

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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CONSTABLES' TRAINING BULLETIN

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In Memoriam: Instructor Frank Taylor

It is with deep sadness that we announce the passing of Frank Taylor, Act 49 Instructor. Frank passed away July 15, 2012, after a lengthy illness. The Constables' Education and Training Board certified Frank to teach Act 49 training courses in 1998 and he was currently teaching for the Program at Temple University. He will be missed by all who were fortunate enough to have made his acquaintance in both the training environment and the constable community.

For all who knew him, Frank was a Leader, a Visionary and one of the finest Criminal Investigators in law enforcement. Throughout his career he was involved with numerous high profile cases, investigations and arrests. He earned dozens of letters of Commendation throughout his career.

The following Board Policy became effective July 1, 2012.

§431.48. Lapse of qualification.

- (a) A firearms qualification will lapse immediately if a constable no longer meets all of the eligibility criteria of §431.42 (relating to eligibility for firearms qualification), or does not complete a firearms qualification course in the calendar year following the person's most recent completion of such a course.
- (b) The Board will reactivate a firearms certification that is lapsed for 3 years or more upon the constable's successful completion of a basic firearms qualification course.

All firearms class enrollments will be monitored by Program Staff and the constable or deputy constable will be notified by mail if they will be required to attend a basic firearms class because of a lapse of 3 years or more in their firearms certification.

Senate Bill (SB) 887

Senate Bill (SB) 887 passed by the Pennsylvania House on June 30, 2012 and signed by Governor Corbett on July 5, 2012 became effective on September 5, 2012 as Act 129 of 2012. Act 129 addresses the disposition of abandoned personal property left behind after a tenant has "relinquished possession of the real property" by one of the following:

1) By execution of an order of possession.

By execution of an order of possession where the landlord files an action for possession with a magisterial district judge, a hearing is conducted, a judgment is rendered, the ten day appeal period has expired, and the landlord has the constable lock the tenant out of the property.

In this case, if the magisterial district court added a notice that the tenant has 10 days to contact the landlord about the tenant's intent to come back for remaining personal property to the writ or order of possession, then the landlord doesn't have to give any additional notice to the tenant. The landlord simply waits ten days, and if no notice is received from the tenant, the landlord can dispose of the property left behind. However, please stress at this time Act 129 of 2012 has not made provision for what a landlord must do if there is no notice to the tenant of his or her rights under Act 129 in the writ or order of possession, therefore make sure every order and writ you obtain has this notice in it.

If the writ or order has the notice provision, and the tenant gives notice to the landlord within ten days that the tenant is coming back for his possessions, the landlord must hold the possessions either in the property or in storage for a total of 30 days, exercising ordinary care of those possessions. If the tenant retrieves the goods within the first ten days, the landlord cannot charge the tenant for removal or storage costs, but if the tenant retrieves the goods more than ten days after possession, but within 30 days thereof, the tenant can be charged for the landlord's reasonable costs of both removal and storage. The Act does not specify whether the landlord can refuse to relinquish possession unless the costs are paid simultaneously by the tenant.

2) By the tenant physically vacating the real property with a written notice of the same.

The second case which qualifies for "relinquished possession under Act 129" is when the tenant has physically vacated the premises, either before or after an eviction action, AND has removed substantially all personal property, AND has provided a forwarding address or written notice to the landlord stating that the tenant has vacated. Provided all three of these hurdles are met, if the landlord has provided in the lease or addendum to the lease, notice to the tenant of his or her rights under Act 129, then the landlord has to provide written notice to the tenant by regular mail, to the forwarding address provided or to the property address if no forwarding address is given, that the tenant has ten days from the date of the postmark of the notice to contact the landlord about retrieving property left behind. The notice must include an address and phone number where the landlord can be contacted, and must give notice that if the tenant does not retrieve the goods within the first ten days, he or she will be liable for costs of removal and storage incurred by the landlord.

Again, as in the first case, if the tenant does not contact the landlord within ten days (this time of the postmark on the notice), the landlord may dispose of the goods. If the tenant does contact the landlord, the landlord must allow thirty days from the postmark of the notice for the tenant to collect the goods.

If the tenant has given a forwarding address, and the landlord sells the goods for more than the tenant owes the landlord, the excess proceeds of the sale are to be mailed by certified mail to the tenant at the forwarding address. If no forwarding address is given, the landlord must hold the proceeds for thirty days, after which the landlord may keep the excess.

Look for landlords to add a notice regarding Act 129 to leases or via an Addendum and constables should also watch for and verify Act 129 language in writs and orders of possession. The full text of the bill can be found at: <http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2011&sInd=0&body=S&type=B&bn=887>

Constables Resources

Below is a resource available to constables and deputy constables who are involved in shootings or other critical incidents. The Pennsylvania Emergency Health Services Council has Critical Incident Stress Management (CISM) Teams available at the county level to assist with these incidents.

Link to the Pennsylvania Emergency Health Services Council: <http://www.pehsc.org/>

Select the "Resources" tab on the PEHSC Home Page, then select the link for CISM Team List. The list will show resources available by county.

Next Board Meeting

Friday, November 16, 2012 - 10:00 a.m.
PCCD Offices, 3101 N. Front Street, Harrisburg

Meetings of the Constables' Education and Training Board (CETB) are public meetings. Constables are welcomed and encouraged to attend.

2013 ID Cards

In December 2012, the PCCD will mail new certification cards to all constables who have maintained their certifications by successfully completing continuing education during 2012 and by filing current professional liability insurance information with their county clerks of courts. Ample allowance will be made for normal mailing time, so constables should receive their new cards before the old ones expire on December 31, 2012. To ensure that cards are mailed to the correct address, any constable who has recently changed his address should report that change to PCCD immediately.

Liability Insurance

Act 49 states that any constable or deputy constable who fails, neglects or refuses to maintain a current insurance policy as required, or to file proof thereof with the clerk of courts, shall cease automatically to be certified to perform judicial duties upon the expiration of the policy of which proof has been filed with the clerk of courts. In order to ensure uninterrupted constable certification, it is essential that every constable file a new certificate of insurance with the county clerk of courts before the old certificate expires.

2013 Training Cycle

Constables are reminded that the current training cycle ends in October 2012.

It is expected that the 2013 training schedule will be available in mid-December 2012. ALL CLASSES ARE ON A FIRST-COME, FIRST-SERVED BASIS. Classes are also limited in size. Those class limits are strictly enforced, so it is important to register early. In order to ensure uninterrupted certification, constables should enroll in class as soon as possible. **Enroll early. Online enrollment is best.**

Enrollment for the 2013 training cycle will be available in mid-December online through the PCCD website at: www.pccd.state.pa.us

On line enrollment is secure and fast, and is confirmed immediately. Enrollment can also be accomplished by mailing or faxing a completed standard registration form directly to the training delivery contractor. **Do not mail or fax training forms to PCCD.** Registration questions should be referred to the appropriate regional training delivery contractor. Constables cannot register for classes by calling or mailing PCCD.

Office of Constable Incompatible with Private Detective's License

Constables should be reminded that an individual who is a licensed private detective may not hold the office of constable.

As cited in Stanley v. Court of Quarter Sessions of the Peace of Philadelphia County, 204 Pa. Super. 29, 201 A.2d 287; 1964 Pa. Super., which has not been overturned or modified to date, determined that the holding of a private detective's license is incompatible with the holding of the office of constable.

Re-election-New Term Dates

In order to ensure continued, uninterrupted certification, if you are re-elected in November, you must forward a copy of your new election certificate from the county Board of Elections to the PCCD via mail or FAX to: Bureau of Training Services, Pennsylvania Commission on Crime and Delinquency, PO Box 1167, Harrisburg PA 17108-1167; FAX (717) 783-7140.

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