added that many times Firearms Instructors need to break bad habits during Basic Firearms. Mr. Pfau added that the workgroup's recommendation was to add more range time to further reinforce the training that the constables had received. Constable Albert then addressed the concern of the cost of additional firearms training, and that the cost should be included in the current firearms course. Chair Westover then brought up the common question asked to the Program why constables are not allowed to be certified elsewhere, and can only be certified through the Program. Chair Westover then explained that it is legislatively defined that the firearms certification must come from PCCD. Chair Westover then added that outside training may not offer the same training that is required under the law that PCCD must follow. Constable Stouch then discussed the safety issues of a constable not being firearms certified, and how this can impact their safety while performing their duties. Major Cawley then asked how often constables need to qualify, and Chair Westover said once a year. Chair Westover then asked Major Cawley how often Pennsylvania State Police (PSP) qualify, and Major Cawley answered twice a year: once as a qualification, and once as a stress course. Mr. Pfau then added that the qualification is on the lower end of requirements when compared to other entities. Mr. Pfau then explained that statutorily the Program is limited on the number of hours that can be assigned to Basic Firearms. Chair Westover then addressed that buy-in for additional firearms training could be addressed with how the training is presented to the constable population. Mr. Pfau discussed being that constables are independent contractors, there is no standard on the type of firearms used, or the ammunition.

Chair Westover then asked Mr. Hartman to the second Informational Item: Eastern Region Continuing Education Classes. Mr. Hartman explained that due to an oversight by Program staff, Continuing Education course locations were limited in the 2024 Training Year. Mr. Hartman explained that Temple University was able to secure PSU-Berks (July 27, 2024), and PSU-Middletown (March 18, 2024) as locations to move two Continuing Education classes to, to help address the location issue. Both classes were taking the place of classes with low enrollment, and both classes had been changed in the Constables Continuing Education and Training System (CCETS) for constables to see the dates. Mr. Hartman explained that constables can reach out to him to have their class enrollments changed.

Chair Westover then addressed a complaint he had received that there are not many options for Annual Firearms in the central part of the state. Mr. Hartman explained that the Lancaster Safety Center Range is popular, but was scheduled to have renovations completed during 2024. Program staff was informed that the renovation dates were unknown, and due to the unknown factor, Annual Firearms courses were not scheduled at the location. Mr. Pfau added that it was a deliberate choice making the schedule to not include Lancaster because the dates were unknown to Program staff, and the concern was that the renovations would impact Annual Firearms courses by the courses needing to be canceled because the range would be made unavailable. Ms. Leffler added that the range at Harrisburg Area Community College (HACC) was a range that the Program was starting to use, but Mr. Pfau added that due to a filtration issue that could impact lead levels, the HACC range is closed for unforeseeable future. Mr. Pfau explained that three days before a Basic Firearms the HACC range was closed and that PSU-JASI was able to secure the range at Palmyra Sportsman Club for the Basic Firearms. Chair Westover asked the constable population to share information on any potential ranges with the instructors. Mr. Pfau also added that when a range is closed, it impacts other entities that need to use ranges, and we are now competing with those entities for range locations. Mr. Pfau explained that cost can also be a factor when selecting a range and that some ranges are costly to use. Chair Westover also mentioned that in some areas of the state, there are no ranges that are available for use or do not meet the requirements necessary for a firearms course to be safely held at the location.

Ms. Leffler then asked Mr. Pfau for the third Information Item: AOPC Constable Data Update. Mr. Pfau explained that Dr. Robert Orth was not able to provide a report at the current Board meeting as he was needed on other projects. Mr. Pfau reported that Dr. Orth would like to create a workgroup of Board members to review the AOPC data and develop metrics from the data so that information can be reported to the Board annually. Mr. Pfau explained that the data has been able to be more closely analyzed due to having received more data from AOPC that helps to complete the history of a docket. Mr. Pfau explained that the workgroup needs to be limited in size, as it cannot be a quorum.

VI. Other Business:

Mr. Pfau took the time to thank Ms. Leffler for her service and recounted how she had helped to improve the Program.

Vice-Chair Norwood-Foden also thanked Ms. Leffler for her service. Judge Davis congratulated Ms. Leffler on her retirement.

VII. Executive Session:

Chair Westover asked for a motion to break for the Executive Session.

Constable Harry Albert made a motion for the Board to go into Executive Session, with Major William Cawley as the second.

VOTING AYE: Davis, Norwood-Foden, Albert, Westover, Cawley

VOTING NAY: None

ABSTAINING: None

Chair Westover asked for a motion to return from the Executive Session.

Constable Stouch made a motion for the Board to go into Executive Session, with Vice-Chair Norwood Foden as the second.

VOTING AYE: Davis, Norwood-Foden, Albert, Westover, Cawley

VOTING NAY: None

ABSTAINING: None

VIII. Public Voice:

Constable Abraham Smith from Westmoreland County discussed an issue with newer addresses for individuals they are seeking regarding a warrant. Constable Smith spoke about the hesitations that MDJ offices have with providing the newer address to a constable. Constable Smith asked if constables can receive a higher level of access in the Unified Judicial System (UJS) Portal to be able to find the newer, correct address. Mr. Pfau explained that the question should be asked to AOPC. Chair Westover explained that it is not an issue for the Board. Constable Smith addressed that in the training on evictions, it is recommended that two constables be present. Constable Smith asked Judge Davis if it were possible to inform other MDJs of this suggestion to pay for two constables on an eviction. Judge Davis said that he could take the suggestion back to his colleagues, but it is an authoritative decision based on the MDJ. Vice-Chair Norwood-Foden explained that the fee bill, including a second constable, can be determined by the District Justice. Constable Stouch mirrored Constable Smith's concern about finding the correct address. Mr. Pfau explained from a safety standpoint, that this issue has been brought to AOPC's attention. Mr. Pfau also added that access to a database revolves around the information requested, what is done with the information, and who provides oversight to those accessing the information.

Constable Jason Knapp from Allegheny County asked if the Board would survey the ranges available in the state that could be used for firearms practice. Chair Westover explained that through firearms courses, the Board can identify new ranges to be used. Chair Westover also added that ranges also have concerns about committing dates as ranges also can make money from being accessible to the public. Constable Knapp clarified that his question is regarding finding ranges that constables can use to practice their firearms skills. Chair Westover explained that any training on the constable's own time is not under the purview of the training program. Constable Knapp thanked Ms. Leffler for her service.

IX. Adjournment:

Chair Westover asked for a motion to adjourn the meeting at 11:15 am.

A motion was made by Constable Stouch to adjourn the meeting and the motion was seconded by Judge Davis.

VOTING AYE: Westover, Albert, Davis, Cawley, Norwood-Foden, Stouch

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously. The next Board meeting will be held on May 9, 2024, at 9 a.m. via Teams, and in-person at PCCD.