

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

Approved Minutes of the May 6, 2021 Meeting

Members Present

Vice-Chair Francis Peitz Jr., Constable,
Allegheny County
Craig Westover, Constable, Venango Co.
Chair John Bruno, Constable, Dauphin Co.
Major George Bivens, PA State Police
Patricia Norwood-Foden, Court Admin,
Chester Co.
Honorable Thomas Brletic, Allegheny Co.

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Beaver, Constables' Program
Nicholas Hartman, Constables' Program
Sally Berry, PCCD
John Pfau, PCCD
Megan Staub, PCCD
Debra Sandifer, PCCD
Diane Morgan, PCCD
Beth Romero, PCCD
Yvonne Murray, PCCD
Michael Pennington, PCCD

Visitors

Steve Shelow, PSU JASI
Deidre Beiter, Temple University
Anthony Luongo, Temple University
Michael Hammer, Bucks County
Tony Mucha, PSU JASI
Terry White, York County
Timothy Haken, Pike 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 (Board) meeting was held at 9:00 a.m. on Thursday, May 6, 2021 via Teams. The Board Meeting could not be held the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania due to meeting restrictions set forth by the Governor due to COVID-19.

Due to technical difficulties, Ms. Sherry Leffler began the Board meeting. Ms. Leffler began the meeting by doing a virtual roll call with the names that were visible in the Skype participant panel. Ms. Leffler identified that a quorum was present. Ms. Leffler introduced the PCCD staff in attendance. Ms. Leffler provided the flow of the meeting and provided basic housekeeping rules to help ensure the quality of the recorded Board Meeting. Ms. Leffler also explained how items would be introduced, discussed, and how the voting process would occur.

II. Action Items:

Ms. Leffler introduced the first Action Item: Unapproved Draft Minutes of February 11, 2021 Meeting. This can be found on pages 2 through 8 of the Board packet. The Board did not request the item be read and did not offer any discussion. There was no comment by Public Voice. Ms. Leffler asked for a motion to approve the Unapproved Draft Minutes. This motion was made by Judge Thomas Brletic and seconded by Constable Craig Westover.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair John Bruno introduced the second Action Item: Unapproved Financial Report for May 6, 2021. This can be found on pages 9 through 14 of the Board packet. Ms. Yvonne Murray reviewed the balance from the previous year as \$2,161,076.15, reported that from fee collections for July 1, 2020 thru March 31, 2021 as \$812,644.51 which leaves a total funds available as March 31, 2021 of \$2,973,720.66. Ms. Murray explained that both the financial expenditures and financial commitments totaled \$586,112.43, and \$2,153,919.91 respectfully as of March 31, 2021 for a grand total of \$2,743,032.34. Ms. Murray stated that the uncommitted balance as of March 31, 2021 was \$230,688.32. Ms. Murray stated that the explained fiscal numbers, and break downs could be found on pages 9 through 14 of the Board packet. The Board did not offer any discussion. There was no comment by Public Voice. Chair Bruno then asked for a motion to approve the Unapproved Fiscal Report for May 6, 2021. This motion was made by Patricia Norwood-Foden and seconded by Judge Brletic.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously

Ms. Leffler asked Ms. Tracy Beaver to introduce the third Action Item: Instructor Certifications. This can be found on pages 15-20 of the Board packet. Ms. Beaver was asked to introduce the instructors for Board approval in the Topics listed: Michael Aultz (General), Wayne Bush (General, Communications, Firearms), Ryan Johnston (General, Law, Communications, Firearms), Joseph Popielarcheck (General, Law, Physical Skill, Firearms), Timothy Stringer (General, Law, Communications, Physical Skills, Firearms), and Christopher Weiss (Physical Skills, Firearms). All the instructors meet the requirements for Board certification in the associated Topics. There was no comment by Public Voice. This motion to approve the Instructor Certifications was made by Chair Bruno and seconded by Judge Brletic.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, Bruno

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

III. Discussion Items:

No Discussion Items were present on the agenda.

The Board was then asked if any items needed to be discussed. Constable Westover asked to speak and was given the floor. Constable Westover explained that he was at a recent Annual Firearms Qualification and observed a decrease in constables' firearm skills. Constable Westover provided different examples of skills that were observed as to not being at the appropriate skill level to pass the Annual Firearms Qualification. Constable Westover anticipated that in one to two years' time that basic firearm skills will need to be reintroduced and asked if it could be brought back into the curriculum. Chair Bruno recognized Constable Westover's comment, and thanked him for his observation. Chair Bruno mentioned that COVID did have an impact on firearm skills and that it is possible that many Constables have not been practicing their firearm skills prior to the Annual Firearms Qualification.

Ms. Norwood-Foden asked a clarifying question regarding Constables working election polls, while recognizing that recent past elections have been difficult for some municipalities. Ms. Norwood-Foden then asked if there a specific type of training that is provided on how to work the election polls on Election Day. Chair Bruno said that there is no training/curriculum that is provided to constables on how to provide service on Election Day. Chair Bruno stated that working election polls is the primary duty of constables to work the polls by statute. Chair Bruno also explained that he must rotate between his polling places and needs to travel if an issue arises. Ms. Leffler explained that is not in Act 49 that directs the Constables' Education Training Board to provide training on Election Day duties. Ms. Leffler further clarified that it is a job duty of the elected position. Judge Brletic said that Election Day duties are touched on in Basic Training, but it is explained that it is the purpose of maintaining peace at the polls. Judge Brletic, and Chair Bruno discussed adding time into the curriculum for Election Day duties. Chair Bruno mentioned Use of Force being discussed more in training. Mr. John Pfau explained that counties vary with the responsibilities that are asked of the constable population. Mr. Pfau also explained that certification is not necessary for constables to provide voting security. Ms. Leffler then referenced the Fee Schedule to support Mr. Pfau's statement.

IV. Informational Items:

Ms. Leffler provided a brief history of the Basic Training Enrollment, and how the two Basic Training Classes were combined into one class that will be held at the Franklin County Public Safety Training Center during the summer. This was a collaborative effort between both training delivery contractors, and PCCD staff. Currently seven individuals are enrolled into the course, with 11-12 individuals who are interested, or PCCD staff is waiting for their paperwork to complete their enrollment. Ms. Leffler explained that 14 individuals is the minimum class size we have operated with in the past, but due to COVID it was determined that a class needed to be provided, and that the minimum number would be overturned.

Ms. Leffler discussed a recent Basic Firearms Course on May 2, 2021 that has been completed. There were seven individuals in the class with one person being removed for safety violations, and two individuals did not qualify. There is another Basic Firearms Course that will occur at the Westmoreland County Community College Range, and this will occur in August after the Basic Training Course is completed. Ms. Leffler explained that ranges are still difficult to secure due to booking, repairs, etc. Ms.

Beaver is handling Basic Firearms enrollments, and Mr. Nick Hartman is handling Basic Training enrollments.

Ms. Leffler introduced an update regarding the Continuing Education Course. There have been 15 classes completed with over 240 constables being trained in Every Constables Worst Nightmare, and Judgmental Use of Force. Several exam questions for the Judgmental Use of Force subject were reworded due to the struggles with those questions.

Ms. Leffler highlighted completions percentages for the three online training topics: Diversity in the 21st Century, Effective Communication, and Ethics. Currently 12% of the constable population has completed the Diversity in the 21st Century training, 10% have completed the Effective Communication training, and 9% have completed the Ethics training. Ms. Leffler expressed concerns about low completion numbers thus far and said that most of the online completions occurred near the end of last year. Ms. Leffler asked that all in attendance to the Board Meeting please encourage constables to complete the training sooner, rather than later. Ms. Leffler explained the concern is both processing any failure payments and being able to enroll a constable into the makeup course before the cutoff date of the online training. The deadline is Friday, November 19, 2021 at 5 p.m.

Chair Bruno asked if any additional Firearms Courses would be added at this time. Ms. Leffler explained that there are enough Annual Firearms Qualification Courses available for each constable to attend. Ms. Leffler also added that some classes had to be cancelled due low enrollment or were consolidated. Ms. Leffler explained that we also have constables who have not enrolled into either the Continuing Education Course or Annual Firearms Qualification. However, there are more constables enrolled into the Annual Firearms Qualification Courses that have not yet enrolled into Continuing Education Courses. Mr. Pfau explained that we have historically had to cancel classes to low enrollment, but the concern is that if constables wait to enroll, there may not be spots available due to class cancellations. Mr. Pfau explained that there is a surge in the beginning of the year and there is always a rush at the end of the year. When asked if we could add an additional location if needed, Mr. Pfau said we are having difficulty gaining training facilities as it is.

Mr. Leffler said analytics of the online training tool are being completed to see if any violations of the training Code of Conduct had occurred. Any identified violations will be addressed.

Regarding Annual Firearms Qualifications, Ms. Leffler said that 153 constables have successfully completed their Annual Qualification for 2021-2022 out of nine classes that have occurred. Ms. Leffler also reminded everyone about space being made available at the Basic Firearms Course at Westmoreland County Community College in August.

Ms. Leffler introduced the Demographic Survey. A survey will be provided to all constables via email from Temple, and all Constables are being encouraged to complete the survey. The survey will collect basic demographic information and will ask Constables about their plans for the 2021 election. This information will be used to assist Program staff with projections for Basic Training for the upcoming year. Mr. Pfau stated that we are noticing a trend of losing constables over the years and 2021 is a large turnover election year. During the last large election year (2016), 12 Basic Trainings were provided. Mr. Pfau stressed the importance of Program staff to be able to project new constables coming into the system next year as well as returning constables. Questions regarding election, re-election, and deputizing constables will be on the survey.

Ms. Leffler provided clarification to Chair Bruno's question regarding more individuals enrolled into Annual Firearms Qualification Courses than are in Continuing Education Courses. Ms. Leffler said the difference between the two is 100 more constables are enrolled in Annual Firearms Qualification Courses. Mr. Leffler said that we would hold open five Continuing Education Courses for those 100 constables to get enrolled so that they can complete the 2021 training requirement for 2022 certification. Ms. Leffler explained that these five courses will still fall under the ability to be consolidated if need be, due to low enrollment. Chair Bruno asked that this information be included in the Training Bulletin.

Ms. Norwood-Foden asked if the Demographic Survey would ask a question regarding a change involving the transport of criminal defendants. This change is courts using web-based services to hold hearings. Ms. Norwood-Foden has seen a drop-in prisoner transports because courts are not transporting individuals due to COVID, and this is impacting constables who only provide prisoner transports. Mr. Pfau said the question regarding transports was focused more on using cages. Ms. Leffler checked the survey and replied that the questions were regarding providing prisoner transports, transport cages in vehicles, and if vehicle is being clearly identified as a constable vehicle.

Ms. Beaver provided the next Information Item as the Status of Certifications. As of April 20, 2021, there were 1,014 constables, and deputy constables whom are currently active, and certified, meaning that they have completed Basic Training, or have completed Continuing Education, and have a valid term of office. 820 of the 1,014 are also firearms certified. Since the program's inception in 1996, 4633 individuals whom have completed Basic Training, or the Law Enforcement Waiver Examination.

A motion to accept the Informational Items was made by Vice Chair Peitz and seconded by Chair Bruno.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, Bruno, Peitz

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

V. Public Voice:

Constable Terry White (York Co.) had asked if it is possible to have a recording of the current Board Meeting. Ms. Sandifer explained it can happen with the proper request.

Constable White said he would like to have a conversation regarding the current statute, and additional duties with PCCD, and CETB. Chair Bruno asked Constable White to provide examples of other duties he is envisioning. Constable White said as he reads the statute it requires firearms by PCCD to do anything as a constable, poll work, peace keeping, etc. as well as courtroom duties. Constable White understands the reasoning but does not agree with the reasoning. Mr. Pfau said he is always open to conversations about training but reiterated that the health of the training fund is a concern, and how it can be a struggle to meet the requirements. Mr. Pfau used Constable Westover's example about the decrease in firearm skills. Chair Bruno said we are driven by statute, and Constable White said he has a different interpretation of the statute and would like to discuss that interpretation. Constable White offered to type up his interpretation and opinions and provide to PCCD and the Board. Both Mr. Pfau, and Chair Bruno supported his idea to present his argument with his information. Chair Bruno reminded everyone that we operate within parameters but is open to hear others' opinions.

Chair Bruno announced that he needed to make a clarifying statement from the previous Board Meeting. Chair Bruno re-addressed his statements about constables and their definition. Chair Bruno said it was up to state legislators to take charge of the definition, and that it is outside the power of the Board to do so. Chair Bruno said that no Board committee or workgroup will be formed to assist with a definition for constables. Chair Bruno said that the Board invites all constables, and organizations to work with the state legislature to work on this definition.

Constable Tim Haken (Pike Co.) had questions about LEOSA (Law Enforcement Officer Safety Act) and travelling to surrounding states. Constable Haken was finding that constables traveling to other states were committing a felony because they do not have the proper certification to do so. Chair Bruno then clarified Constable Pike's comment. Constable Pike explained if someone were caught that they would need legal support. Chair Bruno asked Constable Pike to send his findings to the Board. Chair Bruno explained that the Board cannot certify LEOSA. Chair Bruno reiterated findings about the definition and encouraged Constable Haken to contact his legislator. Constable Haken said he found websites that said constables are covered under LEOSA, but this is misinformation.

VI. Adjournment:

Chair Bruno asked for a motion to adjourn the meeting at 10:13 a.m. A motion was made by Chair Bruno to adjourn the meeting and the motion was second by Judge Brletic.

VOTING AYE: Brletic, Bruno, Westover, Norwood-Foden, Bivens, Peitz

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

The next Board meeting will be held on August 12, 2021 at 9 a.m. via Teams.