PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

CONSTABLES' EDUCATION AND TRAINING BOARD

2000 ANNUAL REPORT

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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2000 ANNUAL REPORT

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2000 ANNUAL REPORT SUMMARY

The June 1994 passage of Act 1994-44, the Constables' Education and Training Act, created the Constables' Education and Training Board as an advisory board of the Pennsylvania Commission on Crime and Delinquency (PCCD). As designated in Act 44, the Board operates with the review and approval of the PCCD, which provides the staff necessary to accomplish the mandates of the Act. This 2000 Annual Report is the fifth report to the Governor and the General Assembly submitted by the Constables' Education and Training Board as required by Act 44.

During 2000 a total of 137 newly appointed or elected constables attended the 80-hour basic training course. A total of 1,484 constables renewed their certification via completion of the 20-hour continuing education training course, and 1,130 constables achieved or maintained their certification to carry a firearm while on duty as constable via completion of firearm training courses.

Content of the PCCD web site, related to constable training, at http://www.pccd.state.us was expanded to include more information. The web site features the Annual Report of the Board, Act 1994-44, issues of the Constables' Training Bulletin, schedules for all training programs, and forms related to constables' training and certification.

During 2000, the constables' training database was re-designed in order to better track constables' training records and interface that data with information on constables' terms of office and proof of liability insurance to more accurately record certification status. The Board's six regional training delivery contractors are able to electronically transfer trainee data and grades to the system.

In addition, the database is tied to the district justice computer system operated by the Administrative Office of Pennsylvania Courts (AOPC) to provide district justices with accurate information on the certification status of their constables. During 2001 the Board will work toward migrating the database to web-based access, providing the public with a limited access via the PCCD web site, and establishing a web-based instructor database.

As directed by the Board, Temple University, the Board's contractor for curriculum development, enhanced the training programs of the Board by updating a portion of the 80-hour basic training curriculum, conducting two instructor development courses targeted at new and existing instructors, initiating the use of a scanable instructor evaluation form providing input directly into the instructor database, and developing continuing education curricula for 2001.

The Board believes that these significant accomplishments will ensure the quality, viability and job-relatedness of its training and certification for the immediate future. The Board looks forward to continuing to improve the training programs, their delivery, and the administration of certification requirements to ensure that the programs meet the needs of constables and the justice system they serve.

FINANCIAL SUPPORT OF CONSTABLES' TRAINING

Act 1994-44 provides funding for the Constables' Education and Training Board solely through a surcharge on cases in the District Justice courts, which are serviced by constables. The surcharge is established as $5 per docket number in each criminal case and $5 per named defendant in each civil case in which a constable performs a service.

The Office of State Treasurer maintains these funds in a restricted receipts account. Working closely with the Treasury Department, the Pennsylvania Commission on Crime and Delinquency (PCCD) is responsible for disbursement of the funds, as identified in the Act, to support delivery of the training programs, the activities of the Board, and the PCCD's administration of the programs.

The Constables' Education and Training Account balance, as of the end of Fiscal Year 2000/01, is projected to be $7,172,013. This estimated positive balance is a direct result of significant delays in the enactment and initiation of the training mandates for constables, which pre-date the establishment of the training programs of the Board under Act 1994-44.

The first attempt to legislatively mandate training and certification of constables, Act 1990-147, established a surcharge, which resulted in collections; however, that Act was never fully implemented based upon Supreme Court action declaring it unconstitutional, In RE Act 147. Subsequent legislation, Act 1992-102 created a surcharge, which provided income to the account; however, that Act was not implemented pending legislative correction of a number of the Act's provisions. Then, although enacted in June 1994, due to a change in Administrations, the appointment and confirmation of the Board under Act 1994-44 was not accomplished until September 1995. Because of these delays, as of September 1995, the account balance had grown to $3,224,502.

During the following Fiscal Year, 1995/96, in which the Board accomplished its organization and the development of basic training, the account balance increased to $4,593,673. With the initiation of basic training, during Fiscal Year 1996/97 only one of the training programs of Act 44 was drawing on the account and the account balance grew to $5,676,155. In Fiscal Year 1997/98 the basic training was offered for the full year and continuing education and firearm training were offered for several months, resulting in an account balance of $6,476,004.

In Fiscal Year 1998/99 all three of the training programs were fully implemented and the financial report reflected the cost of maintaining an annual cycle of constable training in Pennsylvania. The cost of training constables during that fiscal year was $1,296,620 and the account income was $1,795,146. As of the end of Fiscal Year 1998/99, the account balance was $6,974,436.

The potential maximum cost of training constables during Fiscal Year 2000/01 is $1,966,632 and the estimated account income is $1,792,796. If these estimates hold true Fiscal Year 200/01 will be the first fiscal year in which the cost of training resulted in a reduction of the reserve maintained in the Constables' Education and Training Account.

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
CONSTABLES' EDUCATION AND TRAINING ACCOUNT
FINANCIAL STATUS REPORT AS OF DECEMBER 31, 2000
FOR STATE FISCAL YEAR 2000-01

RECEIPTS

	RECEIPTS	TOTAL	BALANCE
Balance from Previous Year			$7,345,848
Fee Collections 7/1/00 - 12/31/00	$952,796		
Estimated* Collections 1/1/01 to 6/30/01	$840,000		
*Based on average contribution of $140,000 per month.		$1,792,796	
ESTIMATED TOTAL FUNDS AVAILABLE AT 6/30/2001			$9,138,644

EXPENDITURES AND COMMITMENTS

	EXPENDITURES	COMMITMENTS	TOTAL
Administration:	$145,019	$304,981	$450,000
Education:			
Harrisburg Area Community College - SP 256575	63,117	$140,883	$204,000
Lackawanna Junior College - SP 256579	89,180	60,820	$150,000
Mansfield University - SP256576	16,579	65,664	$82,243
Mercyhurst College - SP256578	50,701	234,037	$284,738
Penn State, Fayette - SP256577	98,678	209,441	$308,119
Temple University - SP256580	149,670	157,863	$307,533
Temple University - SP8191210005 (Curriculum Development)	92,390	87,610	$180,000
EST. TOTAL EXPENDITURES AND COMMITMENTS JUNE 30, 2001		$1,966,632	
ESTIMATED BALANCE AT JUNE 30, 2001			$7,172,013

Note: Estimated additional $135,683 in state funds utilized from PCCD General Fund to support the Constables' Education and Training Programs: 07/01/94 to 06/30/00 - $114,593; and, 07/01/00 to 06/30/01 - $21,090.

Prepared By: Colleen Conches, Chief
Financial Administration Division
January 16, 2001

BASIC TRAINING CURRICULUM AND DELIVERY

The on-going efforts by the Board to further develop its training programs for constables has utilized a process of identifying tasks constables perform and the skills and knowledge needed to adequately perform those tasks. The Board considers establishment of the linkage among duties that comprise the job of constable and the content of training curricula as crucial to ensuring the job-relatedness of training for constables.

Since the inception of the training programs, the Board utilized Pennsylvania State University - Fayette to develop the constables' training curricula, which training providers utilized through 2000. In this manner, the 80-hour basic training curriculum served to ensure a standardized approach to instruction, course presentation and content among the Board's six regional training contractors.

During 2000 the Board's training delivery contractors scheduled and presented 17 basic training classes throughout Pennsylvania. Basic training includes ten topics: Constable Orientation; Professional Development; Civil Law and Process; Criminal Law and Process; Use of Force; Mechanics of Arrest; Defensive Tactics; Prisoner Transport and Custody; Court Security; and Crisis Intervention.

In addition to the topical outline the curriculum included: an instructor's outline, transparencies, trainee study guide, instructor study guide, and a bank of standardized test questions support each subject module. A summary of the basic training curriculum, utilized during 2000, appears on the next page.

While the basic training curriculum utilized through 2000 was of high quality, the Board desired to continue its efforts to improve the training programs. During 2000 the Board worked through its current curriculum development contractor, Temple University, to further refine and enhance the constables' basic training curriculum, which resulted in the revision of six basic training topics for utilization by training delivery contractors in 2001. During 2001 Temple will work to revise the remainder of the basic training topics for 2002. These revisions will produce a complete basic training curriculum that is contained on a series of compact discs and presented via computer projection in Microsoft PowerPoint format.

Regional Constable Training Providers include:

South Central - Harrisburg Area Community College
Southeast - Temple University
Southwest - Penn State Fayette
Northeast - Lackawanna Junior College
Northwest - Mercyhurst College
North Central - Mansfield University

CONSTABLES' BASIC TRAINING: 80-HOUR CURRICULUM

Introduction - 4 Hours

Provides an overview of the evolutionary development of the constable in Pennsylvania; clarifies the legal responsibilities, as well as civil liability issues that pertain to the office of the constable; and provides an introduction to the Pennsylvania justice system.

Professional Development - 8 Hours

Deals with issues of formal communication and how it impacts on day-to-day duties; introduces basic interview skills and basic principles of report writing; and emphasizes accurate completion of the fee schedule sheets in accordance with Act 1994-44. Explores issues of professional conduct on constable duties and includes concepts of moral standards, ethics, individual responsibility, relationships with the community, and cultural diversity. Also examined are the effects of duty-related stress and coping mechanisms.

Civil Law and Process - 20 Hours

Focuses on many of the duties of the constable in the area of civil procedure, including service of process. The topic takes into account procedural rules that are applicable throughout the Commonwealth, while directing constables to be cognizant of local rules and practice.

Criminal Law and Process - 8 Hours

Provides an overview of the history and development of criminal law in Pennsylvania focusing on specific constable duties related to the criminal process, as well as their authority and responsibilities in the areas of arrest, accountability for property and moneys, and recognition of the most current law dealing with constable authority.

Use Of Force - 4 Hours

Provides working knowledge in the areas of both lethal and non-lethal use of force; and recent, pertinent case law and practical aspects of the use of force are discussed.

Mechanics of Arrest - 4 Hours

Covers proper techniques for the arrest of both compliant and non-compliant persons utilizing subject control holds and take-downs, and handcuffing techniques.

Defensive Tactics - 12 Hours

Presents concepts and techniques for self defense against armed and unarmed attackers, including: basic patterns of movement; reactionary gap and interview stance; ground fighting; head and neck controls and arm locks; defense against attacks from the rear; basic techniques against knife and club attacks; blocking, hand and arm skills, and kicks; and techniques for retaining the holstered handgun while under attack.

Prisoner Transport and Custody - 8 Hours

Discusses basic procedures associated with prisoner transport and custody with emphasis on understanding and developing safe, legal habits and practices. Covers issues of transportation responsibilities, complacency, professional routine, standards for applying restraints, transferring custody, escorting prisoners and special transportation concerns.

Courtroom Security - 4 Hours

Provides an overview of courtroom security to heighten awareness of potential problems that may arise in the courtroom, such as: threatening behavior, searches, and response to emergencies.

Crisis Intervention - 8 Hours

Provides an understanding of basic approaches to defuse confrontations that could evolve into a life-threatening situation with emphasis on understanding the signs of aggression, recognition of behavioral signals, and avoidance of potentially dangerous situations.

CONTINUING EDUCATION

The Constables' Education and Training Board provides for annual recertification of constables via continuing education organized so that, as constables take the training in one calendar year, they are re-certified for the following calendar year. During 2000 constables had from January through October, ten months in which to attend and successfully complete continuing education in order to achieve recertification under Act 1994-44 for 2001.

At the end of 2000, for the current period of continuing education, at the direction of the Board, the six regional training providers scheduled a total of 73 continuing education classes from January through October 2001. Constables must satisfactorily complete continuing education by November 1, 2001 in order to achieve recertification for the year 2002.

The 2001 continuing education consists of two modules: one of eight hours and the other 12 hours, for a total of 20 hours of instruction as summarized below.

Crisis Intervention - This eight hour module covers the physical and emotional characteristics of crisis situations to improve constables' abilities to work safely and effectively, and to improve constables' abilities to "read" and understand people they contact. Discussions focus on circumstances that may place constables at risk; general skills and specific techniques for managing interactions with others; ways to avoid physical confrontations and the use of force, and to help others deal with crisis situations. The course also focuses on interactions with emotionally disturbed persons and those individuals who may be suicidal. Discussions are intended to focus on the practical aspects of what one may be able to do if taken hostage or as a first-responder to a hostage situation.

Professional Development - This 12-hour module focuses on existing law and rules/procedures as they apply to the constable in the performance of duties while serving the Pennsylvania courts. It includes review of recent court cases and decisions affecting constables; common practices and procedures intended to provide guidance in performing levies and sales; the execution and collection of judgments; criminal offenses; and procedures for the service of warrants. It also provides a review of equipment as a means of improving constable safety and efficiency.

FIREARM TRAINING AND QUALIFICATION

Section 2948 of Act 1994-44 gave the Board/PCCD responsibility for the establishment of firearm qualification criteria in order for constables to carry or use a firearm in the performance of their duties. The Board has organized firearm qualification as an annual requirement, similar to continuing education. As constables take the training in one calendar year they are certified to carry a firearm in the performance of constable duties for the following calendar year.

Constables who are in office, and have achieved and maintained their certification under Act 1994-44, are allowed to attend the firearm training and certification courses. After achieving initial certification to carry a firearm, through the Board's 40-hour basic firearm program, a constable must attend and successfully complete an annual 20-hour firearm program in order to remain certified.

In addition, in order for the Board to certify constables to carry a firearm, the Board must ensure that constables are legally eligible to possess or carry firearms under Pennsylvania's Uniform Firearms Act, Title 18, Crimes Code of Pennsylvania § 6101, et seq., and the Federal Gun Control Act of 1968, as amended in 1994, United States Code, Section 18 § 922, which delineates additional prohibitions on the possession of a firearm. Therefore, prior to issuance of firearm certification, the Board performs a criminal history background check similar to that required for a license to carry a concealed firearm.

Since 1997/98 the Board's basic firearm course consisted of 20 hours of training in topics such as: equipment; weapon safety and maintenance; ballistics; marksmanship; judgmental shooting; and practical pistol skills. Constables qualified with a firearm through both range qualification and a written examination.

During 2000 the Board expanded this course to 40 hours and has initiated its utilization in 2001 to provide initial firearm training and qualification for new constables and those who have little or no firearm experience. Also for 2001, the annual, 20-hour firearm course will include a refresher on safety issues and skills including: reloading; dealing with malfunctions; dim light shooting; and tactical movement drills, including four hours in the classroom and 16 hours on the firing range.

In both the basic and annual firearm courses individuals are required to pass a written exam and have the opportunity to shoot for qualification using a course of fire that examines the skills learned in the respective course. Passing scores of at least 75% on the written exam and the range qualification are required for certification.

During 2001 the Board's six regional training delivery contractors have scheduled 16 basic firearm classes and 67 advanced firearm classes across the state. In 2000 there were 1,487 constables eligible to take firearm training and qualification. Of those eligible, a total of 1,130 constables achieved firearm certification under the mandates of Act 44.

CONSTABLE CERTIFICATIONS

As of the date of this fifth Annual Report, a total of 2,241 individuals have successfully completed either basic training or the waiver examination and have been certified by the Board. Of these, 1,484 are currently active as constables and have maintained their certifications for 2001. There are presently 2,557 constables and deputy constables registered with the PCCD.

Act 1994-44 provides that constables may achieve certification through attendance of the 80-hour basic training course, mandated by Act 1994-44 and established by the Board. As of the date of this report, 1,614 constables have successfully completed the basic training course. Constables who fail basic training are afforded two additional attempts to attend and pass the training under the Board's policy on basic training attendance.

Act 44 also provided constables, who were in office as of the effective date of the Act, one opportunity to achieve certification through a waiver exam in lieu of attending basic training. In addition, the Board recognizes the Pennsylvania-based law enforcement training and experience of police officers and deputy sheriffs through a law enforcement waiver policy, which allows constables, who also serve in other law enforcement capacities, an opportunity to take a waiver exam to achieve certification.

The Board identified the following basic training topics to be included in the waiver exam: Civil Law and Process; Criminal Law and Process; Use of Force; Mechanics of Arrest; Prisoner Transport and Custody; Courtroom Security; and Professional Development. The exam consists of true/false and multiple choice questions focusing on the knowledge needed in order to perform the duties of a constable. As of the date of this report, a total of 631 constables have received certification by successfully passing the waiver exam.

CONSTABLES CERTIFIED BY COUNTY
AS OF JANUARY 12, 2001

County	Certified	Not Certified	Total Registered
ADAMS	12	9	21
ALLEGHENY	225	78	303
ARMSTRONG	22	12	34
BEAVER	26	20	46
BEDFORD	3	6	9
BERKS	63	22	85
BLAIR	17	18	35
BRADFORD	9	5	14
BUCKS	59	13	72
BUTLER	17	14	31
CAMBRIA	27	20	47
CAMERON	2	0	2
CARBON	10	4	14
CENTRE	10	7	17
CHESTER	72	18	90
CLARION	9	6	15
CLEARFIELD	17	8	25
CLINTON	7	3	10
COLUMBIA	9	2	11
CRAWFORD	9	5	14
CUMBERLAND	16	12	28
DAUPHIN	32	17	49
DELAWARE	65	20	85
ELK	3	0	3
ERIE	30	14	44
FAYETTE	63	23	86
FOREST	0	0	0
FRANKLIN	9	6	15
FULTON	1	0	1
GREENE	9	8	17
HUNTINGDON	4	1	5
INDIANA	13	4	17
JEFFERSON	8	6	14
JUNIATA	0	2	2

CONSTABLES CERTIFIED BY COUNTY
AS OF JANUARY 12, 2001

County	Certified	Not Certified	Total Registered
LACKAWANNA	29	14	43
LANCASTER	58	22	80
LAWRENCE	18	12	30
LEBANON	11	7	18
LEHIGH	22	13	35
LUZERNE	57	37	94
LYCOMING	12	14	26
McKEAN	2	1	3
MERCER	16	8	24
MIFFLIN	4	4	8
MONROE	16	11	27
MONTGOMERY	64	21	85
MONTOUR	1	0	1
NORTHAMPTON	33	16	49
NORTHUMBERLAND	8	12	20
PERRY	11	2	13
PHILADELPHIA	0	0	0
PIKE	8	7	15
POTTER	5	4	9
SCHUYLKILL	13	15	28
SNYDER	3	0	3
SOMERSET	4	11	15
SULLIVAN	0	0	0
SUSQUEHANNA	14	4	18
TIOGA	8	6	14
UNION	5	3	8
VENANGO	6	1	7
WARREN	6	1	7
WASHINGTON	54	25	79
WAYNE	11	6	17
WESTMORELAND	55	21	76
WYOMING	8	11	19
YORK	44	12	56
Total	**1,484**	**704**	**2,188**

CONSTABLES' TRAINING BULLETIN

Since its inception, the Constables' Education and Training Board established its newsletter, the Constables' Training Bulletin, as a means of disseminating information to constables, district justices, court administrators, clerks of courts, and other members of the Commonwealth's justice system. Contents of the Bulletins issued during 2000 are summarized below and are also located on the PCCD website. In addition, on a biannual basis, the Board issues a schedule of training programs to all those noted above.

- Number 34, January 2000

Contained information provided by the Ethics Commission to better inform constables on the requirement to file financial interest statements under the State Ethics Act.

- Number 35, April 2000

Informed constables of the Pennsylvania Crime Victims Compensation Program. This was intended as additional professional knowledge for constables, who in the performance of their duties come into contact with victims who may be unaware of this program.

- Number 36, September 2000

Reminded constables that they must complete the 20-hour continuing education course before November 1, 2000 to be re-certified for 2001; informed those who wanted to be certified to carry a firearm for 2001 that they must complete firearm training before November 1, 2000; and reminded constables that they must file with the clerk of courts proof of professional liability insurance, as mandated by Act 1994-44

- Number 37, November 2000

Informed constables that a standard registration form for class enrollment was implemented to facilitate registering for training; noted that continuing education in 2001 will consist of an eight-hour module in Crisis Intervention and a 12-hour module in Professional Updates; reported the expansion of Basic Firearm training to a 40-hour course; and reported the Board's adoption of a "No-Show" policy to address the recurring problem of constables who register for training and fail to attend.

SPECIAL REVIEW: PROFESSIONAL LIABILITY INSURANCE

The following is a special report of a review of issues surrounding professional liability insurance conducted by the Constables' Education and Training Board in late 2000. Due to the statutorily established mandates related to professional liability insurance for constables, and the relationship of insurance to certification, the Board has included this report in its 2000 Annual Report.

SPECIAL REVIEW: PROFESSIONAL LIABILITY INSURANCE

At its September 2000 meeting the Constables' Education and Training Board received staff reports of alleged problems with professional liability insurance for constables: that constables did not have adequate access to such insurance; and, that constables were not reporting and/or clerks of courts were not recording the possession of professional liability insurance.

Section 2942(b) of Act 44 makes it mandatory that: "Every constable and deputy constable must file with the clerk of courts proof that he has, currently in force, a policy of professional liability insurance covering each individual in the performance of his judicial duties with a minimum coverage of $250,000 per incident and a minimum aggregate of $500,000 per year."

In addition to requiring constables to have professional liability insurance and to file proof of insurance with the clerk of courts, the Act establishes in Section 2942(c) that: "Any constable or deputy constable who fails, neglects or refuses to maintain a current insurance policy as required by subsection (b) 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."

Insurance Availability - Survey of Constables

In late August 2000 the PCCD mailed a one-page survey to all 1,652 constables who were certified, as of that date. The survey was designed to elicit information on insurance providers, the cost of insurance, types and amount of coverage included, and reporting to the clerks of courts. As of the return deadline 599 survey forms were received by the PCCD, a return rate of 36%, representing a respondent population more than sufficient to achieve a representative sampling of constables.

The findings of this survey, summarized below, were consistent with the results of a review of insurance availability conducted in October 1994, prior to the initiation of the insurance mandate of Act 44. While the number of insurance providers has decreased from eight to three since 1994, professional liability insurance is still readily available to constables. The cost of insurance, $250 to $301, is lower than the range of cost reported in 1994. Please note that all percentages reported below reflect the percentage of the total (599) responses received.

Survey results indicate that three companies provide liability insurance to constables: Capitol Indemnity Corporation, 246 respondents (41%); Columbia Casualty, 185 (31%); Hallmark Insurance Company, 48 (8%); and 120 respondents (20%) did not identify their insurance company.

A total of 481 (80%) respondents provided information on the cost of their insurance coverage. Although there was some minor variance in reported costs, the yearly cost of the professional liability insurance ranged from $250 for both Capital Indemnity and Hallmark and $301 for Columbia Casualty Company, and 118 (20%) respondents provided no cost information.

The majority of respondents, 401 (67%), obtain their liability insurance independently; 192 (32%) reported the purchase of insurance through a constable association; and six (1%) reported receiving insurance coverage through a municipality.

In reviewing the coverage provided by the policies, respondents reported that Columbia Casualty Company policy coverage meets the levels required by Act 1984-2 ($500,00 per year aggregate and $250,000 per incident) and Capitol Indemnity and Hallmark provide total aggregate coverage greater than required by the Act.

A total of 98 (16%) respondents reported that they currently do not have poof of liability insurance on file with their clerks of courts. Of these, 62 (10%) respondents reported that they do not presently have a policy of professional liability insurance.

Insurance Reporting – Survey of Clerks of Courts

In early September, PCCD staff mailed a listing by county, of constables who possessed current certification under Act 1994-44 to county clerks of courts. The clerks of courts were asked to provide the following information for each constable listed for their county: is the individual still a constable or deputy constable, do they have professional liability insurance on file with the clerk of courts for 2000, and what is the expiration date of the insurance.

All 66 clerks of courts, in counties that have constables, responded to the survey. In the aggregate, results of the survey reveal that of the total 1,576 constables covered by the clerks of courts survey, only 71.5% or 1,127 have proof of liability insurance on file with the clerks of courts. The remaining 28.5% or 449 have not filed such proof.

Follow-up County Analysis

In order to assess whether constables, who do not have liability insurance filed with the clerks of courts, are performing judicial duties and receiving payment for those duties, a sample of six counties was selected for further review. The PCCD provided a list of the uninsured constables, as reported by the clerks of courts, from each of the six counties to the Administrative Office of Pennsylvania Courts (AOPC). In return, the AOPC produced a printout for each county showing each time a constable was paid through the AOPC system by date, district court number, docket number, mileage paid, and fee paid. The results of this review are described below in the aggregate.

The percentage and number of certified constables, per county, who do not have professional liability insurance reported to the clerk of courts ranges from 19% (9 of 48) to 46% (15 of 32).

The number of certified constables without professional liability insurance, per county, paid for performing judicial duties within the past 12 months, ranges from a low of 22% (9 of 48) to a high of 87% (13 of 15).

The highest number of payments made to a single constable who performed judicial duties while uninsured was 1,632 and the lowest number of payments made to a single constable who performed judicial duties while uninsured was one.

The total fees paid to individual constables who performed judicial duties while uninsured during the 12 month period range from a low of $10 to a high of $29,376.

Implications of Survey Results

Overall, the results of these two surveys indicate that there is a problem with adherence to the professional liability insurance mandates of Act 1994-44. To reiterate the results, the surveys found that the percentage of constables who do not have insurance or do not have it on file with the clerks of courts is 16% (68 of 599 respondents) as reported by constables and 28.5% (449 of 1,576 constables) as reported by clerks of courts.

While the results of the two surveys differ slightly, the difference between 16% and 28.5% of constables not being insured or not reporting insurance may be attributable to the nature of the responses received. Phone calls received by PCCD staff indicate that constables without insurance believed that it was not in their best interest to respond to the survey or to accurately report their failure to possess insurance. The lower rate of response to the constable survey and the lower rate of self-reported failure to possess insurance may be attributable to that perception.

On the other hand, it is likely that the results of the clerks of courts survey are a more accurate picture of compliance with the professional liability insurance provisions of Act 1994-44; however, evidence received by staff indicates that the 28.5% figure may not be entirely accurate. The higher reported percentage of uninsured constables in the clerks of courts survey, in part, may reflect that some clerks of courts are not keeping accurate records.

Despite these potential difficulties in interpreting the surveys' results, the percentages reported from the surveys establish a 16% to 28.5% range of uninsured constables. Applied to the number of certified constables (1,487 as of January 2001) the range indicates that between 238 and 424 constables may not be in compliance with the insurance requirements of the Act. The Board believes that, while perhaps not overwhelming in its extent, the problem is significant enough to warrant concern and action by the Board/PCCD.

As previously noted, Section 2942(b) of Act 44 mandates that constables and deputy constables must file with the clerk of courts proof that they have, currently in force, a policy of professional liability insurance covering each individual in the performance of his/her judicial duties. Section 2942 (c) further provides that any constable or deputy constable who fails, neglects or refuses to maintain a current insurance policy as required or fails to file proof of insurance with the clerk of courts shall cease automatically to be certified to perform judicial duties.

The findings of the Board's surveys potentially represent a significant problem for the Board in accurately reflecting the certification status of constables, created by the assignment of responsibilities under Act 44, Section 2942. That section establishes the responsibility of individual constables to possess liability insurance and to file proof of insurance with the clerk of courts. It also establishes the responsibility of the clerk of courts of each county to keep records regarding constables' liability insurance.

While establishing a linkage between constables and clerks of courts, the Act does not require that the insurance information be reported to the Board, which is responsible for the certification of constables. This creates a gap in the accuracy of the Board's certification of constables, since the Board and the PCCD are unaware of constables who do not possess insurance and, as a result, should be decertified under Section 2942(c).

Actions to Rectify the Problem

At its December 2000 meeting, the Board identified efforts that are presently being taken, within the structure of responsibilities established by Act 44, to correct the problems that exist in linking the possession/reporting of professional liability insurance to constable certifications. Among those efforts is the establishment of liaison with the Prothonotarys and Clerks of Courts Association and individual clerks of courts to enlist their assistance in reporting constable liability insurance to the PCCD.

The Board believes that during 2001 this increased liaison will result in the establishment of a recurring schedule of reporting of the insurance status of constables. Once the Board is confident that it is receiving dependable reports concerning liability insurance records of constables, it is the Board's intent to use those reports to enforce the insurance mandates of Act 1994-44. If a constable is reported to be without professional liability insurance, and/or has not reported that insurance to the clerk of courts, the Act 44 certification of that constable will be suspended until he or she provides proof of compliance with the requirements of the Act.

INSURANCE REPORTING BY CONSTABLES
SURVEY OF CLERKS OF COURTS

County	Total Certified Constables	Certified Constables With Insurance		Certified Constables Without Insurance	
		Number	Percent	Number	Percent
Adams	12	5	41.7%	7	58.3%
Allegheny	235	156	66.4%	79	33.6%
Armstrong	26	18	69.2%	8	30.8%
Beaver	31	26	83.9%	5	16.1%
Bedford	3	3	100.0%	0	0.0%
Berks	68	64	94.1%	4	5.9%
Blair	24	20	83.3%	4	16.7%
Bradford	10	7	70.0%	3	30.0%
Bucks	63	59	93.7%	4	6.3%
Butler	20	11	55.0%	9	45.0%
Cambria	27	23	85.2%	4	14.8%
Cameron	2	2	100.0%	0	0.0%
Carbon	12	9	75.0%	3	25.0%
Centre	10	3	30.0%	7	70.0%
Chester	79	44	55.7%	35	44.3%
Clarion	9	3	33.3%	6	66.7%
Clearfield	17	12	70.6%	5	29.4%
Clinton	7	6	85.7%	1	14.3%
Columbia	9	5	55.6%	4	44.4%
Crawford	11	10	90.9%	1	9.1%
Cumberland	20	15	75.0%	5	25.0%
Dauphin	35	20	57.1%	15	42.9%
Delaware	64	58	90.6%	6	9.4%
Elk	3	3	100.0%	0	0.0%
Erie	35	31	88.6%	4	11.4%
Fayette	69	44	63.8%	25	36.2%
Forest	0	0	0.0%	0	0.0%
Franklin	11	8	72.7%	3	27.3%
Fulton	1	0	0.0%	1	100.0%
Greene	11	6	54.5%	5	45.5%
Huntingdon	4	2	50.0%	2	50.0%
Indiana	15	14	93.3%	1	6.7%
Jefferson	8	5	62.5%	3	37.5%
Juniata	0	0	0.0%	0	0.0%
Lackawanna	32	17	53.1%	15	46.9%
Lancaster	64	48	75.0%	16	25.0%
Lawrence	19	14	73.7%	5	26.3%

INSURANCE REPORTING BY CONSTABLES
SURVEY OF CLERKS OF COURTS

County	Total Certified Constables	Certified Constables With Insurance		Certified Constables Without Insurance	
		Number	Percent	Number	Percent
Lebanon	12	10	83.3%	2	16.7%
Lehigh	27	18	66.7%	9	33.3%
Luzerne	67	55	82.1%	12	17.9%
Lycoming	13	9	69.2%	4	30.8%
McKean	2	1	50.0%	1	50.0%
Mercer	20	14	70.0%	6	30.0%
Mifflin	4	3	75.0%	1	25.0%
Monroe	19	16	84.2%	3	15.8%
Montgomery	66	50	75.8%	16	24.2%
Montour	1	1	100.0%	0	0.0%
Northampton	37	30	81.1%	7	18.9%
Northumberland	11	7	63.6%	4	36.4%
Perry	11	5	45.5%	6	54.5%
Pike	12	7	58.3%	5	41.7%
Potter	6	6	100.0%	0	0.0%
Schuylkill	17	8	47.1%	9	52.9%
Snyder	3	1	33.3%	2	66.7%
Somerset	8	4	50.0%	4	50.0%
Sullivan	0	0	0.0%	0	0.0%
Susquehanna	13	8	61.5%	5	38.5%
Tioga	8	8	100.0%	0	0.0%
Union	7	5	71.4%	2	28.6%
Venango	7	7	100.0%	0	0.0%
Warren	6	2	33.3%	4	66.7%
Washington	65	27	41.5%	38	58.5%
Wayne	13	9	69.2%	4	30.8%
Westmoreland	55	45	81.8%	10	18.2%
Wyoming	9	5	55.6%	4	44.4%
York	48	39	81.3%	9	18.8%
Total	**1576**	**1127**	**71.5%**	**449**	**28.5%**