



**PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY**

**CONSTABLES' EDUCATION
AND TRAINING BOARD**

2001 ANNUAL REPORT



**PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY**

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2001 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 2001 Annual Report is the sixth report to the Governor and the General Assembly submitted by the Constables' Education and Training Board as required by Act 44.

During 2001, a total of 106 newly-appointed or elected constables attended the 80-hour basic training course. A total of 1,366 constables renewed their certification via completion of the 20-hour continuing education training course, and 996 constables achieved or maintained their certification to carry a firearm while on duty as constable via completion of firearms training courses.

Content of the PCCD website related to constable training, <http://www.pccd.state.pa.us>, was expanded to include more information. The website features the Annual Report of the Board, Act 1994-44, recent issues of the Constables' Training Bulletin, schedules for all training programs, the schedule of the Constables' Education and Training Board meetings for the year, and forms related to constables' training and certification. New for 2001, the website contains a constable finder, which allows users to locate all certified constables in the state with search capabilities by county, name or certification number.

During 2001, the constables' training database was upgraded in order to better track constables' training records and interface that data with information on constables' terms of office and proof of liability insurance received from clerks of courts to more accurately reflect certification status. In addition, at the end of 2001, the database was expanded to track certified instructors and evaluations of course content, the instructor and facilities utilized for training.

In May 2001, the Board compiled and distributed a Constables' Legal Reference Guide to all certified constables and deputy constables. The Guide is intended for use as a training and reference tool and will be updated annually. The Board also completed an update to the 80-hour basic training curriculum, implemented the continuing education curriculum for 2002, and conducted one instructor development course targeted at new and existing instructors.

The Board adopted and the Commission ratified final form regulations of the Board. The regulatory review process has been initiated to place the regulations, which govern operation of the training and certification programs for constables, into the Pennsylvania Code, Title 37, with other PCCD regulations. Upon completion of the regulatory review process, it is anticipated that the final regulations will be published in the Pennsylvania Bulletin in the Summer 2002, at which time they will become effective.

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 2001/02, is projected to be \$7,438,300. 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.

Projections for Fiscal Year 2000/01 indicated that there was a possibility of the cost of training exceeding account income, potentially resulting in a reduction of the reserve maintained in the Constables' Education and Training Account. In fact, the fiscal year ended with income exceeding expenditure by \$512,409, due a slight increase in surcharge collections and the cancellation of a number of classes due to inadequate registrations.

The projected cost of training constables during Fiscal Year 2001/02 is \$2,387,423 and the estimated account income is \$1,967,465. If the estimates hold true, 2001/02 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, 2001
 FOR STATE FISCAL YEAR 2001-02

RECEIPTS

	RECEIPTS	TOTAL	BALANCE
Balance from Previous Year			\$7,858,258
Fee Collections			
7/1/01 - 12/31/01	\$978,035		
Estimated Collections 1/1/02 To 6/30/02	\$989,430		
		<u>\$1,967,465</u>	

Estimated receipts are based on an average contribution of \$164,905 per month.

ESTIMATED TOTAL FUNDS AVAILABLE AT 6/30/2002	<u><u>\$9,825,723</u></u>
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EXPENDITURES AND COMMITMENTS

	EXPENDITURES	COMMITMENTS	TOTAL
Administration:	\$194,222	\$255,778	\$450,000
Education:			
Harrisburg Area Community SP8106920001	\$120,591	\$81,959	\$202,550
Lackawanna Junior College SP8106920006	\$91,982	\$134,439	\$226,421
Mansfield University SP8106920005	\$51,773	\$64,843	\$116,616
Mercyhurst College SP8196920003	\$179,598	\$220,499	\$400,097
Penn State - Fayette SP8106920002	\$136,850	\$326,185	\$463,035
Temple University SP8106920004	\$122,436	\$202,332	\$324,768
Temple University Curriculum Development SP8191210005	\$97,552	\$106,384	\$203,936
EST. TOTAL EXPENDITURES AND COMMITMENTS AT JUNE 30, 2002	\$995,004	\$1,392,419	\$2,387,423

ESTIMATED BALANCE AT JUNE 30, 2002	<u><u>\$7,438,300</u></u>
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Prepared By:
 Shari Yiengst, Budget Analyst
 Financial Administration Division
 January 17, 2002

BASIC TRAINING CURRICULUM AND DELIVERY

The on-going effort by the Board to continuously hone 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.

The Board utilizes a curriculum development contractor, Temple University, to refine and enhance the constables' basic training curriculum. Six revamped basic training topics were implemented during 2001 and the remaining topics were developed by Temple and are being implemented in 2002. The complete basic training curriculum is contained on a series of compact discs and presented via computer projection in Microsoft PowerPoint format.

In this manner, the 80-hour basic training curriculum serves to ensure a standardized approach to instruction, course presentation and content among the Board's six regional training contractors. In addition to the topical outline, the curriculum included: an instructor's outline, trainee study guide, instructor study guide, and a bank of standardized test questions support each subject module. A summary of the basic training curriculum, being utilized during 2002, appears on the next page.

During 2001 the Board's training delivery contractors scheduled 18 basic training classes throughout Pennsylvania, but cancelled eight classes due to inadequate registrations. A total of 98 new constables receive certification by completing basic training during 2001.

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

Role of the Constable in the Justice System - 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 communications and how it impacts on day-to-day duties; introduces basic writing procedures and effective oral communication; information gathering; 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 civil and landlord/tenant process issued by the District Courts. Instruction focuses on segments of the United States and Pennsylvania Constitutions that assure all parties in an action “due process” by the Pennsylvania court system. 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 - 12 Hours

Provides an overview of the history and development of criminal law in Pennsylvania focusing on the Crimes Code and specific constable duties related to the criminal process, as well as their authority and responsibilities in the areas of arrest, and recognition of the most current law dealing with constable authority. This module also focuses on the classification of crimes and criminal procedure and constitutional law.

Use Of Force - 4 Hours

This module is intended to be a review of the legal issues associated with the use of force by a constable. This section deals with two major questions: 1) when is the use of force authorized by law, and 2) when is the use of force justified under the provisions of the Crimes Code.

Mechanics of Arrest - 8 Hours

Covers proper techniques for the arrest of both compliant and non-compliant persons utilizing subject control holds and take downs, and handcuffing techniques. This module consists of a classroom lecture and practical exercises in performing the tactics.

Defensive Tactics - 8 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 - 4 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 2001, 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 2002.

At the end of 2001, for the current period of continuing education, at the direction of the Board, the six regional training providers scheduled a total of 74 continuing education classes from January through October 2002. The 2002 continuing education consists of three modules for a total of 20 hours of instruction, as summarized below. Constables must satisfactorily complete continuing education by November 1, 2002 in order to achieve recertification for the year 2003.

Legal Updates - This 4-hour module covers legal updates and significant decisions affecting constables. It will concentrate on seizures of personal property, rules for venue, levies, orders of possession, and constable liability issues arising from *Berg v. County of Allegheny*.

Domestic Violence - This 8-hour module includes an overview of domestic violence, statistics and trends, statutes governing domestic violence, and significant case law. The three kinds of Protection From Abuse Orders (PFAs) will be examined, as well as dangerous domestic situations that constables may encounter, safety plans, constables' responsibilities, and ways in which constables' can minimize their liability.

Mechanics of Arrest - This 8-hour module has a four-hour classroom portion that includes equipment inspection and safety, a discussion of survival learning theory, and arrest and handcuffing tactics. Four hours will be devoted to practical exercises in performing the tactics discussed.

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 certification under Act 1994-44, are allowed to attend the firearms 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.

The basic firearm course consists of 40 hours of instruction in topics such as: equipment, weapon safety and maintenance, ballistics, marksmanship, judgmental shooting, and practical pistol skills. The course provides initial firearm training and qualification for new constables and those who have little or no firearm experience.

The annual, 20-hour firearm course includes refreshers on safety issues and basic skills and additional instruction and practice in skills such as reloading, dealing with malfunctions, dim light shooting, and tactical movement drills. The course includes four hours of classroom instruction 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 2002, the Board's six regional training delivery contractors have scheduled seven basic firearm classes and 67 annual firearm classes across the state. During 2001, a total of 996 constables achieved or maintained their firearm certification under the mandates of Act 44.

CONSTABLE CERTIFICATIONS

As of the date of this sixth Annual Report, a total of 2,332 individuals have successfully completed either basic training or the waiver examination and have been certified by the Board. Of these, 1,243 are currently active as constables and have maintained their certifications for 2002. There are presently 2,674 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, 1,700 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 629 constables have received certification by successfully passing the waiver exam.

CONSTABLES CERTIFIED BY COUNTY
As of FEBRUARY 6, 2002

County	Certified	Not Certified	Total Registered
ADAMS	9	11	20
ALLEGHENY	184	131	315
ARMSTRONG	18	21	39
BEAVER	23	27	50
BEDFORD	3	5	8
BERKS	54	29	83
BLAIR	12	24	36
BRADFORD	9	7	16
BUCKS	57	19	76
BUTLER	14	14	28
CAMBRIA	24	25	49
CAMERON	1	1	2
CARBON	11	3	14
CENTRE	10	10	20
CHESTER	63	26	89
CLARION	5	10	15
CLEARFIELD	11	12	23
CLINTON	5	6	11
COLUMBIA	7	5	12
CRAWFORD	10	7	17
CUMBERLAND	14	15	29
DAUPHIN	25	20	45
DELAWARE	60	29	89
ELK	2	1	3
ERIE	27	17	44
FAYETTE	50	38	88
FOREST	0	0	0
FRANKLIN	8	8	16
FULTON	0	0	0
GREENE	9	8	17
HUNTINGDON	3	3	6
INDIANA	8	15	23
JEFFERSON	8	7	15
JUNIATA	0	2	2

CONSTABLES CERTIFIED BY COUNTY
As of FEBRUARY 6, 2002

County	Certified	Not Certified	Total Registered
LACKAWANNA	22	19	41
LANCASTER	56	26	82
LAWRENCE	12	22	34
LEBANON	13	6	19
LEHIGH	17	18	35
LUZERNE	44	52	96
LYCOMING	10	17	27
McKEAN	1	4	5
MERCER	7	17	24
MIFFLIN	2	5	7
MONROE	14	12	26
MONTGOMERY	56	37	93
MONTOUR	0	0	0
NORTHAMPTON	31	15	46
NORTHUMBERLAND	6	13	19
PERRY	8	6	14
PHILADELPHIA	0	0	0
PIKE	7	6	13
POTTER	4	6	10
SCHUYLKILL	11	20	31
SNYDER	2	0	2
SOMERSET	4	15	19
SULLIVAN	0	0	0
SUSQUEHANNA	8	12	20
TIOGA	6	8	14
UNION	2	7	9
VENANGO	6	2	8
WARREN	5	3	8
WASHINGTON	49	36	85
WAYNE	8	11	19
WESTMORELAND	44	31	75
WYOMING	5	15	20
YORK	39	16	55
Total	1,243	1,013	2,256

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 2001 are summarized below and are also located on PCCD website. In addition, on a biannual basis, the Board issues a schedule of training programs to all those noted above.

- Number 38, February 2001

Informed constables of the results of two surveys completed by the Constables' Education and Training Board regarding professional liability insurance. The first survey found that while the number of insurance providers has decreased from eight to three since 1994, the insurance is still readily available. The second survey found that 238 to 424 constables were not in compliance with the insurance requirements of Section 2942(b) Act 44. The Bulletin also notified constables that the link between professional liability insurance and certification would be enforced.

- Number 39, April 2001

Informed all certified constables that they must come into compliance with the insurance requirement of Act 1994-44. It noted that PCCD would send notice of pending termination of certification to all constables who do not have professional liability insurance on file with the clerk of courts. This bulletin also described the constable-related items on the PCCD's website at www.pccd.state.pa.us.

- Number 40, April 2001

This bulletin contained information provided by the Ethics Commission to better inform constables on the requirement to file Statement of Financial Interest. It noted that all constables and deputy constables are required to file Statements of Financial Interest whether they are elected or appointed and whether they actually work or receive compensation for constable duties.

- Number 41, May 2001

Informed constables that they would receive a copy of the Constables' Legal Reference Guide by mail. It noted that the PCCD's website has a new feature that allows the user to search for certified constables based on a constable's name, certification number, and county. It also noted a revised Constables' Training Schedule for the second half of 2001 would be distributed in June.

- Number 42, November 2001

Informed constables that the 2002 certification cards and the 2002 Constables Training Schedule would be mailed in December 2001. It listed a description of the continuing education and firearms training to be offered in 2002, and reminded constables of the Board's No-Show Policy.