

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

**Unapproved Minutes of the May 9, 2024 Meeting**

**Members Present**

Chair Craig Westover, Constable, Venango Co.  
Vice-Chair Patricia Norwood-Foden,  
Court Admin, Chester County  
Harry Albert, Constable,  
Lebanon County  
Joshua Stouch, Constable,  
Montgomery County

**Commission Staff Present**

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

**Visitors**

Anthony Luongo, Temple University  
Michael Marcantino, Temple University  
Steve Shelow, PSU JASI  
Tony Mucha, PSU JASI  
Constables:  
Constable Alex Farganis, Lancaster County  
Constable Loren Hockensmith, Cumberland County  
Constable Abraham Smith, Westmoreland County  
Constable Scott Warren, 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 meeting was held at 9:00 a.m. on Thursday, May 9, 2024, via in-person, and Teams. The Board Meeting was delayed and did not start until 9:16 a.m. The Board Meeting was held in a hybrid style according to the Sunshine Act to make in-person an available option.

Chair Westover 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. Chair Westover also explained that the meeting is being recorded. A sufficient number of Board members were present to establish a quorum.

Chair Westover asked to amend the Board Meeting Agenda and to remove the Executive Session as it will no longer be needed.

Chair Westover then asked Mr. Tony Mucha to provide an update regarding an instructor, Mr. Phil Michael. Mr. Mucha provided information to the Board that was approved by Mr. Michael's family.

## **II. Introductions:**

Ms. Tracy Beaver 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.

## **III. Action Items:**

Chair Westover asked Mr. Nicholas Hartman to introduce the first Action Item: Unapproved Draft Minutes of the February 8, 2024 Meeting, which can be found on pages 2 through 11 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.

Mr. Joshua Stouch motioned to approve the Unapproved Draft Minutes, with Mr. Harry Albert as the second.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the second Action Item: Unapproved Fiscal Report for May 9, 2024. This can be found on pages 12 through 17 of the Board Packet.

Ms. Ekaterina Shull provided the balance from the previous year as \$3,433,114.41, and reported fee collections for July 1, 2023, through June 30, 2024, as \$1,147,671.48 which leaves a total fund available as of March 31, 2024, of \$4,508,785.89. The financial expenditures and financial commitments totaled \$1,020,351.07 and \$4,540,724.50 respectively as of March 31, 2024, for a total of \$5,561,075.57. The uncommitted balance as of March 31, 2024 was -\$980,289.68. Class payments that have been received to date totaled \$77,642.00.

Chair Westover then asked about the uncommitted balance and asked Program, and Fiscal staff if there would be an improvement on the negative amount of funds. Mr. John Pfau explained that there are overlapping contracts, both new and old. Money not spent on the contracts will be returned to the fund. Mr. Pfau added that collections are up compared to the previous year, and believes the removal of the moratorium placed on landlords is the reason. Mr. Pfau added that there is a delay in fee collections from when the process of eviction begins to when the total amount of the fee has been collected, and deposited into the Constable's Education Training Act (CETA) account. Mr. Pfau added that even if the surcharge that is assessed on warrants were to be

increased today, it would take a year or longer for the Program to see any of the money. Ms. Shull added that the fiscal department was waiting for some payments to be processed so that the fiscal department could begin the liquidation process of past contracts.

Chair Westover brought up the increase in revenue, and Mr. Pfau explained that civil remedies are collected right away and that warrants may occur over a longer period. Mr. Pfau does not believe it will be substantial but will continue to increase. Mr. Pfau also reminded the Board that there has been a decrease in constables, and this would also impact fees as there is more work than there are constables to complete the work.

Mr. Stouch agreed with Chair Westover's review, and assessment of the financial situation. Mr. Stouch then added his concerns about the use of the Act 49 training by constables that are not providing judiciary support activities that would generate CETA funds, but instead for non-Act 49 services that do not generate funds for the Program. Mr. Stouch then voiced additional concerns about training hours, and how money is being used to benefit constables not supporting the Program.

Mr. Stouch then presented his idea of constables needing to pay for Continuing Education if they are not generating enough CETA funds to cover the decided cost of Continuing Education. Chair Westover then introduced the idea that there are constables who wish to provide judiciary support activities but are in a county where it is difficult for them to provide those services. Chair Westover reiterated the need for the CETA fee bill to be increased so that it is also beneficial to constables to complete the work, as some of the non-Act 49 duties may pay more money than what is payable under the current fee bill. Chair Westover also added that while some counties may need constables, other counties are over-saturated with constables with not enough work being made available to support the new certified constables. Chair Westover also raised the concern about how would the metric of funds raised per constable be calculated. Mr. Pfau agreed that it is a culmination of factors. Mr. Stouch agreed that the fee bill needs to be increased, but some type of action needs to occur to stabilize the fund. Mr. Stouch added his concern regarding CETA fees being assessed by the Administration of Pennsylvania Courts (AOPC), and that an increase may not matter if the fee is not collected. Mr. Pfau provided a brief update from the workgroup that is reviewing the AOPC data. Mr. Pfau explained that there is a decrease in certified constables and that this is a cycle that repeats through the years after an election year. Mr. Pfau explained that if a constable were to have completed one court docket, they were counted as having completed court work for the year. Mr. Pfau explained that the population appears to occur in thirds: one-third does no court work, one-third does one to 500 dockets, and one-third does more than 501 to 1,000 dockets. Mr. Albert then asked could the term length of the constable be factored into who is completing the most dockets, to see if newer constables are completing dockets, and if established constables are completing more dockets. Mr. Pfau explained that the data is for the 2022 year, and constables who completed Basic Training in 2022 may have a lower number of dockets completed. Mr. Pfau added that individual constables could be tracked over the years. The top ten constables accounted for 11% of the dockets completed in the state. Mr. Stouch then calculated that 700 constables fell into the category of having served less than 500 dockets out of the number of currently certified constables. Mr. Stouch then asked if those constables provided enough work to contribute to the CETA fund to cover the costs of their Continuing Education. Mr. Pfau since 1994, the assessment was \$5, and the highest revenue has

not been touched since. Mr. Pfau added that training costs have increased. Mr. Pfau also added that if the CETA fee had kept pace with costs, then the assessment would have been increased to \$10 two years ago. Mr. Pfau explained that in 2009, Program staff had been tracking the fund, and Program staff have absorbed activities to help the CETA fund. Chair Westover discussed that the Board decided in 2019 to charge for Basic Training, which had been free to the constable until 2019. Chair Westover encouraged constables to continue to speak to legislators regarding the health of the CETA fund due to the lack of traction from the General Assembly to address the concern of the Board. Chair Westover explained constables with whom he spoke described that they could not afford to do Act 49 work anymore and explained his own experiences with costs increasing, and fee collections not changing. Vice-Chair Patricia Norwood-Foden, when asked by Chair Westover, agreed that she is seeing an increase in workload due to an increase in civil cases. Vice-Chair Norwood-Foden addressed the concern that in Chester County, constables are being primarily used for Prisoner Transport and Courtroom Security, judiciary activities that do not generate CETA fees. Vice-Chair Norwood-Foden has concerns about constables being punished for doing activities that do not generate CETA fees but completing eligible activities under Act 49. Vice-Chair Norwood-Foden also does not want to punish constables who are looking for work but have been unable to secure work. Mr. Stouch said he understands that the pay discrepancies for services are also an issue for constables when one activity may pay \$13 per hour, and a different activity pays a much higher rate per hour. Mr. Stouch then clarified if a constable is doing non-judiciary activities that they do not need the board certification, and should receive the proper certifications, and training that they should have to complete these activities. Mr. Albert then added that the definition adds confusion because of how the duties of the constable are defined. Mr. Pfau added that some Sheriff's departments have hired certified constables to do Prisoner Transports and that some duties do not generate CETA fees. Chair Westover added that the amount of money charged for Basic Training is not 100%, as Program staff completes many of the administrative duties associated with Basic Training. Mr. Albert asked about the Sheriff's surcharge increase, and Mr. Pfau explained that the county filed a reimbursement to the Sheriff's Program and that the Sheriff's Program was unable to pay the reimbursements. The County Commissioners Association worked to have the surcharge increased so that reimbursements could begin again, and the impacts it would have at the county level.

Chair Westover then asked for a motion to approve the Unapproved Fiscal Report for May 9, 2024.

The motion to approve the Fiscal Report was provided by Mr. Stouch and seconded by Mr. Albert.

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

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 through 20 of the Board Packet.

Ms. Beaver was asked to introduce the PSU-JASI instructors for Board approval: Dominick Caimona (PSU-JASI – General, and Physical Skills), Eli Kosanovich (Communication –

MOAB, and Physical Skills – OCAT, and PPBT) and Michael Yawitz (PSU–JASI – General, and Physical Skills – OCAT). All the instructor candidates met the requirements for Board certification to teach their requested topics.

Mr. Stouch made the motion for approval, with Vice-Chair Norwood-Foden seconding the motion.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

#### **IV. Discussion Items:**

Mr. Pfau introduced the Discussion Item of changing Annual Firearms into an 8-hour day with some basic firearms instruction. Mr. Pfau explained how Annual Firearms had changed from a 20-hour course to a show-and-shoot due to financial restraints on the Program. Mr. Pfau discussed the decline of weapons manipulation over the years that have been observed at Annual Firearms. Mr. Pfau explained how the Annual Firearms Day operates with fails, and second weapons. Mr. Pfau explained that during an Annual Firearms, the range has been secured for the day which is typically eight hours, and that the qualification takes less than eight hours to complete. Mr. Pfau explained the activities suggested to the Board to be used during the non-qualification hours, and that the activities do not require ammunition, or much ammunition to be used. Mr. Pfau explained that the activities would be fundamental skills. Mr. Pfau then provided that financial explanation, and what the cost to the Program would be which would be double the current cost. Chair Westover explained his concerns as the Board Chair, instructor, and constable at the decrease in weapon skills over the years. The discussion of traveling in Pennsylvania at various times of year, and how the weather impacts range conditions was discussed. Mr. Pfau addressed the concerns about Annual fire alarm failure rates, which did increase by a small amount, and the failures would pay to sign up for another Annual Firearms. Mr. Pfau explained that the Program does not pass everyone if they show up. Mr. Albert added that there is importance in practicing weapon skills at the ownership of the constable. Chair Westover added the importance of having some form of training at an Annual Firearms, and the concerns of any type of legal action against the Board for increasing training at Annual Firearms. Chair Westover then asked if this Discussion Item could be made into an Action Item to be discussed, and voted on at the next Board meeting. Mr. Pfau added that Program staff has provided reminders to constables regarding factors that impact their ability to safely use a firearm. Chair Westover also added the importance of how a decrease in weapon skill could impact liability insurance, if the insurance were ever to be used. Mr. Pfau explained that if approved, the Action Item could be implemented in 2025.

Mr. Pfau provided an update on the Program Supervisor Position Status. Mr. Pfau explained that the Program is currently in the process of conducting interviews, and then the process returns to the State Human Resources department to continue the process. Mr. Pfau is anticipating that the new supervisor will be in place by the August Board meeting.

Mr. Pfau provided an update on the Regulation Changes. The Regulation Changes are currently in the process of edits before being presented to the State General Counsel for the next step of the approval process. Mr. Pfau explained the many approvals that need to occur before the changes to the regulations can be approved by the Independent Review Committee which may take a year to a year and a half to complete.

Mr. Pfau provided an update on the Annual Report. The Annual Report has been completed, and the final edits are being completed. Once the final edits are completed, the report will be given to leadership for the report to be distributed.

Mr. Pfau provided an update on Curriculum Development. The purpose Role of The Constable is to act as an education piece for individuals interested in becoming a constable, and would need to be completed before a person could register for Basic Training. Mr. Pfau outlined where the Role of the Constable is in production. The goal is to have those enrolled in the Basic Training in August take the Role of the Constable, and provide feedback. Seasoned constables will also be asked to view the Role of the Constable, and provide their feedback as well. Mr. Pfau explained that this would free up three and a half hours of Basic Training that could be used in other areas. Prisoner Transport and Crisis Intervention are being reviewed for updates on Basic Training. For the 2025 Training Year, Mechanics of Arrest will be the in-person training, and Levies, Human Trafficking, and Domestic Violence will be the online subjects.

Mr. Pfau introduced the topic of Weapon Optics. Weapon Optics are being tracked to see if the topic needs to be added to Basic Firearms. Optics were used by 77 out of 625 constables used optics at the Annual Firearms Qualification for 2023. One constable failed while using optics on their first attempt. In the Deputy Sheriff's Program, there is an increase in Sheriffs using optics.

Mr. Pfau explained that training is following trends of previous years slowing down in the summer, but it will increase in the fall.

Chair Westover asked about class cancellations, and Mr. Pfau explained classes are canceled due to low enrollment. Mr. Pfau explained that the Program provides a buffer in the number of spaces available for constables to receive training due to various factors.

Chair Westover mentioned that with the decrease in weapon skills, and has noticed that weapon draw seems to be the area impacted the most, with weapon reloading being area being the second most impacted area.

Mr. Stouch then asked what if the Program were to increase training hours to a higher amount and exhaust the CETA fund, what would happen to the legislative offices to help secure the Program? Chair Westover explained that the same conversation occurred in 2019 regarding the scenario that Mr. Stouch presented. Mr. Stouch said he believes that some type of action to help the Program would occur because losing constables would impact various agencies. Mr. Stouch used the Sheriff's Office as an example, and how the money needed by the Sheriff's Office would increase, and then impact the county. Mr. Pfau explained 10 years ago that there was legislation to eliminate constables and give the work to Sheriffs. Mr. Pfau explained that the two largest objections came from the Sheriffs and the County Commissioners. The Sheriff's Office stated that they are already at capacity with work, and the County Commissioners are concerned about the

budget impact it would have with an increase in costs. Mr. Pfau explained how constables are an economical, and feasible solution for the work they provide to the county. Mr. Pfau also explained how the Board is under a commission and does not believe that the commission would allow the Program to get to the point of having spent all of the funds. Chair Westover discussed going for broke, and the fiscal responsibility of the Board in financial decisions. Chair Westover also added how income is a deciding factor for not only constables, but Sheriffs, and Pennsylvania State Police when it comes to employment. Mr. Pfau added that in the Annual Report, the Program explains any options that the Board has taken to reduce the cost of training dating back to 2010. Mr. Pfau added that the Board is nearly out of options for cost-saving actions for the CETA fund.

Mr. Pfau explained that in the August Basic Training class, the training materials will be given to the constables through Temple Canvas, and will be available to be printed. Mr. Stouch asked if the materials could then be given to all constables. Mr. Pfau explained that it could occur, but the Basic Training class is the test group, and that materials will need to be updated regularly as changes occur to ensure that the most up-to-date version is accessible in Canvas.

#### **V. Informational Items:**

Mr. Michael Marcantino expressed his gratitude for being back as a Training Delivery Contractor. Chair Westover asked where Temple is regarding instructor recruitment. Mr. Marcantino explained that he hopes to have instructors for the next Board meeting but is also going through the list of current Temple instructors, and speaking to all of them regarding their interest in instructing for the Program. Chair Westover explained that the pandemic interrupted the cohesiveness of the instructor pool. Chair Westover also stressed the importance of properly educating the instructors on how constables operate, and how constables work.

Mr. Mucha explained that with new instructors, he takes time to explain the role of the constable, and the CETB. Mr. Mucha also added that movement should be included in the proposed eight-hour Annual Firearms as other entities are now including movement in their Basic Firearms. Chair Westover explained that he spoke to Major Cawley, another Board member and that Major Cawley would work on educating State Troopers as to what constables are, and their role. Chair Westover then spoke to a limiting factor between established instructors, and newer instructors sharing information, and how the Program operates with training. Vice-Chair Norwood-Foden then asked if there is information about constables in the Sheriff's Training Program, and Mr. Pfau explained that despite having a much larger pool of hours for training, the amount of material that needs to be covered limits additional subjects being added to the Sheriff's Academy.

Chair Westover then asked what is the number of certified constables. Mr. Pfau reported that as of May 7, 2024, there are 778 certified constables and deputy constables. 595 of the 778 are firearms certified and a total of 4,856 constables and deputy constables have either completed the Basic Training or passed the Waiver Exam since 1996.

#### **VI. Other Business:**

Mr. Stouch wanted to be transparent, and to make the Board aware that he plans on applying to be an instructor for Temple University for the Program. Mr. Pfau provided clarification, that as both a

Board member, and instructor, no payment would occur for the hours of instruction, but travel would be covered.

### **VII. Executive Session:**

This item was removed in the Call To Order.

### **VIII. Public Voice:**

Chair Westover introduced Alex Farganis for Public Voice and asked Mr. Farganis what capacity is he speaking. Mr. Farganis said his capacity is both as an instructor and as a constable.

The following statement was read by Constable Alex Farganis, from Lancaster County.

Good morning, Board Members and PCCD Staff,

I'm Alex Farganis. I've proudly served as a constable since 2013, and for the past nine years, I've had the privilege of instructing in our constable program. My role involves teaching academic and firearms classes, and I've also contributed to curriculum development for the last three years.

Professional growth is something I hold dear. I recognize the significance of investing in continuous learning, not just to enhance my own skills as a constable but also to bring back current, pertinent knowledge to share with my students.

Integrity is extremely important to me. I firmly believe that as an instructor, I'm held to a higher standard than the average constable. Therefore, when I observe something wrong or in need of improvement, I see it as my duty to speak up and address those concerns head-on.

It's evident that our world is facing increasing challenges. Law enforcement officers are now held to higher standards, with every split-second decision analyzed under a magnifying glass. In 2024, cities will burn for the decisions that were made. There's a pressing national call for enhanced training to equip our officers adequately for the diverse array of situations they encounter.

As constables, not every county has the privilege of working with 2 constables on most tasks. With that being said many constables are working alone carrying a gun to potential use against someone for self-protection or the protection of others. That is a huge responsibility to take on.

While this topic has been discussed extensively in numerous meetings, it's evident that qualification is not training. Since the introduction of the "show and shoot" method for qualification, we've observed a concerning decline in students' fundamental firearm skills. Instances of outright failure, barely passing the 2<sup>nd</sup> attempt, and some students unable to progress to the shooting portion due to failed written exams are becoming increasingly common.

We've encountered numerous safety concerns, including challenges with reloads, malfunction clearing, and subpar weapon handling skills. Additionally, some shooters struggle to draw their firearms from their holsters within a reasonable timeframe, among other issues. It's important to note that these tasks are performed on a flat range, lacking any added stress or pressure.



While it's a common assumption to attribute these issues solely to the constables' lack of personal practice or attendance at training sessions, I'm aware that not all constables approach training with the proactive approach that I do. However, I firmly believe that over the years, we've inadvertently lowered our training standards. Instead, we should be striving to raise the bar to a universally acceptable standard. If an individual cannot meet this standard, it should serve as motivation for improvement or consideration of alternative career paths.

I implore the board to raise our expectations and reinstate firearms training. I welcome the opportunity to engage in discussions to facilitate this initiative and collaborate on demonstrating our commitment to higher standards. Your time and attention to this matter are greatly appreciated. Thank you for allowing me the opportunity to address this issue.

Chair Westover thanked Mr. Farganis for his comments, and said that he hopes that the Board meeting has dedication to increasing training for firearms, and the financial limitations associated with the Program.

The following statement was read by Loren Hockensmith, from Cumberland County.

Good morning PCCD staff and Board Members,

My name is Loren Hockensmith. I am a professional firearms instructor and recent certified constable. While my time as a constable has been brief, my understanding of the importance of PCCD and the decisions made by those in this room is not.

Over the course of 30 years, my Father was the Executive Director of Tressler Care and PA CASA. He worked first hand with PCCD's funding programs to build the Tresslercare Wilderness School for adjudicated youth in Boiling Springs, PA. PCCD also helped provide the funding necessary for Court Appointed Special Advocate Programs - Programs that help prevent future criminal behavior and positively impact hundreds of youth and young people across the Commonwealth each and every year. So for my whole life, I have seen and had first hand account with what impact the decisions made inside this room have on the citizens of our great State.

In short, PCCD's mission statement is to improve the criminal justice system and create safer communities. I can think of few better ways to accomplish that mission than by equipping and empowering those called and willing to serve.

This past weekend I witnessed a young man, willing to serve our communities take PCCD's Basic Firearms class. While he passed the knowledge portion of the program, he did not qualify on the technical side.

He is an ambitious, professional young man, currently working as a full-time EMT, with a lot of drive to make a positive impact serving his community. However, having come up short on his firearms qualification, the influence he can have as a constable is limited. As it stands now, this individual, and others like him, would have to wait for an opening, perhaps as long as a year, to take another entire basic pistol course, invest another \$1500 to get certified.

I'm not asking the board to lower the standards for certification. If anything, I believe that the qualification standards should be raised. What I am asking the board to consider is providing those with ambition, that are willing to take personal responsibility, additional opportunities to qualify.

For example, anyone that attended the entire 40 hour basic pistol course and passed the knowledge portion of the course - I'm proposing the creation of additional opportunities, perhaps at "show and shoots", to pass the technical qualifications. But only after these individuals, on their own, seek out and put in the work to gain adequate skills to receive a passing score.

With the world we live in becoming more and more dangerous by the day, I believe it is our duty to equip and empower those willing to serve and provide them adequate opportunities to do so.

Thank you for the opportunity to share and for your consideration on this issue.

Chair Westover then asked Ms. Beaver to introduce any callers who wished to speak during Public Voice. Constable Abraham Smith, from Westmoreland County, was recognized. Constable Smith had no comments to add.

Ms. Beaver then recognized Constable Scott Warren, from Montgomery County, was recognized. Constable Smith explained that he had recently attended Continuing Education, and was requesting a copy of his assessment for the physical skills demonstration. Constable Warren voiced his frustration regarding the training policy. Constable Warren asked the Board to consider allowing constables to request their assessments as part of their training record. Chair Westover encouraged Constable Warren to make a written request to the Program, the Program would then ask the Legal Counsel to review the requests, and then the Legal Counsel would update the Board on any legal issues regarding the policy. Mr. Pfau added that instructors should be reviewing their comments with the constables after the physical skills demonstration. Mr. Pfau also added that Constable Warren's request could be a potential update to the Constables Continuing Education and Training System (CCETS) in the future.

Chair Westover then asked if training records were archived from the beginning of the Program. Mr. Pfau explained that courses are routinely reviewed to see what subjects need to be updated from the record of training that the Program has provided. Mr. Pfau also explained how this is a cost-saving measure. Chair Westover then spoke about the module on terrorism, and if it should be revisited which prompted Chair Westover's question regarding past trainings.

### **IX. Adjournment:**

Chair Westover made a motion to adjourn the meeting at 10:50 am, and the motion was seconded by Mr. Stouch.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously. The next Board meeting will be held on August 8, 2024, at 9 a.m. via Teams, and in-person at PCCD.