

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

Approved Minutes of the August 8, 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
Major William Cawley,
Pennsylvania State Police

Commission Staff Present

Tracy Beaver, Constables' Program
Nicholas Hartman, Constable's Program
Michael Vaughn, 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
Allison Gantz, PCCD

Visitors

Anthony Luongo, Temple University
Steve Shelow, PSU-JASI
Tony Mucha, PSU-JASI
Richard Carpenter, Pennsylvania Association of Licensed Investigators
Adam Nowicki, Pennsylvania Association of Licensed Investigators
Constables:
None were recognized.

Note, additional constables attended the Board meeting, however, wished to not be recognized.

I. Call to Order:

Chairman Westover welcomed the group and call the meeting to order at 9:00 a.m. Roll call was taken, and a quorum was established. Chair Westover reminded those in attendance that the meeting was being recorded, to mute their phones when not speaking, to speak loudly, and to limit their comments to two minutes or less.

Chair Westover called for a moment of silence to recognize the passing of instructor Mr. Phil Michael and asked the Program staff to prepare a certificate of appreciation for him to present to his family.

Chair Westover introduced the new Constables Education and Training Program Supervisor, Michael Vaughn. Mr. Vaughn provided information pertaining to his background with Baltimore Law Enforcement and his experience with training.

II. Introductions:

Mr. Nicholas Hartman introduced PCCD staff in attendance and the Training Delivery School staff.

III. Action Items:

Mr. Nicholas Hartman introduced the first Action Item: the Unapproved Draft Minutes of the May 9, 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 aloud and did not offer any discussion. Further, Public Voice did not comment.

Mr. Harry Albert motioned to approve the Unapproved Draft Minutes, with Ms. Patricia Norwood-Foden as the second.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover introduced the second Action Item: Unapproved Fiscal Report for August 8, 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 \$1,562,306.35 which leaves a total fund available as of March 31, 2024, of \$4,995,420.76. The financial expenditures and financial commitments totaled \$1,257,538.02 and \$4,121,829.43 respectively as of June 30, 2024, for a total of \$5,379,367.45. The uncommitted balance as of June 30, 2024 was -\$383,946.69. Class payments that have been received to date totaled \$109,804.00.

Chair Westover asked if the amount due for the uncommitted balance had decreased from the previous meeting, and Ms. Shull explained due to contracts being able to liquidate funds from previous purchase orders, money was able to be returned back into the Program's account.

Mr. Albert asked the clarifying question, why are the funds that are being deposited into the Program account red on the fiscal report, and is it because the checks have not cleared? Ms. Shull explained that the amount is not an expense, but a different color is used to draw attention to the Board regarding the amount of funds being deposited into the account. Mr. John Pfau explained that the line item has been in red and that the money deposited is from class failure payments, Basic Training, Basic Firearms, and No Shows.

Chair Westover asked for a motion to approve the Unapproved Fiscal Report for August 8, 2024. A motion to approve the Fiscal Report was provided by Ms. Norwood-Foden and seconded by Mr. Albert.

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

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 19 of the Board Packet.

Ms. Beaver was asked to introduce the PSU-JASI instructors for Board approval: Mark King (PSU-JASI – General, and Firearms), and Eli Kosanovich (PSU-JASI –Firearms). All instructor candidates met the requirements for Board certification to teach their requested topics.

Chair Westover asked for a motion to approve the presented instructor applications. The motion to approve the instructor applications was provided by Mr. Joshua Stouch and seconded by Major William Cawley.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Chair Westover asked why Temple was not presenting any instructor applications for Board approval. Mr. Anthony Luongo explained that Temple has approximately 39 instructors in their instructor pool. Mr. Luongo explained that some instructors had not been used due to not being asked to instruct by previous Training Delivery Coordinators. Mr. Michael Marcantino, the current Temple Training Delivery Coordinator, is in the process of contacting certified Temple instructors, and asking if they would like to instruct in the future for the Program. Mr. Luongo said that Mr. Marcantino is anticipating to present instructor applications at the next Board meeting. Mr. Pfau added that program staff is currently working with the Training Delivery Contractors on creating the 2025 Training Schedule. Chair Westover asked what is the amount of time that an instructor would need to pass before being recertified by the Program to instruct, and Mr. Pfau answered with two years. Mr. Luongo also added that if an instructor has not taught for Temple for an amount of time, the instructor may fall off of Temple's payroll, and this can also impede using instructors.

Chair Westover asked Mr. Anthony Much if PSU-JASI has any instructors in a similar situation as Temple, Mr. Mucha said that PSU-JASI does not have any instructors in the same situation as Temple, and that Mr. Mucha actively purges instructors who are not being used by the PSU-JASI.

Mr. Albert asked if the limited number of instructors has any bearing on the number of annual firearms classes offered in the eastern region. Mr. Pfau responded no and explained that the next action item at the current Board meeting would have an impact on scheduling. He further reported that currently two annual firearms classes are able to be scheduled in one day, and if the Board approves the following action item, only one Annual Firearm's course will be held in one day.

Chair Westover introduced the fourth Action Item: 8-hour Annual Firearms. This can be found on pages 20 through 21 of the Board Packet.

Mr. Pfau reported the current Action Item was discussed at prior Board meetings. Mr. Pfau explained the intent of this Action Item is to revise the annual firearms course from a show-and-shoot approach to adding fundamentals to the course curriculum prior to constables attempting firearms qualification. Mr. Pfau explained that the approach would include up to four hours of refresher for the following topics: Firearms Presentation, Sight Alignment/Sight Picture, and Reloading. The four hours would include time to complete the written exam and attempt the qualification. Mr. Pfau explained that the Training Manager pulled multiple drills to be pooled for the firearms instructors to use during the previously listed topics. Mr. Pfau explained that the drills selected use minimal amounts of ammunition. Mr. Pfau further reported that the Program will not provide ammunition for the proposed 8-hour Annual Firearms course, and reminded the Board that the decision not to purchase ammunition was approved at a Board meeting held in 2019. Mr. Pfau reported the revised curriculum would require constables to bring an additional 50 rounds of ammunition to the range; for training purposes this does not have to be duty ammunition.

Chair Westover asked about the future of the Laser Shot units and inquired about the potential use of Airsoft equipment. Mr. Pfau suggested approaching Firearms Instructors about available options, however, he has concerns pertaining to the cost associated with replacing the Laser Shot units and the state of the Board's fiscal health. Mr. Pfau also provided the maintenance history of the Laser Shot units. He further explained that a workgroup approach regarding Use of Force would also provide useful information regarding the various technology options for the best instructing approach. Mr. Pfau recommended using the upcoming year with the proposed change to an 8-hour Annual Firearms to research potential vendors for technology.

Chair Westover then asked the Training Delivery Coordinators for their opinions regarding the proposed 8-hour Annual Firearms course. Mr. Mucha agreed with the benefits of moving to an 8-hour Annual Firearms course and the benefits of a more interactive tool with teaching that Laser Shot does not provide.

Mr. Luongo agreed that the proposed 8-hour Annual Firearms would help to improve constable skills, but also recommended that evaluations by the constables be completed if the constables felt the class helped, and to ask the instructors if there was an improvement in skills.

Chair Westover asked Mr. Steve Shelow for his opinion, and Mr. Shelow agreed with the comments that both Mr. Mucha, and Mr. Luongo provided.

Chair Westover asked if instructor updates will be scheduled later this year to discuss the proposed changes with the 8-hour Annual Firearms. Mr. Pfau explained the schools will schedule instructor updates and will be provided the curriculum for the 2025 training year. Both schools are looking at instructor updates to be held late November or early December.

Chair Westover asked for a motion to approve the presented 8-hour Annual Firearms.

The motion to approve the instructor applications was provided by Ms. Norwood-Foden and seconded by Mr. Stouch.

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

VOTING NAY: None

ABSTAINING: None

The motion passed unanimously.

Mr. Pfau added that the 8-hour Annual Firearms will be presented to the Commission for approval.

IV. Discussion Items:

Mr. Pfau advised that the Board has been provided with a copy of the Supervisor's Report. Mr. Pfau also provided an update regarding the status of the proposed Board Regulations. Mr. Pfau explained that the Role of the Constable is ready for review by the constables in the current Basic Training, and veteran constables selected by Program staff. The goal is to make the Role of the Constable be available in 2025 for new constables to access.

Chair Westover asked if a new constable would contact constable staff with questions regarding the materials in Role of the Constable? Mr. Pfau responded yes. Mr. Pfau added that the training also provides information regarding certification requirements. Mr. Pfau added that a potential of three hours could be available to teach other beneficial subject matter such as Civil Law. Chair Westover explained that he still receives questions regarding levies and would like to see additional time be used in the section where levies are taught in Civil Law. Chair Westover recommended a hands-on activity for levies in Civil Law. Mr. Pfau explained that Domestic Violence, Human Trafficking, and Levies will be held online, and Mechanics of Arrest will be held in-person in 2025.

Mr. Pfau explained there are currently 789 certified constables. Mr. Pfau further explained that Senate Bill 1267 regarding constables' surcharge is presently with the Judiciary Committee.

Mr. Stouch stated he does not support the bill as written due to the unsustainability of the fees associated with the Senate Bill. Mr. Stouch explained how the Senate bill greatly increased the amount of money associated with services rendered by the constable. Mr. Stouch is concerned that counties would look at the projected costs and decide that it would not be cost-effective to use constables to complete the services outlined to be increased by the Senate bill. Mr. Stouch is also concerned that work would be moved from constables to Sheriffs, or local police.

Mr. Pfau provided the history of how the fees were increased in 2006, and that the initial 2006 bill experienced edits prior to the final approval. The proposed 2006 bill was similar in having higher costs associated with services than the proposed Senate Bill 1267. Mr. Pfau explained that Senate Bill 1267 would most likely see decreases in the proposed costs before approval. Chair Westover then asked if the proposed changes would bring the fee bill up to the current costs of inflation. Mr. Pfau explained that if the current Constables Education Training Act (CETA) fee were adjusted to current costs with inflation the CETA fee would go from \$5 to over \$10.

Chair Westover stated the individual constables and constable organizations are speaking to legislators trying to increase the CETA fee, but Chair Westover believes having the numbers to back the argument as to why the CETA fee should be increased is also important to create support.

Mr. Stouch added that it would be more likely to see a CETA fee increase as a separate bill versus including the CETA fee in the bill that increases all costs associated with constable services. Mr. Stouch explained shorter bills in page length are more likely to be well received and voted upon by the state government. Mr. Stouch also explained by having the CETA fee separate it has a higher likelihood of passing due to being separate, and not tied to something else that has a chance of not being voted up by the state government.

Mr. Albert asked if the Program staff knows the number of Magisterial District Justices (MDJs) that waive the CETA fee. Mr. Pfau responded that the data provided does not explain why a fee has been waived. Mr. Pfau also said Program is currently waiting to receive information about the scheduled to print. Mr. Albert and Mr. Pfau also discussed if the assessment field for the CETA fee could be mandatory but are concerned that MDJs would not assess the fee if they felt the fee was too high. Mr. Pfau stated some MDJs will only partially assess the CETA fees.

The second discussion item is the Consolidated Training Policies. Mr. Pfau explained that a draft of the Consolidated Training Policies is for the Board's edification with the end goal of creating one document. Mr. Pfau stated there is no change in the language at this time. Mr. Pfau asked the Board to review the draft and to let Program staff know what changes should be made to the draft. Mr. Pfau explained that this is an administrative action and that the policies are currently in place.

V. Informational Items:

Mr. Luongo reminded the Board that the online subjects close in November, and Mr. Pfau added that currently, 30% of the training population have completed their training requirements for the 2025 Training Certification. Mr. Pfau explained that training closes on November 15, 2024, at 5:00 pm, and to avoid waiting until the end of the training period to complete the requirements. Mr. Hartman stated there is a turnaround for Program staff to receive and process payment in the advent of a total failure for an online subject. Mr. Hartman stated that Temple may not receive the notification to enroll a constable into a failure course in Canvas.

VI. Other Business:

No items were presented in Other Business.

VII. Public Voice:

Two members of the Pennsylvania Association of Licensed Investigators (PALI) asked to speak in front of the Constables Education Training Board. Mr. Richard Carpenter, the President of the Pennsylvania Licensed Association of Investigators, and Mr. Adam Nowicki, a Board member of the Pennsylvania Association of Licensed Investigators, introduced themselves to the Board, and those in attendance. Mr. Nowicki discussed the Private Detective Act, and questions of where constables fall into the discussion. Chair Westover asked if the Stanley Act is still current that

constables cannot hold the elected office of constable and be private investigators. Mr. Pfau stated that Chair Westover is correct.

Chair Westover asked what direction the Pennsylvania Association of Licensed Investigators is trying to proceed. Mr. Nowicki explained they are researching all avenues and that the end goal may be to have legislation passed. Chair Westover provided information regarding how Virginia operates their training.

Mr. Carpenter stated that one issue is that the Private Detective Act is interpreted differently by each county District Attorney. Mr. Carpenter further stated that licensure is overlapped between Private Security and being a Private Detective. Mr. Carpenter also stated that the law is outdated and needs updated. The Pennsylvania Association of Licensed Investigators is hoping to create a working relationship with the Constables Education and Training Board. Chair Westover asked if the Pennsylvania Association of Licensed Investigators has received complaints regarding constables? Mr. Carpenter responded yes, regarding activities defined under the Private Investigation Act. Mr. Carpenter reported that the Pennsylvania Association of Licensed Investigators will speak to the constable, and then speak to the district attorney if needed.

VIII. Adjournment:

Chair Westover asked for a motion to adjourn the Board meeting. The motion to approve adjournment was provided by Ms. Norwood-Foden and seconded by Mr. Stouch. The motion passed unanimously.

The next Board meeting will be held on November 7, 2025, at 9 a.m.