

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

Approved Minutes of the February 10, 2022 Meeting

Members Present

Chair Craig Westover, Constable, Venango Co.

Vice-Chair John Bruno, Constable,
Dauphin County

Francis Peitz, Constable,
Allegheny County

Major George Bivens, PA State Police
Patricia Norwood-Foden, Court Admin,
Chester County

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Beaver, Constables' Program
Nicholas Hartman, Constables' Program
Sally Barry, PCCD
John Pfau, PCCD
Theresa Ford, PCCD
Megan Staub, PCCD
Debra Sandifer, PCCD
Diane Morgan, PCCD
Dorthey Jacobelli, PCCD
Derin Myers, PCCD

Visitors

Steve Shelow, PSU JASI
Deidre Beiter, Temple University
Tony Mucha, PSU JASI
Anthony Luongo, Temple University
Constable Abraham Smith, Westmoreland County
Constable Michael Ludwig, Montgomery 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, November 4, 2021 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.

Constable Westover did a roll call with: Constable John Bruno, Constable Francis Peitz, Major George Bivens, and Patricia Norwood-Foden all being present. A quorum of Board members was established.

The Election of Officers occurred. Constable Craig Westover was nominated by Constable John Bruno for the position of Chair of the Board and seconded by Patricia Norwood-Foden. Constable Westover accepted the nomination.

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

VOTING NAY: None

ABSTAINING: None

Constable Craig Westover was elected as Chair of the Constables Education and Training Board.

Constable John Bruno was nominated by Constable Francis Peitz for the position of Vice-Chair of the Board and seconded by Patricia Norwood-Foden. Constable Bruno accepted the nomination.

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

VOTING NAY: None

ABSTAINING: None

Constable John Bruno was elected as the Vice-Chair of the Constables Education and Training Board.

PCCD Staff were introduced by Ms. Sherry Leffler.

II. Action Items:

Chair Westover asked Mr. Nicholas Hartman to introduce the first Action Item: Unapproved Draft Minutes of November 4, 2021 Meeting. This can be found on pages 3 through 10 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. Constable Peitz made a motion to approve the Unapproved Draft Minutes.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the second Action Item: Unapproved Financial Report for November 4, 2021. This can be found on pages 9 through 13 of the Board packet. Ms. Dorthey Jacobelli provided the balance from the previous year as \$2,478,756.38, reported that from fee collections for July 1, 2020 thru December 31, 2021 as \$625,370.46 which leaves a total funds available as of December 31, 2021 of \$3,104,126.84. Both the financial expenditures and financial commitments totaled \$330,431.98 and \$2,938,209.12 respectfully as of December 31, 2021 for a grand total of \$3,268,641.10 The uncommitted balance as of September 30, 2021 was -\$164,514.26. Chair Westover had a clarifying question about projections to Ms. Jacobelli regarding hitting the projected benchmarks. Ms. Jacobelli cannot say yes that we will meet the benchmark, but said at the rate of collections this year, the amount collected in 2022 will be greater than the amount

collected in 2021. Chair Westover explained his concern was a previous year's projection was not met, and he did not want to see this occur again. Chair Westover explained that he had concerns about the fund decreasing and being near the \$1 million mark in 2024/2025. Mr. Pfau explained with the courts re-opening, and the eviction moratorium being lifted, will the fund see an increase due to more fund related working being completed. Mr. Pfau explained that next quarter may give Program Staff a better idea of collections, since the previous quarters the courts were still opening, and the eviction moratorium was in place. Mr. Pfau also clarified that because an assessment fee happens, it does not mean that the Program will receive the funding in a 90-day period. Chair Westover asked if there was a way to observe what counties were collecting assessments, or if there are counties that do not have work for constables. Mr. Pfau explained Program Staff had asked AOPC (Administrative Office of Pennsylvania Courts) what counties were assessing and collecting the assessment. This study looked at a 5-year span. Mr. Pfau explained that it took an average of 15-18 months for the entire assessment to be collected and sent to PCCD. Mr. Pfau said that PCCD could go back to review the AOPC data and provide it to the Board. Chair Westover explained frustration that the amount does not come to the Program right away. Mr. Pfau explained that the assessment may not be assessed or reduced by a Judge. Ms. Norwood-Foden added that the number of filings may be decreasing, which has a direct impact on the collection of the assessment. Ms. Norwood-Foden also brought up that in some cases defendants can pay electronically, which removes the assessment fee because a warrant was not issued. Mr. Pfau further explained that the ability to pay electronically further decreases the amount of work generated for a constable to complete. As counties use the online/electronic payment method, work is decreasing for constables when it comes to warrant work. Vice-Chair Bruno asked if it is possible for a breakdown of each county for the CETA fee. Mr. Pfau said yes, that Program Staff has submitted the request in the past to AOPC, and it is possible to request the data again. There was no comment by Public Voice. Chair Westover then asked for a motion to approve the Unapproved Fiscal Report for November 4, 2021. This motion was made by Vice-Chair Bruno and seconded by Ms. Patricia Norwood-Foden.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the third Action Item: Instructor Certifications. This can be found on pages 17 through 21 of the Board packet. Ms. Tracy Beaver was asked to introduce the instructors for Board approval: Terrence Barnot (General, and Physical Skills), Jonathan Caranese (General, Physical Skills, and Firearms), Rachel Grabiak (General, and Physical Skills), Patrick Nuzzo (General, and Physical Skills), Harold Shane (General, Communications, and Physical Skills). All of the nominated instructors meet the requirements for Board certification to teach their associated topics. There were no comments made by the Board or Public Voice. Chair Bruno asked for a motion to approve the instructors for approval. Ms. Norwood-Foden made the motion, with Chair Bruno seconding the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover asked Ms. Beaver to introduce the fourth Action Item: Request for Exception to Board for Ineligible Waiver Applicant. This can be found on page 22 of the Board packet. Ms. Leffler said she would handle this Action Item. Ms. Leffler said Program Staff was asked for a reply from a rebuttal. This individual is requesting that their application be reconsidered for the waiver exam, and Ms. Leffler said that the information as to why they were denied is provided in the Board Packet. Ms. Leffler asked if the Board was able to read the information provided, and the Action Item. Chair Westover asked if there were any questions from the Board. Chair Westover turned the Action Item over to Public Voice. Constable Michael Ludwig from Montgomery County said that he believes that he meets the requirements of the waiver exam as it is written. Constable Ludwig states that he had received Municipal Police Officers Education and Training Commission (MPOETC) training in his previous position, as it was a requirement of his employment. Constable Ludwig said he felt that Program Staff were hemmed up on him not having a MPOETC card, yet he felt he met the requirements because he had received MPOETC training. Constable Ludwig is saying that he met the requirements, and further added that these are the requirements of Capital Police. Constable Ludwig thanked the Board, and said he was available for extra questions that the Board may have about his training. Mr. Pfau asked Constable Ludwig had he been issued a MPOETC Certification number. Constable Ludwig said he had not been issued a certification number as it is not in the statute. Chair Westover if Program Staff, or Board Members had any additional questions. Chair Westover asked if anyone else had a comment for Public Voice. Constable Smith from Westmoreland County asked the Board how many new constables they anticipated on training in the new year. Chair Westover explained that this question would be answered later in the agenda. Constable Abraham Smith asked another question regarding the fiscal report, regarding what time a line item covered. Ms. Leffler provided that answer that the time period was for the entire calendar year of 2020-2021. Constable Smith then asked if the monies available could be used to help lessen the cost of Basic Training. Chair Westover addressed the question by explaining that the Program has been audited numerous times, and that the monies generated stay in the Program, which are used to cover expenses to run the Program. Chair Westover also explained that the cost of Basic Training may not help the Program break even with all the costs associated with holding a training. Mr. Pfau also added that curriculum development is not added into the Basic Training costs. Constable Smith then asked if money was set aside at the Government level, would it be enough to cover the costs of Basic Training. Mr. Pfau said this is an issue between constables, and legislators to address. Mr. Pfau added that the surcharge has not been increased since 1994 from the current \$5 and reiterated the use of electronic payments. Ms. Leffler explained in 2018 a workgroup was created on how to decrease the costs of training. Ms. Leffler also added that the last election cycle (2016), the Program trained a large number of constables, and not all of the trained constables completed work. Ms. Leffler also explained that it was the Board's decision to have new constables pay for Basic Training. Constable Bruno reinforced the idea that the constable paying for Basic Training is an investment in their employment. Chair Westover asked for a motion to approve Program Staff's recommendation. Vice-Chair Bruno made the motion, and Chair Westover seconded the motion.

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

The motion passed unanimously.

III. Discussion Items:

Ms. Leffler introduced the first Discussion Item: Program Supervisor's Report.

Ms. Leffler opened that the constables' program, and Basic Training were the top two search items on the PCCD website.

Ms. Leffler provided that Temple had provided analytics that observed that there were no errors regarding constables taking the training on CANVAS.

Ms. Leffler introduced statistics regarding Continuing Education to the Board for the status of 2021 Training: 62 training classes scheduled, with 32 being completed, and 27 canceled. These statistics were as of November 1, 2021. For Online Classes: Cultural Diversity is 70%, or 776 completions; Effective Communication is 67%, or 742 completions; Ethics is 66%, or 732 completions. There were only 306 Constables who were required to complete only the Online Classes to retain certification, with only 238 having completed all three classes. Ms. Leffler provided a reminder that the due date to complete classes is quickly approaching.

Ms. Leffler introduced statistics regarding Annual Firearms to the Board, of 47 classes scheduled, with 38 being completed, and 9 canceled. 684 Constables had successfully completed Annual Firearms with their primary weapon, or primary, and secondary weapon. There was a 6% total failure rate of annual qualifications.

Ms. Leffler introduced statistics regarding Continuing Education to the Board for the status of 2022 Training: 39 Continuing Education classes were scheduled, with the first classes being in Lancaster on January 29, and 30 with 50 constables successfully completed the training. For Online Classes: Crisis Intervention is 13.5%, or 101 completions; Legal Updates is 10.3%, or 77 completions; Service of Criminal Warrants is 11.1%, or 83 completions.

Ms. Leffler stated that there are 40 5-Hour Annual Firearms Qualifications scheduled with the first two being in Lancaster on February 5, and 6, 2022.

For Basic Training, Ms. Leffler stated that Program Staff have assisted over 289 newly elected constables, and deputy constables. 154 individuals are currently in the CCETS system, 42 are awaiting to be approved in CCETS (waiting to receive Term of Office), and 90 paid individuals are enrolled into a Basic Training class.

Ms. Leffler explained that there are currently three Basic Training classes scheduled: one in the East that will run Monday through Friday for two weeks, and two in the West that will run Friday night, Saturday, and Sunday for four weekends. A fourth Basic Training class has been

confirmed, and Program Staff is working on constables who have submitted enrollments, and class payments. There will be Basic Firearms Courses (four, in total) following each Basic Training Courses for new Constables to enroll into, and there has been a fourth Basic Firearms course added to accommodate the number of potential Constables due to Basic Firearms being a smaller class size. Program Staff is planning a Basic Firearms early in 2023 to be made available to constables who attended a later Basic Training Course.

Ms. Leffler provided the statistic that three individuals have been approved to take the Law Enforcement Basic Training Waiver exam.

Ms. Leffler stated that Program Staff will be mailing 2022 ID Cards each Tuesday, as Program Staff receives Terms of Office, and additional required paperwork.

Program Staff have processed over 1,662 pieces of paperwork since November 1, 2021 in addition to receiving hundreds of phone calls, and emails.

The fiscal audit report had been received and had been provided to the Board Members.

Ms. Leffler also explained that PCCD hosted an Instructor Update for Expandable Baton, OCAT, and MOAB December 1, 2, and 3, 2021. 12 board certified instructors were recertified for chemical aerosol, and 14 were recertified in expandable baton. The Management of Aggressive Behavior was rescheduled for January 15, 2022, and 18 board certified instructors were recertified. An Informational Session was presented for the instructors regarding the 8-Hours of Defensive Tactics.

Ms. Leffler explained there are 883 Constables, and Deputy Constables who are active, and certified. 521 of the 883 Constables, and Deputy Constables are Firearms Certified. 4653 Constables have either completed the Basic Training or passed the Waiver Exam through the life of the program since 1996.

Mr. Pfau also added that roughly 800 constables were up for reelection/appointment and implied this is why we are seeing the active and certified constable population lower than previous years.

Chair Westover asked if we would be back near the 800-900 mark, and Mr. Pfau believes this to be true.

Ms. Leffler wanted to remind constables about the February 12, 2022 insurance expiration date. 421 constables' insurances would be expiring on this date.

Constable Smith asked how many slots would be available into the fourth Basic Training class, and Ms. Leffler provided the number of 40 due to the site being able to accommodate more individuals. Ms. Leffler also reminded that we still must follow COVID protocols which is why the other Basic Training locations were only able to host 30 individuals. Constable Smith asked if the total for constables being trained would be 130, and Ms. Leffler confirmed this number.

Ms. Leffler introduced the second Discussion Item, Board Regulation Revision Discussion. She indicated that Program Staff had begun a review of Program Regulations, and this would involve Board involvement in the approval of the suggestions presented to the Board. Ms. Leffler is hoping that a draft of changes will be available for the Board by the May 5, 2022 Board Meeting. It was explained that the last time Program Regulations were changed, the process took around the three-year mark.

Ms. Leffler explained how the editing process would occur. Mr. Pfau said the intent is to have the Board have the information prior to this meeting for review, so that Program Staff can explain why the edit is being suggested. These edits are to reflect any changes that have occurred over the past few years. Mr. Pfau explained that this is a laborious process, that must be handled in a specific way for review. Mr. Pfau explained the timeline, and the agencies who review the changes.

Ms. Leffler provided the example of an edit being the lapse of certification, and what are the Program Regulations around a constable becoming recertified. Ms. Leffler said that Program Staff will bring information regarding this topic to the Board Meeting for the Board to have to help make a decision.

Chair Westover asked if it is possible for the Board to be able to vote on the Program Regulation changes by the November meeting. Both Mr. Pfau, and Ms. Leffler stated that would be the ideal goal. Mr. Pfau did say it could be affected by third parties who have roles in reviewing the proposed Board Regulations. Ms. Leffler also explained that public comment can be made at point in the review process.

Chair Westover said it appears that the process could take two years, with both Ms. Leffler, and Mr. Pfau agreeing upon.

IV. Informational Items:

Chair Westover asked Ms. Leffler to introduce the only Informational Item on the agenda, PA Insurance Department Update. Ms. Leffler reached out to the Pennsylvania Insurance Department and confirmed the list that was provided for review was correct. Ms. Leffler also explained that most constables in the Commonwealth use one insurance provider. This information would be provided to new students in the Basic Training Course. Chair Westover explained that this question came from his insurance broker saying that they would no longer cover constables. Chair Westover was concerned that this would impact other constables, which is why this topic was brought to the Board.

Mr. Pfau reminded those in attendance about the Curriculum Workgroup happening next week that would be focusing on future Continuing Education Topics.

V. Other Business:

There were no topics introduced.

Public Voice:

Constable Smith asked if the workgroup was only for the Board, and Mr. Pfau explained who was invited to the Workgroup, and why.

VII. Adjournment:

Chair Westover asked for a motion to adjourn the meeting at 9:58 a.m. A motion was made by Ms. Norwood-Foden to adjourn the meeting and the motion was second by Vice-Chair Bruno.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

The next Board meeting will be held on May 5, 2022 at 9 a.m. via Teams, and in-person at PCCD.