

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

**Approved Minutes of the May 11, 2017 Meeting**

**Members Present**

Fred Contino, Constable, Delaware Co.  
Rodney Ruddock, Indiana County Commissioner  
Julie Sokoloff, Constable, Montgomery Co  
Major William White, PA State Police

**Commission Staff Present**

Sherry Leffler, Constables' Program  
Wayne Hower, Constables' Program  
Tracy Clouser, Constables' Program  
John Pfau, PCCD  
Robert Merwine, PCCD

**Visitors**

Jeff Watson, IUP  
Deidre Beiter, Temple University  
Shawn D. Vinson, Lancaster Co.  
Ted Mellors, Penn State Fayette  
Anthony Luongo, Temple University  
Deb Williams, PCCD

Ronald Quinn, PAFOC  
Tom Impink, Berks Co.  
Shaun Sponagle, Lancaster Co.  
Beth Romero, PCCD  
Jim Stank, PCCD  
Daniel Hollenbaugh, Adams Co.

**I. Call to Order:**

The Constables' Education and Training Board meeting was held at 10:00 a.m. on Thursday, May 11, 2017 at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania.

Chairman Fred Contino called the meeting to order at 10:01 a.m. and asked all to join him in the Pledge of Allegiance. Board and staff introductions were then made to audience members.

Chairman Fred Contino introduced Major William White from Pennsylvania State Police as a new Board member. He is the director of the Pennsylvania State Police Academy, Bureau of Training and Education.

**II. Action Items:**

The first Action Item was the election of officers, which Chairman Contino asked to hold off until later in the meeting.

Chairman Contino asked if there were any questions regarding the March 21, 2017 Board meeting minutes. Hearing none, he asked for a motion to approve the March 21, 2017 Board meeting minutes.

A motion was made by Commissioner Rodney Ruddock to accept the Board meeting minutes of March 21, 2017 and the motion was seconded by Constable Julie Sokoloff.

VOTING AYE: Contino, Ruddock, Sokoloff, White  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The next Action Item on the Agenda was the Financial Report of May 11, 2017, read by Beth Romero. The Financial Report can be found on pages 10-15 of the Board Packet and was for state fiscal year 2016-2017. Under receipts, the balance carried forward from the previous fiscal year was \$3,378,619.71. The fees collected for the third quarter were \$1,302,010.20. The total funds available as of March 31, 2017 were \$5,187,316.71. Under Expenditures and Commitments, the total cumulative expenditures as of March 31, 2017 were \$2,091,854.14. The total cumulative expenditures and commitments as of March 31, 2017 were \$6,111,965.74 and that included \$494,774.24 of the Administrative Expenditures and Commitments. The total of uncommitted funds as of March 31, 2017 is (\$924,649.03).

A motion was made by Constable Julie Sokoloff to accept the Financial Report of May 11, 2017 and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Contino, Ruddock, Sokoloff, White  
VOTING NAY: None  
ABSTAINING: None

The motion carried unanimously.

The next action item was review of the Instructor Certifications by Mr. Wayne Hower. He reviewed the applications and gave staff recommendations as follows:

**Indiana University of Pennsylvania:**

Alexander Farganis  
Requested Topic Certifications: General

Jason Lauer  
Requested Topic Certifications: General

**Temple University:**

Michael Gallagher  
Requested Topic Certifications: General, Communication

Michael Valora  
Requested Topic Certifications: General

Samuel Vinicur  
Requested Topic Certifications: General

A motion was made by Constable Julie Sokoloff to accept the candidates for Instructor Certifications and the motion was seconded by Commissioner Rodney Ruddock.

VOTING AYE: Contino, Ruddock, Sokoloff, White

VOTING NAY: None

ABSTAINING: None

The motion carried unanimously.

The fourth Action Item was cost saving initiatives discussed by Program Staff. Ms. Leffler advised staff met with the training delivery contractors and discussed these with them. The top six actions are being brought to the Board for both discussion and action.

The first initiative would be to increase class sizes in 2018. In 2017, nine Basic Training classes were scheduled, of which two were cancelled. The current class sizes are 25 and will be increased to 35, decreasing the number of Basic Training classes needed. In 2017, 63 Continuing Education classes were scheduled with 11 classes cancelled. Again the class size was 25 and by increasing the class size to 35, the number of classes will decrease almost in half to 37. A total of \$97,390.00 is estimated to be saved with increasing the class sizes for Basic Training and Continuing Education classes. Commissioner Ruddock asked about the training locations that dictate smaller class sizes. Mr. Pfau advised CCETS does keep track of the maximum physical capacity of the training facility. Ms. Leffler advised about 90% of the training locations can accommodate 35 students or more. Commissioner Ruddock just wanted to make sure larger class sizes were not being pushed into smaller locations just to save money.

Cost saving initiative two would be to reduce the number of rounds made available for training purposes during Basic Firearms, Annual Firearms, and Advanced Firearms. This was laid out at the average expense of \$0.26 per round. Currently for Basic Firearms, 500 rounds are allowed for training purposes. This would be cut down to 250 rounds resulting in a reduction of \$14,300 for 11 classes of 20 students. Annual Firearms would be reduced from 300 to 150 rounds per person for a savings of \$42,900 for 55 classes of 20 students. Advanced Firearms would be reduced to 100 rounds from the current 225 rounds. This would result in \$4,056 for 13 classes of 12 students. The total estimated savings across all three types of firearms classes would be \$61,256. Mr. Pfau advised the decrease in the number of rounds may change slightly due to curriculum. Staff looked at half of the original rounds just to give an idea of how much ammunition is a cost to the Program. Commissioner Ruddock had a question about certification of the individual and the competency of each constable. Mr. Pfau stated the number of rounds the Program provides are for training purposes. Each constable provides his or her own qualification ammunition. The fundamentals (sight alignment, trigger control...) are worked on during the training. This change would shift more responsibility on the constable to practice this perishable skill throughout the year. Ms. Leffler pointed out the constables do get a practice round of the qualification course before they qualify with their weapons. Mr. Pfau also advised staff do track the number of rounds expended at each class. Ms. Leffler and Mr. Pfau stated staff plan on getting the opinions of the lead firearms instructors during the Annual Instructor Updates in June, to see where rounds can be cut. Chairman Contino asked if the number of rounds got cut, do the number of class hours get cut as well? Mr. Pfau advised more detail can be obtained as to what can be done with the curriculum. Chairman Contino asked if there could be three levels of classes, there is already an Advanced Firearms class; can an intermediate level be added? Some constables qualify to attend an Advanced Firearms class, but are just not able to attend due to their schedules or even location conflicts. Chairman Contino then asked about the legal standpoint of placing more responsibility on the constables to practice throughout the year and if liability would then fall back

on the PCCD. Mr. Merwine advised he would take this question back to legal counsel as Ms. Sandifer is not present at this meeting. Major White advised he is not in favor of reducing training rounds and offered a suggestion of splitting the 20 hours of class time into two-10 hour days to get the constables to the range twice a year instead of only once a year. Major White asked about a requirement on the number of hours. Mr. Pfau stated the Act is silent on the number of hours and the Board established 20 hours for Firearms because the Act allows up to 40 hours for Continuing Education per year.

The third cost saving initiative would be to eliminate Advanced Firearms classes. Right now the average class cost for Advanced Firearms is \$7,634. For 12 classes, the total cost would be \$91,608. The Program would need to increase the number of Annual Firearms classes, if the Advanced Firearms classes were eliminated. The average class cost of an Annual Firearms class is \$8,703, times seven additional classes, this would total \$60,921. This would result in an estimated savings of \$30,687. Chairman Contino pointed out that saving would actually be higher due to the decrease in ammunition provided during training to the constables. Mr. Pfau advised staff kept the cost saving initiatives separate in case the Board decided to choose to implement one and not the others.

The fourth cost saving initiative would be to eliminate the Optional Training Classes. Documentation was provided on page 24 of the Board Packet in relation to the Optional Training Classes. Currently there are five scheduled classes, so eliminating them would be a cost saving of \$11,160. Documentation was provided since the Board has expressed concerns in the past with eliminating these classes as the certifications are provided during the Basic Training classes and they should continue to be offered for constables' recertification. The number of constables attending has increased over the past four to five years and is up to five percent of the total constable population in 2017. This is still a very low percentage of the population attending our training to get recertified. Constable Sokoloff advised she would probably be willing to get rid of this due to the low percentage of the training population who use the constable training to obtain their recertification.

The fifth cost saving initiative would be to eliminate the printed Training Schedule. This is a very small cost saving to the Fund but staff felt it is still a savings by not mailing out the printed schedules. The schedule would still be sent out by email. The cost saving is \$1,900. Chairman Contino asked how many constables were receiving the printed version of the schedule. He advised there are still some people who do not use computers. Commissioner Ruddock advised about 40% of Indiana County is covered by fiber optics; the rest is a very slow dialup system. His concern is how do you get the word out. Mr. Pfau advised when constables register for usage of CCETS, they do have to provide an email account, but can still select US Mail as their correspondence method. Mrs. Leffler advised only around 1,019 of 1,555 constables have email as their correspondence method. Chairman Contino felt strongly about having to accommodate those constables who do not have easy access to technology to get the Training Schedule.

The sixth cost saving initiative would be to remove the mandatory participation from the scenario training during the Defensive Tactics portion of the Continuing Education classes. This was put into place by the Board two years ago. The scenarios would remain in the training, but only the mandatory participation would change. Mr. Pfau stated this is the second year of the mandatory participation and constables know the offender is going to remain compliant. The training value drops and defeats the purpose of training. Participation has come up over the years as the age of constables have dropped and this would allow for a greater range in scenarios which increases the training value. The cost savings would be in decreasing the number of instructors needed for the training, as well as reducing instructor travel expenses; which reduces the average cost per class. The estimated savings would be \$10,175 for 52 Continuing Education classes and three Basic Training classes.

Program staff are asking Board members to look at each initiative and make a decision based upon discussion. Mr. Pfau advised since the Board members are showing interest in each cost saving initiative, staff will obtain more detailed information to provide during the August meeting. Chairman Contino wanted to know if there was some way for the seasoned constables to waive out of the yearly training as little information has changed over the years. Mr. Pfau advised there is only a waiver for Basic Training and Legal Counsel would have to look at the intent of the Act for what “prior law enforcement” means. Chairman Contino advised this would be a huge cost savings as the numbers of constables who needed the yearly training would be lowered. Constable Sokoloff asked if the Board decides to vote to approve some of the cost savings initiatives, does that mean it happens or does it then have to be taken before the Commission’s quarterly meetings? Mr. Pfau advised some of the cost saving initiatives would have to be taken to the Commission (anything firearms related), but others would not have to be taken to the Commission.

Commissioner Rodney Ruddock made a motion to table the cost saving initiatives for further discussion and the motion was seconded by Constable Julie Sokoloff.

VOTING AYE: Contino, Ruddock, Sokoloff, White

VOTING NAY: None

ABSTAINING: None

### **III. Discussion Items:**

The first discussion item was the constables’ chemical aerosol live exposure. Mr. Pfau advised the curriculum used in classes changed to no option for live exposure at all. The schools and instructors have provided mixed feelings on exposing constables to the live chemical aerosol. Program Staff would like the Board to make a decision to research other Chemical Aerosol curriculum to be utilized if they feel it is important to mandate the exposure to live chemical aerosol. The Board felt it was not necessary to look for other curriculum as they agreed the constables should not participate in the live exposure portion of training.

The next discussion item was the fee collection data from the Administrative Office of Pennsylvania Courts (AOPC). There was a handout provided to Board members containing a chart of data provided from AOPC concerning the Constables’ Education and Training Act (CETA) fee. Mr. Pfau looked at data concerning four counties: Delaware, Allegheny, Lancaster and Berks. Data was provided for all 66 counties (excluding Philadelphia). The request was made for data from 2010 to 2016. The data raised additional questions such as does the CETA fee stay on the docket; define the dockets with server fees; define CETA remaining balance; and is CETA properly assessed? The key is the CETA fee is assessed and there is a large remaining balance of fees that still need to be collected. The percentage dropped over the past two years raises the question about the life of the docket. On average, it may take 12-24 months for the Program to get the CETA fee; which in turn means it takes that long for the fund to get the money? Mr. Pfau pointed out that even if there is a fee increase today, it will still take two to three years for the Program to realize the increased fees. Chairman Contino addressed the law change in 2016 where offenders cannot be placed in jail for fines and costs. Constables take an offender to the District Judge and if the offender does not have the money to pay, the constable bills the county for the charge and according to law, the CETA fee does not get paid since the county paid the constable. Mr. Pfau advised there is a certain amount that the Program will just never see. AOPC is saying for all 66 counties, the CETA fee assessed is about \$8.5 million and about \$1.5 million is still outstanding over the six year

period. Chairman Contino advised that once again he and Judge William Wenner have asked to have a meeting set up with AOPC, but that meeting has never happened.

#### **IV. Informational Items:**

The first informational item was additional cost saving initiatives. Ms. Leffler advised staff have been trying to come up with ways to eliminate or lower costs. The first was to limit or stop completely the number of publications mailed via USPS, including to training bulletins being sent to Magisterial District Judges (MDJ) and President Judges (PJ). Constables' Training Bulletins will now be emailed to all MDJs and PJs. The estimated savings is \$283.22. The second was to reduce the Annual Instructor Updates to Master Instructors only. This is for future updates with the plan of traveling out to Penn State Fayette campus to help lower room expenses and conference fees. The third was to reduce the annual In-House Instructor Updates. The plan is to reduce these to save an estimate of \$6,500 - \$9,000. Staff are working on updating class costs for 2018 failures and no-shows and will be more reflective of actual class costs.

The second informational item was the status of certifications. As of April 17, 2017, there were 1,219 constables and deputy constable currently listed as active and certified. Of these, 987 or 81% were also certified to carry a firearm in the performance of their constable duties.

Since the inception of the Constables' Training Program in 1996, there have been a total of 4,461 individuals who successfully completed basic training or the waiver examination and were certified by the Board.

The third information item was Constables' Certification, Education, and Training System (CCETS) Registered User Update. As of April 17, 2017, there were 1,555 active registered constables and deputy constables who are CCETS users. These are constables and deputy constables who have a valid term of office in CCETS.

A total of 1,147 active and certified constables and deputy constables are CCETS users, which is 94% of the currently active and certified constable population. Active and certified indicates that they have a valid term of office, have valid professional liability insurance and have met the training requirements to be certified.

Of the total active registered CCETS users of 1,555, 1,019 have chosen email as their preferred correspondence method.

Of the total active registered CCETS user of 1,555, 473 active registered constables and deputy constables are sharing their personal information in CCETS.

There are currently 56 registered users from 31 County Clerk of Courts Offices.

The fourth informational item was the status update of the AOPC workgroup. This is a layover from last meeting. Chairman Contino again stressed he and Judge Wenner were never approached about getting together with them. Mr. Merwine advised Acting Executive Direct Myers is working with the Court Administrator Thomas Darr.

The last informational item was information on videotaping and broadcasting of Board meetings. Legal was not present to provide any updated information. Mr. Merwine advised there was discussion about it and he will check with legal and get back at the next meeting. He did advise it is not recommended for video downloading as people can modify the video or take snippets of it. He also advised audio conferencing for people to call in and listen live is currently available.

#### **V. Executive Session:**

Chairman Contino asked to go into Executive Session at 11:36 am.

A motion was made by Constable Julie Sokoloff to go into Executive Session and the motion was second by Commissioner Rodney Ruddock.

Executive Session ended at 11:42 am.

Chairman Contino advised the public that the Executive Session was in reference to contractual updates on the Request for Proposals concerning the new Training Delivery Contracts.

#### **V. Public Voice:**

- A. Constable Ronald Quinn (Centre County and PAFOC): Constable Quinn talked about the way the \$5.00 fee is collected per docket. He advised constables are out there doing work for other counties and courts as Magisterial District Judges are being stingy by not issuing multiple warrants for a defendant; only one warrant gets issued. He advised it is in his experience the counties are not taking the fee out even though it is for a different court other than the magistrate. The fees are not being collected and it is affecting the training as the level of standards is being lowered. Mr. Pfau advised it is not the Board's, nor the PCCD job to enforce the fee. There is no repercussion against the counties.

Constable Quinn's next point was in relation to reducing the number of classes and increasing class sizes. He brought up the election in the odd years. Ms. Leffler advised there are only 49 constables who will have a term of office end in 2018. The next big election year is 2021. Staff are aware and will schedule classes accordingly. Mr. Pfau stated staff have done a good job tracking the cycles and offering the needed classes. He advised the same number of seats will be provided, just a lower number of classes.

Constable Quinn's next point was he does like the idea of challenging the curriculum. He would like the Board to look at other agencies that can provide the same quality of training to meet the constables' training standard. He brought up the idea of constables going to a National Rifle Association (NRA) training to supplement having to go to an Annual/Advanced Firearms class. Ms. Leffler advised the Board would have to look at each curriculum and determine if it meets the standards of constables' training. Chairman Contino stated he feels that in order to be a constable, you must go through specific constable training. For example the training you receive from the FBI cannot carry over to certify you as a state trooper; you have to go through the State Police Academy. Chairman Contino advised it can be looked into since the public floor asked about it.

B. Constable Daniel Hollenbaugh (Adams County): He asked what is the average cost per student to attend an Advanced Firearms class, since there is a possibility of it being eliminated. Mr. Hower advised the average cost per student is \$667.20. Constable Hollenbaugh advised he has taken the Advanced Firearms class for several years now and noticed those who take this level of firearms training are generally your full-time constables and are more professional. He advised he pays for a lot of extra training out of his own pocket to make sure he can do his job and make it home every night. He thought it could be possible to offer the Advanced Firearms classes at the expense of the constable.

Constable Hollenbaugh then brought up the idea of classes being held in the Commission Room at the PCCD. Mr. Pfau advised the room has been used in the past for other events, such as instructor development courses. He advised the schools are using facilities that are either low cost or are free. Ms. Leffler pointed out that the office is closed on the weekends so a staff member would have to be present during the class time.

Constable Hollenbaugh's last point was to take the 20 hours and span it over two days instead of three. Ms. Leffler advised some classes are set up this way and this is another cost saving initiative Staff are looking into. Mr. Pfau advised it is being discussed with the training delivery contractors, but only certain facilities would allow for this change. Chairman Contino advised again about having one central location, but it is all cost prohibitive. Constable Hollenbaugh is concerned if there is no money to fund the training, then there is no money to keep the training going to certify constables. He enjoys his job and is willing to pay for his training to keep it.

Chairman Contino went back to the election of officers and the reason he asked to hold off was because he announced his resignation from the Board. He has been on the Board since 2007 and feels he is fighting an uphill battle and is burned out. This is his last meeting. Chairman Contino thanked everyone and expressed his appreciation to Mr. Pfau. Mr. Pfau thanked him and stated Chairman Contino was a very integral part of the Board and he came to the Board at a time when it was losing members and he provided a lot of continuity between the "Old" Board to the "New" Board. Mr. Pfau stated Chairman Contino has always provided a good perspective from the constables' view point. Chairman Contino stated he is just tired of fighting for the money and he has had enough.

## **VI. Adjournment:**

Chairman Contino asked for a motion to adjourn the meeting at 12:09 p.m. A motion was made by Constable Julie Sokoloff to adjourn the meeting and the motion was second by Major Bill White.

VOTING AYE: Contino, Sokoloff, White

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on Thursday, August 10, 2017 at PCCD's Office in Harrisburg.