

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

Approved Minutes of the August 12, 2021 Meeting

Members Present

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

Members Absent

John Bruno, Constable, Dauphin Co.

Visitors

Steve Shelow, PSU JASI
Deidre Beiter, Temple University
Anthony Luongo, Temple University
Tony Mucha, PSU JASI

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
Michael Pennington, PCCD

Ron Quinn, Centre County
Abraham Smith, Westmoreland County
Thomas Pauley, Allegheny County
Antoine Malloy, 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 (Board) meeting was held at 9:00 a.m. on Thursday, August 12, 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.

Rollcall was introduced by Vice-Chair Peitz, and quorum was established with Vice-Chair Peitz, Constable Craig Westover, Honorable Thomas Brletic, Major George Bivens, and Ms. Patricia Norwood-Foden.

PCCD Staff introduced by Ms. Sherry Leffler.

II. Action Items:

Vice-Chair Peitz introduced the first Action Item: Unapproved Draft Minutes of May 6, 2021 Meeting. This can be found on pages 2 through 7 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. Vice-Chair Peitz asked for a motion to approve the Unapproved Draft Minutes. This motion was made by Judge Thomas Brletic and seconded by Major Bivens.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, and Peitz
VOTING NAY: None
ABSTAINING: None

The motion passed unanimously.

Vice-Chair Peitz introduced the second Action Item: Unapproved Financial Report for August 12, 2021. This can be found on pages 8 through 13 of the Board Packet. Ms. Beth Romero had prepared the report which provided the balance from the previous year as \$2,161,076.15, reported that from fee collections for July 1, 2020 thru June 30, 2021 as \$812,644.51 which leaves a total funds available as March 31, 2021 of \$2,973,720.66. Both the financial expenditures and financial commitments totaled \$847,056.72, and \$1,631,719.36 respectfully as of June 30, 2021 for a grand total of \$2,394,575.9. The uncommitted balance as of June 30, 2021 was \$579,145.47. The Board did not offer any discussion. There was no comment by Public Voice. Vice-Chair Peitz then asked for a motion to approve the Unapproved Fiscal Report for August 12, 2021. This motion was made by Patricia Norwood-Foden and seconded by Judge Brletic.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, and Peitz
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 14-15 of the Board packet. Ms. Beaver was asked to introduce the instructors for Board approval in the Topics listed: Charles Dahlmann (General), and Kevin McClincy (General). 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 Constable Westover and seconded by Ms. Norwood-Foden.

VOTING AYE: Brletic, Norwood-Foden, Bivens, Westover, and Peitz
VOTING NAY: None
ABSTAINING: None

The motion passed unanimously.

III. Discussion Items:

Ms. Leffler introduced that she will be providing a Supervisor's Report at each Board Meeting, which will provide the Board with an update of what activities Program Staff are working on towards the benefit of the program.

Ms. Leffler recognized Constable Westover's commitment to the program, and Basic Training. Constable Westover has shared his knowledge with new constables.

Ms. Leffler explained that the COVID protocols have been updated in accordance to the Governor's mandate which includes mask protocols. These updates have been sent to both Temple, and PSU so that

they can update their materials with the correct information. This information can be found on the PCCD website. Program is still asking that Constables and School Staff self-screen at in-person trainings.

Ms. Leffler informed the Board that we have returned to the building and will be in the building during a two-week cycle, or as needed. However, staff will be teleworking during the other days. Teleworking will not impact communication.

PSU is now mandating that all functions require masks to be worn, which includes any trainings provided by PSU-JASI. This will include any trainings that occur in the Western Region of the state.

2022 Certification Cards are planned to be printed during early December.

Ms. Leffler provided an explanation that Terms of Office will be expiring at the end of the year, December 31, 2021. If PCCD Staff does not receive a new Term of Office after the upcoming election, the term of offices will be expiring December 31, 2021 and without this new term of office, a constable will not be able to enroll into Continuing Education, or Annual Firearms for the following year. Ms. Leffler stressed that new, and continuing constables submit their Terms of Offices as soon as possible. It was also stated that it is our potential date to open the training on December 6, 2021 for the following year.

Ms. Leffler told the Board that there has been no movement with the audit.

Ms. Leffler provided that 18 individuals had completed Basic Training, with 16 having received their certification. Two individuals had not submitted their insurances. Components of Every Constables' Worst Nightmare had been provided in the Basic Training, which was well received by the Constables in attendance. Ms. Leffler provided the statistic that 14 individuals would be in attendance for the Basic Firearms that would be occurring, with 12 individuals from the Basic Training in attendance.

Ms. Leffler provided an update regarding Continuing Education. There were 62 classes scheduled for Continuing Education with 21 classes having been completed, and 23 classes having been canceled. Program Staff is aware that classes may need to be consolidated due to class size but are ensuring that a spot will be available for all constables. 358 have successfully completed the in-class room component of Continuing education, however, completion of the online courses is still slowly growing. Only 235 constables have completed Diversity in the 21 Century, 185 constables have completed Effective Communication, and 178 constables have completed Ethics. The deadline to complete the In-line classes is 5 pm on Friday, November 19, 2021.

Ms. Leffler provided an update regarding Annual Firearms. 47 classes have been scheduled with 405 constables who have completed the course qualifying with at least one weapon. Of the 47 classes, 22 classes were completed, and seven classes were cancelled. Seventeen constables had failed the Annual Firearms Qualification.

Ms. Leffler provided the date of December 6, 2021 as the date Program hopes to go live with the training schedule for next year, with enrollment opening at 8am. Currently, Program is working with PSU-JASI, and Temple to review projections to determine the amount of classes that will need to be held in 2022, and begin to reserve locations.

Constable Westover wanted to stress that Constables need to be proactive with obtaining their Term of Elections. Constable Westover believes the delay may be caused by write-in votes. Ms. Leffler also started that some counties will not provide the Term of Office until after the Constable has been sworn into their position. Ms. Leffler stressed that a spot will be made available for each Constable.

Ms. Norwood-Foden asked the question if we anticipate Constables not attending Continuing Education during an election year because they may choose not to run for the position again, and if this is a trend. Ms. Leffler explained that many Constables do wait until the last two weeks to complete the online Continuing Education classes. Ms. Leffler said that we will project for the current number of certified constables when scheduling classes for next year.

Ms. Dee Beiter, Temple Training Coordinator, said she also stresses during in-person Continuing Education classes, to the Constables to complete their on-line training.

IV. Informational Items:

Vice-Chair Peitz asked Ms. Leffler to introduce the Informational Items.

The first Informational Item was the results of the Demographic Survey. Program Staff sent out a survey to active constables, and deputy constables with a return rate of 47%. A high-level discussion regarding male versus female, years of experience, hours of work per week, who is working for the courts, and if they are providing civil or criminal work. The information can be found on pages 16-17.

Ms. Norwood-Foden asked the question if there was any consideration due to COVID, and it is decreasing the number of constables being used, and constable hours being decreased. Ms. Norwood-Foden then asked if COVID had a direct impact on the survey, and if we would see a different result if the survey were taken after courts had opened back up after COVID. Mr. Pfau believes COVID may have been an impact, but Mr. Pfau stated that the numbers we are seeing are in the normal trend of results from previous years.

Ms. Beaver provided the status of certification as of July 29, 2021. There are 901 constables, and deputy constables listed as active, and certified. Of the 901, 728, or 81%, are certified to carry a firearm. Since the inception of the Program in 1996, 4,650 individuals have successfully completed the Basic Training, or the waiver examination, and were certified by the Board.

V. Public Voice:

Ms. Leffler introduced Public Voice.

Abraham Smith, from Westmoreland County, was wanting clarifying information regarding the cost of Basic Training. Mr. Smith said that existing constables are telling new constables that Basic Training is paid for by the state, and not by the constable. However, Mr. Smith said that with recent communication with staff, both Basic Training, and Basic Firearms costs roughly \$2,500. Mr. Smith said he believes individuals may be shocked at the price. Mr. Smith asked if there would be a reduction in the cost of both classes. Mr. Pfau recognized that the Board made the change two years ago, and that the Board will be reviewing the cost each year. Mr. Pfau stated that he believes the cost for both Courses will be staying for some time.

Constable Ron Quinn, from Centre County, expressed his concern regarding training enrollment, and the need for Term of Office being submitted to PCCD prior to being able to enroll into Continuing Education, and Annual Firearms. Mr. Quinn explained his concern that some counties take more time to verify election results, and issuing the Term of Office, which then makes it difficult for Constables to enroll into courses. Ms. Leffler explained that classes are scheduled in January, and for this to occur, enrollment must open in December to ensure the class reaches the minimum enrollment. Ms. Leffler explained that there are individuals who will not meet the training requirements in 2021 and will need to enroll into these early classes to recertify. Mr. Pfau also reiterated that there will be enough training spaces for all constables, but also stated that we have had to cancel classes in the past due to low enrollment.

Constable Quinn then followed-up by asking a clarifying question regarding failures at Annual Firearms. Constable Quinn asked, if a constable fails Annual Firearms, that there is a cost associated with the failure, and being able to enroll into another Annual Firearms Course. Ms. Leffler explained how Annual Firearms works, and that if a failure, their certification is removed. Constable Quinn then asked, if an individual has a lapse of a year or two, why would the constable need to take Basic Firearms. Mr. Pfau explained that there is a time frame available for a constable to requalify for their firearm. Constable Quinn asked what the time frame was, and Ms. Leffler provided that the time frame is a lapse of certification of three, or more years. Constable Quinn then asked if it was two years or less, would a constable need to pay to take the Annual Firearms. Ms. Leffler explained that a Constable would not need to pay, however, if they had failed prior to the lapse, then the Constable would need to make a payment before being able to enroll into an Annual Firearms. Constable Quinn then asked for clarification that if no failure occurred, and that the Constable was under the three-year mark, that no payment would occur, and that they would be able to take the Annual Firearms. Mr. Pfau, and Ms. Leffler said yes, that the Constable would be able to return, and take the Annual Firearms. Ms. Leffler then explained that the Constable would need to have their base certification to be able to attend the Annual Firearms. This means the completion of the Continuing Education and having active liability insurance to maintain their base certification. Constable Quinn then asked for clarifying information regarding a Constable missing a training, and Ms. Leffler explained that Program Staff reviews instances of No Shows through the training grievance process, and takes into consideration the reason a Constable was a No Show and have reversed No Shows to a training to an Excused Absence.

Constable Antoine Malloy, from Allegheny County, wanted to discuss his concerns about individuals whom did not meet the requirements to take the waiver exam. Constable Malloy stated that police officers that apply for a waiver exam but had been previously certified which according to the regulations, more than five years has passed, so these police officers do not qualify for eligibility to take the waiver exam. Mr. Malloy is asking that the Board review this regulation and reconsider these individuals for the waiver exam.

Mr. Pfau explained to the Board that the policy is that a Constable can take the waiver exam, or is able to attend Basic Training, but not both. This also contains the caveat that if a Constable fails the waiver exam, that they would need to complete Basic Training which falls in line of Act 49. Mr. Pfau also stated 600-700 constables took the waiver exam with less than 100 failing the exam. Mr. Pfau explained that if a person had prior activation, then they would need to meet whatever training requirement was required for certification. Mr. Pfau explained that if the Board wanted to look at this policy, Program Staff would bring recommendations to the Board for approval.

Judge Brletic asked to speak to Mr. Pfau regarding his concerns with the waiver exam. Mr. Pfau explained that Program Staff would come to the Board with proposed changes to regulations for the future. Mr. Pfau also explained that if Board members felt that this regulation needed to be changed, that the Board can forward their ideas to Program Staff to be incorporated into the regulation changes. Mr. Pfau explained that the changes to the regulations will go through several drafts through the Board, PCCD, and Independent Regulatory Review Commission. It was also explained that the review process by Independent Regulatory Review Commission would take one-to-one and a half years. Mr. Pfau and Ms. Leffler have already begun the process of identifying changes to the regulations. Ms. Leffler provided clarification that the regulation states that if five years after the constable office is vacated, that for the constable to reactivate their certification, it is required that the constable attend, and successfully complete Basic Training.

Mr. Malloy addressed mentioned the demographic survey, and how COVID had a direct impact on the amount of court work assigned. Mr. Pfau reiterated that the answers provided in the survey support the trend of previous year surveys.

Mr. Thomas Pauley from Allegheny County, stated that his comment was regarding police officers being able to take the waiver exam, stating he had the same concerns that Mr. Malloy and Judge Brletic had previously discussed. Mr. Pauley provided his history and had completed the Basic Training in 1990. Mr. Pauley left being a constable due to accepting a probation officer. Mr. Pauley is asking the BOD to review his situation and allow him to take the waiver exam.

Constable Quinn asked will Continuing Education be the same format this year, or change. Mr. Pfau explained it would still be hybrid.

Mr. Pfau explained that the goal will be for the next Board Meeting to be a hybrid meeting. Mr. Pfau stated that more information will be provided as the date approaches.

VI. Adjournment:

Vice-Chair Peitz asked for a motion to adjourn the meeting at 10:07 a.m. A motion was made by Judge Brletic to adjourn the meeting and the motion was second by Major Bivens.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

The next Board meeting will be held on November 4, 2021 at 9 a.m. via Teams and in person at PCCD's Offices.