

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

Approved Minutes of the August 10, 2023 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

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
Megan Staub, PCCD
Sally Barry, PCCD
Debra 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
Constable Kevin Herrick, Lackawanna 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 10, 2023 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.

Chair Westover explained that the meeting is being recorded.

II. Introductions:

Chair Westover asked the Board members to introduce themselves to establish a quorum. Enough Board members were present to establish a quorum.

Ms. Tracy Beaver acknowledged the Pennsylvania Commission on Crime and Delinquency (PCCD) staff that were in attendance.

Ms. Leffler asked the Board to acknowledge the passing of Ms. Deidre “Dee” Beiter, who was the Training Delivery Coordinator for Temple University. Ms. Leffler explained that Ms. Beiter had lost her battle with cancer. Mr. Anthony Luongo gave praise to Ms. Beiter for her contributions to the Program, and to Temple University. The Constables Education Training Board wants to thank Ms. Beiter for her hard work, and dedication.

III. Action Items:

Chair Craig Westover asked Mr. Nicholas Hartman to introduce the first Action Item: Unapproved Draft Minutes of May 11, 2023 Meeting, which can be found on pages 3 through 13 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 Harry Albert made a motion to approve the Unapproved Draft Minutes, with Judge Wilden Davis as the second.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the second Action Item: Unapproved Fiscal Report for August 10, 2023. This can be found on pages 14 through 19 of the Board Packet.

Ms. Dorthey Jacobelli provided the balance from the previous year as \$3,086,320.04, reported that from fee collections for July 1, 2021 thru June 30, 2023 as \$1,452,790.41 which leaves a total funds available as of June 30, 2023, of \$4,539,110.45. Both the financial expenditures and financial commitments totaled \$1,105,996.04 and \$3,439,863.63 respectfully as of June 30, 2023 for a grand total of \$4,545,859.67. The uncommitted balance as of June 30, 2023 was -\$6,749.22. Class payments that that have been received to date totaled \$255,154.00.

Chair Westover asked to discuss the deficit of -\$6,749.22, and what impacts this negative balanced would have on the Program. Mr. John Pfau explained that the Program still has active contracts from the previous year that have not been completed. Mr. Pfau explained that there is money that is committed, but it has not been expended. Mr. Pfau explained that the non-expended funds from these contracts would then be returned to the Program’s fund. Ms. Jacobelli explained that the contractors are behind in their billing, which is part of these committed funds. Ms. Jacobelli also explained that a new purchase order will begin on July 1, 2023 but needed to be executed at the beginning of the 2023 fiscal year. The execution of the new Purchase Order also fell into the financial commitments category of this fiscal report. Ms. Jacobelli also explained that the discussed purchase order is for a two-year time frame, till the end of 2025, and not a one-year time frame which is why it has a higher cost. Mr. Pfau explained that contract overlap is common at this time of year which is another factor of the negative balance. Ms. Jacobelli also explained the logic behind the computations, and how purchase orders are executed. Ms. Jacobelli explained that fiscal can

factor in costs, but not anticipated revenue as revenue cannot be predicted. Mr. Pfau explained that the decision for a two-year contract was to help with Program staff's workload. Ms. Jacobelli also explained that to have the purchase order approved, the Fiscal Department needs to prove to the Comptroller office that the Program will be able to pay the costs anticipated in the purchase order.

Chair Westover explained that as an instructor, he is still experiencing other constables saying that PCCD is paying for costs associated with other entities. Chair Westover has tried to explain to those saying that PCCD is buying equipment that the money used is not from the Constables Education Training Fund, and that PCCD houses other programs who distribute funding to other social services entities. Mr. Pfau also added to Chair Westover's comment about PCCD housing other programs by listing a few examples and providing that PCCD has distributed over \$700,000,000.00 for 2022.

Chair Westover thanked Ms. Jacobelli for her work preparing the fiscal report for the Board meeting. Constable Albert then asked a clarifying question about two purchase orders, and their costs with Mr. Pfau explaining that the purchase order is for two years versus a one year. Chair Westover then added that it appears that the collections to the fund have improved but have not reached the levels prior to the pandemic. Mr. Pfau explained that the Program may not reach the level of collections prior to the pandemic. Mr. Pfau anticipates that the amount of work assigned to Constables will be less than what was assigned prior to the pandemic.

Chair Westover then asked for a motion to approve the Unapproved Fiscal Report for August 10, 2023.

The motion to approve the Fiscal Report was provided by Vice-Chair Norwood-Foden and seconded by Constable Albert.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the third Action Item: Instructor Policy Revisions. This can be found on pages 20 through 29 of the Board Packet. Ms. Leffler explained that at the last Board meeting of 2021, suggestions were presented regarding housekeeping, and language changes regarding the Instructor Policy. Ms. Leffler explained that Program staff has added additional language to the Instructor Policy to help ensure that that procedures are followed correctly. Mr. Pfau added that the language is not new, but rather clarifying languages. Chair Westover added that the clarification was appreciated and will help the Program and the Training Delivery Contractors with their Constable Instructors.

The motion to approve the changes to the Instructor Policy was provided by Chair Westover and seconded by Constable Albert.

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

VOTING NAY: None
ABSTAINING: None

The motion passed unanimously.

Ms. Leffler explained that the changes will go to the PCCD Meeting in September, and all new Instructors will sign the Instructor Policy once approved.

Chair Westover introduced the fourth Action Item: Instructor Certifications. This can be found on pages 31 through 37 of the Board Packet.

Ms. Beaver was asked to introduce the PSU-JASI instructors for Board approval: Justin Keenan (PSU-JASI Firearms); and Eli Kosanovich (PSU-JASI – General, and Law). Mr. Hartman was asked to introduce the Temple instructors for Board approval: Wayne Lamb (Temple – General, Communications, and Physical Skills); Eric Lauer (Temple – General, Communications, and Physical Skills), Louis Mancini (Temple – Communication), William Mateleski (Temple – General, and Firearms), and Chris Prout (Temple – General, and Physical Skills recertification with the addition of Communication). All the instructor candidates met the requirements for Board certification to teach their requested topics. Chair Westover asked with the addition of the new instructors will help the schools with their instructor pools. Both Temple, and PSU-JASI are planning on recruiting to help instructor burnout, and to have more instructors available.

Chair Westover made the motion for approval, with Judge Davis seconded the motion.

VOTING AYE: Westover, Albert, Davis, Norwood-Foden
VOTING NAY: None
ABSTAINING: None

The motion passed unanimously.

V. Discussion Items:

Ms. Leffler introduced the Constables' Program Supervisor's Report. Ms. Leffler introduced statistics as of August 10, 2023, regarding the 2023 Continuing Education Courses: with 19 being completed, and three canceled. Program Staff is working with Temple to receive online grades. 477 constables have completed the in-person component of Continuing Education. The online subjects are at less than 30% completion from the Constable population. Ms. Leffler added that the cutoff for online training will be on November 1, 2023. Ms. Leffler explained that a total failure of an online subject, may not be able to be processed in enough time to re-enroll a constable into an online make-up course, pending that the constable still has a second attempt at the online subject.

Ms. Leffler introduced statistics regarding the 2023 Annual Firearms Qualifications to the Board: with 17 being completed, and six canceled. 238 have successfully completed the firearms qualification, and 13 failures.

Ms. Leffler presented that 14 individuals were in the last Basic Training class of the year, and all 14 had completed the training. Eleven constables are left regarding needing liability insurance to be certified. Ms. Leffler added that the last Basic Firearms course will begin on September 22, 2023 at Harrisburg Area Community College.

Ms. Leffler reported that as of August 7, 2023, there are 853 certified constables and deputy constables. 645 of the 853 are firearms certified and a total of 4,825 constables and deputy constables have either completed the Basic Training or passed the Waiver Exam since 1996. Ms. Leffler explained that the Regulation Changes will also be sent to the PCCD Meeting for review and approval to move forward with the external review and approval .

Vice-Chair Norwood-Foden asked if the constables who were not able to enroll into Basic Training last year, made it into a Basic Training this year. Ms. Leffler explained that non-certified constables with a valid term of office were sent communication regarding Basic Training in the Fall of 2022, and Program Staff still had to cancel two of the six scheduled Basic Trainings. Ms. Leffler also explained that the last two Basic Trainings that occurred were under the minimum class enrollment but were held with less than the minimum.

Chair Westover asked if the deadline for the online subjects needs to be moved up so that Program Staff is not inundated at the end of the year with grades, and questions regarding online subjects. Mr. Pfau added that the Sheriff and Deputy Sheriff Program is in a similar situation in that their online completion rate is not high as well. Mr. Pfau provided context as to why the rate may be higher, and that there is a similar rush at the end of the year to complete online subjects.

Ms. Leffler introduced information for the ADA policy. Ms. Leffler explained that previous Board policies will need to be reviewed. Ms. Leffler explained that the Federal definition for the ADA policy will be used to provide context. Undue Hardship would need to be explored on a case by case basis, as to not have a blanket statement. Ms. Leffler also explained that any alterations to any Physical Skills subjects would impact the intent of the training, which the Board had previously ruled on at the May 11, 2023 meeting. Eligibility of physical requirements for the firearms range, and classroom were also discussed. Ms. Leffler explained that the requirements were taken from the Firearms Education and Training Commission's eligibility requirements. Ms. Leffler provided a few examples of the eligibility, and how the examples can impact training. Ms. Leffler explained that accommodations cannot be retroactive and must be requested 30 days before the class begins. Examples of disabilities were provided as well as standardized testing times for written examinations. Mr. Pfau explained that Program Staff will be providing a draft of the ADA policy for the next Board meeting using the information that was provided. Chair Westover asked Ms. Sandifer if we are moving in the correct decision, and she agreed. Mr. Pfau also explained that the training delivery contractors will also be able to review the draft policy. Ms. Leffler explained that the key points can be drafted into an Action Item for the next meeting and that this would need to go to the PCCD for final approval

VI. Informational Items:

Mr. Pfau explained that additional Administrative Office of Pennsylvania (AOPC) data was requested with new fields. Mr. Pfau explained the additional fields, and what data was provided. These additional fields were not presented prior. Mr. Pfau explained that the data provided will

help Program Staff with identifying what work Constables are currently completing. Mr. Pfau explained that the data will show if the Constable Education Training Act (CETA) fee was assessed, and how long it took to be collected. Mr. Pfau explained that Dr. Orth, and Mr. Gartside will present their finding with the new data at a later Board meeting. Mr. Pfau explained that the largest Server Fee Assessment Type was “Returns to Court,” with “Execution of Warrants” as the second task completed. Mr. Pfau also explained that with the addition of the docket number, the geographic areas can be identified. Chair Westover added that criticism of what is being taught at Basic Training, and Continuing Education can now be supported by data. Chair Westover also added that the loss of CETA fees can be tracked by reviewing the data and comparing to the changes that AOPC has made regarding what activities are having CETA fees assessed. Scheduled to Print data will also be reviewed, and this data can provide more than a snap shot of data with the fluctuations of services Constables provide. Chair Westover is hoping that the data will also show how many warrants are being held in house at the courts, and how is it occurring. Chair Westover provided the anecdotal examples he has heard from other Constables. Constable Albert added that it will be beneficial to understand the hierarchy of how fees are being distributed, and that this may help the Board predict future fees collected. Mr. Pfau explained that hardest answer to acquire is why is the fee not being collected, if it has been assessed. Judge Davis asked if the data will be available at the November Board meeting, and Mr. Pfau said yes.

Mr. Pfau introduced the Work Group Recommendations: Job Task Analysis, Elective-Constable Paid Firearms Training, and Role of the Constable.

Job Task Analysis: Mr. Pfau explained that the additional data from AOPC will enable Program Staff to complete a more thorough analysis of the services that Constables are providing. This will save the Program money as a third-party vendor will not needed to be assist with this analysis.

Elective-Constable Paid Firearms Training: Mr. Pfau explained that a survey will be sent out to the training population to identify interest, as different paths could cause changes to Constables Continuing Education Training System (CCETS).

Role of the Constable: Currently being worked on by Temple and Program staff hope to have a pilot group testing this subject material in early 2024.

Chair Westover mentioned the Firearms Curriculum review, and Mr. Pfau explained that the instructors will be meeting. Mr. Pfau explained that there are changes regarding the shooting of a practice qualification due to legal challenges, and that other entities are foregoing a practice qualification to focus on areas shooters need extra attention. Mr. Pfau added that instead of running the practice qualification, more time may be sent on shooting from distance. Chair Westover asked about optics, and Mr. Pfau explained that more counties are moving to using optics. Mr. Pfau added that firearms instructors will need educated on how to use optics. Chair Westover asked additional questions regarding Constables using optics, and what if a Constable fails using optics, practices, and fail again. Mr. Pfau asked with the increase of optics, does time need to be spent at Basic Firearms on the use of optics. The Deputy Sheriffs program is not at the 50% mark for having optics, however, the conversation has begun to happen. Chair Westover asked when the training population should anticipate seeing changes made by the Workgroup, and Mr. Pfau said that changes would occur in 2025. Changes would need to be implemented at the beginning of a

training year, and not during the middle of a year. Ensuring that the training population is informed prior to any changes would be a priority.

Ms. Leffler provided the Constables Firearms Failures Update. The data presented is from 2016 to May 11, 2023. Ms. Leffler wanted to provide data prior to the reduction of hours at Annual Firearms. While the number of failures has decreased from the first year the Program moved to Qualification only in 2019, there are still several individuals failing. Mr. Pfau added that Program staff is also tracking the number of Constables using optics. Chair Westover asked Mr. Tony Mucha his interpretation of gun skills by the constable population, and Mr. Mucha said that they have declined. Mr. Mucha also stated that while Constables are passing Annual Firearms, there is a decline in skills, as the use of firearms is a perishable skill. Mr. Luongo also agreed with Mr. Mucha's assessment. Both Temple, and PSU-JASI also mentioned the decrease in gun handling skills which safety. Mr. Luongo also added that the total failures represent two attempts by a Constable. Chair Westover added that complaints are voiced about starting at the 25-yard line, and not about close contact. Chair Westover answers the complaints by saying that you do not get a chance to warm up if you are needing to use deadly force. Constable Albert asked who the failures are from the previous year, and Mr. Pfau explained that the failures tend to be marginal shooters. Ms. Leffler added that the failure list also included failures of the written exam. The firearms exam was changed in 2019. Chair Westover also addressed vision, and weapon maintenance as potential factors that impact failures rates, that should be addressed prior to the qualification.

VII. Executive Session:

Executive Session was introduced at the request of Ms. Debra Sandifer, Legal Counsel. Chair Westover made the motion to go to Executive Session, with Judge Davis seconding the motion.

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

VOTING NAY: None

ABSTAINING: None

Major Cawley was able to attend Executive Session. Motion to return from Executive Session was made by Chair Westover, with Constable Albert seconding the motion.

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

VOTING NAY: None

ABSTAINING: None

VIII. Other Business:

No Other Business was discussed.

IX. Public Voice:

Constable Abraham Smith, from Westmoreland County, asked why Public Voice did not occur at the beginning of the Board meeting, and Mr. Pfau explained that what Constable Smith is requesting has been tried before, and it was not met with success. Mr. Pfau explained that the

feedback provided was that Constables the chance to hear the discussion, and to provide Public Voice at each item. Constable Smith asked if Public Voice can occur before Executive Session.

Constable Jason Knapp, from Allegheny County, asked if the Board has considered using third party trainers, and if there are approved courses that Constables can take, and appear on the Constable's training transcript. Mr. Pfau said provided context that the Municipal Police Officers' Education and Training Commission (MPOETC) has allowed something similar in the past and had to narrow down approved course. Mr. Pfau addressed concerns about who is paying for the course and vetting the topic. Chair Westover explained that Oleoresin Capsicum Aerosol Training (OCAT) is used through a third-party vendor, and that the Training Program covers the fee. Ms. Leffler added that in the Regulations, Continuing Education Waiver have been removed. Chair Westover also brought up the topic of the quality of instructors. Mr. Pfau added that until a class is observed, it may not meet the requirements of the Program. Chair Westover added that the topics being taught may not also be applicable to Pennsylvania. Constable Knapp added that due to the costs for additional training, it would help Constables if the additional classes could be vetted by PCCD and added to their training history in CCETS.

Constable Herrick, from Lackawanna County, asked if it is possible as a new Constable, to take the current Continuing Education courses. Mr. Pfau explained that it is a technical issue to allow someone to take a Continuing Education course, but past courses have been requested. Chair Westover agrees with allowing past classes to be made available. Constable Herrick asked a clarifying question regarding "having paper in hand" as the safest way to handle business. Chair Westover agreed that having an active warrant is the safest way, as well as contacting your court to ask for guidance.

X. Adjournment:

Chair Westover asked for a motion to adjourn the meeting at 11:05 am. Ms. Norwood-Foden had to leave the Board meeting at 11:00 a.m. and would be unable to vote on Adjournment. Major William Cawley joined the Board meeting during Executive Session and with the inclusion of Major Cawley, a quorum was met. With quorum being met, a vote to adjourn the August 10, 2023 Board meeting was able to occur.

A motion was made by Constable Albert to adjourn the meeting and the motion was second by Judge Davis.

VOTING AYE: Westover, Albert, Davis, Cawley

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously. The next Board meeting will be held on November 2, 2023 at 9 a.m. via Teams, and in-person at PCCD.