

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

Approved Minutes of the June 23, 2020 Meeting

Members Present

Francis Peitz Jr., Constable, Allegheny Co.
Craig Westover, Constable, Venango Co.
John Bruno, Constable, Dauphin Co.

Commission Staff Present

Sherry Leffler, Constables' Program
Tracy Beaver, Constables' Program
Nicholas Hartman, Constables' Program
Sally Berry, PCCD
John Pfau, PCCD
Debra Sandifer, PCCD
Beth Romero, PCCD
Yvonne Murray, PCCD
Michael Pennington, PCCD

Members Absent

Thomas Brletic, MDJ, Allegheny Co.

Visitors

Michael Marcantino, IUP
Deidre Beiter, Temple University
Anthony Luongo, Temple University

Constable C. Michael Phenneger, Lancaster County
Constable Ron Quinn, Centre County

I. Call to Order:

The Constables' Education and Training Board (Board) meeting was held at 9:00 a.m. on Tuesday, June 23, 2020 via Skype. The Board Meeting could not be held at the Pennsylvania Commission on Crime and Delinquency (PCCD), 3101 N. Front Street, Harrisburg, Pennsylvania due to meeting restrictions set forth by the Governor to slow the spread of COVID-19.

Ms. Sherry Leffler began the meeting by doing a virtual roll call with the names that were visible in the Skype participant panel. Ms. Leffler then asked the additional callers to identify themselves so that attendance could be recorded. After attendance had been established, Ms. Leffler provided the flow of the meeting, and provided basic housekeeping rules to help ensure the quality of the recorded Board Meeting.

II. Action Items:

Ms. Leffler introduced the first business item as the election of Board Officers. However, it was decided to postpone the Election of Officers until the August 13, 2020 Board meeting.

Ms. Leffler introduced the new staff member to the Constables' Program, Nicholas Hartman. Mr. Hartman has 14 years of victim services, and has experience with training, and curriculum development.

Ms. Leffler introduced the Board Members and explained how the voting process would take place for the meeting. Ms. Leffler stated that she would ask if there was any discussion needed by the Board Members and would then ask if any discussion needed to occur by PCCD Staff. If there was no discussion, a motion to approve would be needed for each Action Item, and as well as a second motion. Ms. Leffler then asked when motions were being presented for approval that the Board Member clearly state their name as to who was making the motion. No role call votes will occur on the Action Items, however if a Board Member needs to recuse, or abstain from the vote, Ms. Leffler asked that the Board Member state their name, and whether it is a recusal, or an abstention.

The first Action Item was introduced which was to approve the Board Meeting minutes from the November 7, 2019 Board Meeting. Ms. Leffler then asked the Board Members if any discussion needed to occur regarding the Action Item. No discussion was had regarding the approval of the Board Meeting minutes. Ms. Leffler asked for a motion that the Board Meeting minutes be approved. Constable Bruno made the motion to approve the November 7, 2019 Board Meeting minutes with Constable Westover seconding the motion. Constables Bruno, Westover, and Peitz voting aye. It was discovered that Judge Brletic was not in attendance at this time, and quorum was defeated.

Ms. Leffler advised that the Board does not have a quorum and therefore cannot act on any of the Action Items listed on the agenda.

III. Discussion Items:

Ms. Leffler brought up the topic of expired or expiring firearm certifications that have been impacted by COVID-19. Ms. Leffler discussed how COVID-19 had caused firearm certification courses to be cancelled. As of May 18, 2020, 36 constables and deputy-constables firearms certification expired as Dec 31, 2019. Ms. Leffler then read the document found in the Board Packet titled “2019 Expired Firearms Certifications.” It was also mentioned that PCCD staff is working with IUP to change the dates from April to July for the Basic Firearms training course.

Ms. Leffler then summarized the document and said how staff is working on protocols to keep staff, trainers, and constables safe during firearms certification. Ms. Leffler then said PCCD staff is looking to schedule trainings in the East, West, and Central regions to help the above-mentioned constables be reinstated for 2020. Ms. Leffler then introduced the Action Item of asking the Board to extend certifications but said it would need to be addressed at a later meeting when quorum was met. No discussion occurred.

IV. Informational Items:

Ms. Tracy Beaver provided the online training update regarding the numbers of individuals who migrated into the Keystone Login system. 1028 individuals were successful in the migration. Ms. Beaver then told the Board that there are 1,196 currently active constable, and deputy-constables.

Ms. Beaver provided the number of 1,196 constables who are enrolled in the CANVAS training site. Of the 1,196 individuals, 576 have started the online trainings. Out of the 576 constables, and deputy-constables who have started the training, 200 individuals have completed the training, which is the 4-Hour module entitled “Reacting to Witnessed Criminal Behavior.”

Ms. Beaver then reviewed the statistics on the document found in the Board Packet titled “Status of Certifications.” Ms. Leffler asked the Board if there were any questions regarding the information. Constable Westover asked Ms. Beaver if we were able to tell where a person was in their online training for those who have already enrolled, and started, but have not completed the training. Mr. Pfau answered the question that we are not able to query the data to see where an individual is in the training, however Temple would be able to review an individual at the request of PCCD staff.

Mr. Pfau also explained it is a hope that when the training system is merged with Constables’ Certification, Education and Training System (CCETS), it is possible that a query can be pulled to provide this information. Constable Westover explained he had concerns regarding the enrollment difference, and those who have completed the training. Constable Westover also mentioned he was concerned because the due date of having successfully complete the material is December 4, 2020. Constable Westover also voiced his concerns that the PCCD staff would be inundated with requests for technical support closer to the deadline. Mr. Pfau also said that training typically occurs in waves, where some individuals will quickly complete their training requirements, while others wait until later in the year. Mr. Pfau anticipates numbers will increase in August of 2020 concerning enrollment, and class completion. Mr. Pfau also addressed Constable Westover’s concern by stating that PCCD staff has been looking internal on how to better track and notify individuals about their due dates with training. Ms. Leffler also mirrored the concern of Constable Westover. Constable Westover also addressed concerns about individuals not being certified at the beginning of the year, and Ms. Leffler agreed with his statement.

Mr. John Pfau provided an information item regarding official notification in February that Penn State Fayette would no longer be able to meet the requirements of the training delivery and curriculum development contracts. Mr. Pfau explained that PCCD staff would be working with the remaining contractors on how the training for 2020-2021 would be conducted. Mr. Pfau also explained that staff would need to go and retrieve the remaining training equipment, and then that equipment will be distributed to the remaining contractors. It was also explained that the state would be split between Temple, and IUP.

Mr. Pfau explained that PCCD is still in the process of contracting with a new curriculum developer which should take place in the next two weeks.

Constable Craig Westover asked about the training equipment being held at Penn State, and his question was regarding when Program Staff could pick up the remaining items. Mr. Pfau explained there we are waiting for the PSU campus to open (due to closure from COVID-19), so that Program staff could work with PSU to set a pick-up date. It is anticipated that this could occur in July. Mr. Pfau also explained that the coordination of the equipment pick-up will also need to occur with both Temple, and IUP. PCCD staff will also be in attendance to ensure the quality of the remaining equipment, and to inventory the items.

V. Public Voice:

Ms. Leffler introduced Public Voice, and asked Ms. Beaver to introduce those who had informed Program staff of their desire to make comment. The first person was Michael Hall, but he was not present on the phone call. Charles DeMarco was given the chance to speak, but he was not present. Constable Ron Quinn from Centre County was present, and said he has a list of questions.

Constable Quinn's first question was regarding how the Board can enforce a policy to receive funds from constables who are not receiving work from the court but want to receive work from the court but are declined court work with no justifications. Mr. Pfau asked Constable Quinn what he meant with receiving funds from constables who are not working for the court. Mr. Pfau also explained this is outside of the Board's purview and PCCD has no control over how court work is assigned.

Constable Quinn then explained that the question came from the discussion point of charging constables that do not provide court work where Constables' Education and Training Act (CETA) fees can be taken, but also states that Constables if provided court work would be able to garner more CETA funds. Constable Quinn mentions that constables are receiving the training necessary to be a constable but are not being provided the work from the courts. Mr. Pfau reiterated that we have no control over court work, and explained that the monies we receive are from those constables who have failed firearms, and the Board implemented payment from those who attend Basic Training for the first time because they are not generating CETA fees yet. Ms. Leffler also clarified that no-shows would also have to pay for a training class that they missed for a subsequent class. Constable Quinn asked then are we not trying to recoup CETA fees from constables who would not be providing court work. Ms. Leffler did say this was a suggestion in the November 2018 meeting, and that it would be work done in a work group, however there is no plan to move forward at this time.

Constable Quinn then asked what constitutes as court work, asking if paperwork from a court higher than a magisterial judge, a lawyer, or from another state as examples. Constable Quinn then asked if CETA fees can be applied to the examples. Mr. Pfau explained that some constables provide court work that we do not certify, or train them to do, so CETA fees are not able to be assessed for the work that we do not provide coverage with training. Mr. Pfau also explained that not all judges will assess the CETA fees. The Board can only educate on why the CETA fee is important and is not able to enforce it.

Constable Quinn states that there is Federal Case Law, and State Law that constitute constables as law enforcement officers. Constable Quinn questioned the Board and PCCD as to why they do not view constables as law enforcement officers. Constable Quinn says that peace officers are law enforcement officers while referencing Title 18, and Title 31. Constable Quinn mentions a Federal Court Case which Mr. Pfau recognizes as Manny Rodriguez versus The State of New York. Mr. Pfau explained that Manny Rodriguez versus The State of New York was not a Federal Court Case, and that the decision from the case is only applicable to the state of New York due to jurisdiction. Constable Quinn then says that state statutes say that constables are law enforcement officers, and Constable Quinn says that he will find the documentation and send it to the Board, and PCCD Staff.

Constable Quinn wanted to know where the process was in a way to generate CETA fees be applied to all magisterial work, and that the fees be assigned like other emergency services. Mr. Pfau explained this would be a legislative change, and that the constables would need to advocate with politicians to have it introduced and be approved. If legislation is introduced and asked for our opinion, PCCD would provide statistics or feedback. It is not in the ability of PCCD to get involved. Constable Peitz had expressed he has spoken to legislators about raising the fee. Constable Quinn voiced the concern that monies would run out before an impact would be made because of how courts are not always assessing the CETA fee. Mr. Pfau explained that this is an issue that the Bureau of Training Services has been reviewing. Mr. Pfau explained how economy, and implementation of technology has impacted the collection of CETA fees. Mr. Pfau also reiterated that the constables need to advocate for the raising of the fee. Mr. Pfau also explain that COVID-19 has lightened the cost of training.

Constable Westover asked for the Board to look at the Constable Fee Collections. Constable Westover asked about the month of March and asked for clarification as to why the number was so low asking if it were related to COVID-19 shutting down the state. Mr. Pfau asked Ms. Yvonne Murray if she could confirm that the collection is low to COVID-19, and Ms. Murray is not able to answer the question at this point. Ms. Murray believes it could be impacted by other issues, and Ms. Murray will provide the information to the Board. Constable Westover explained that in the Western PA, court paperwork has stopped which has impacted the available work of the constables because no new fees were being generated. Constable Westover then stated this would affect our projection for the upcoming years. Mr. Pfau stated that court work has been on hold because of the COVID-19 virus and that it is very possible that the work of constables will increase which will generate enough income so that the funds do not dip below the \$1 million mark. This is coming from a conversation Mr. Pfau had with AOPC asking what types of training, and certifications are provided to constables, because courts are anticipating the need for additional court security once they are opened.

Constable Westover explained that from 2009 to present, that there is a trend that the money is going down, and constables are asking Constable Westover where the money is going. Constable Westover said that inflation, and the increase of training costs versus the collection of fees is what has impacted the funds. Constable Westover also explained that the legislation does not include all services that a constable can provide as eligible for CETA fees, and the legislation is clear to train constables for providing court work. Ms. Murray said she will work on providing the information requested by Constable Westover. Mr. Pfau reiterated Constable Westover's explanation with inflation, and training being factors with how collected fees are impacting the revenues. Constable Westover reinforced that \$1 million dollars is the goal.

VI. Adjournment:

Ms. Leffler asked for a motion to adjourn the meeting at 9:52 a.m. A motion was made by Constable John Bruno to adjourn the meeting and the motion was second by Constable Bud Peitz.

VOTING AYE: Peitz, Bruno, Westover

VOTING NAY: None

ABSTAINING: None

The next Board meeting will be held on August 13, 2020 at 9:00 a.m. via Skype.