



**PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY**

**CONSTABLES' EDUCATION
AND TRAINING BOARD**

2002 ANNUAL REPORT



**PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY**

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PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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CONSTABLES' EDUCATION AND TRAINING BOARD 2002 ANNUAL REPORT

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2002 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 2002 Annual Report is the seventh report to the Governor and the General Assembly submitted by the Constables' Education and Training Board as required by Act 44.

During 2002, a total of 138 newly-appointed or elected constables attended the 80-hour basic training course. A total of 1,379 constables completed the 20-hour continuing education training course, and 961 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 and 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, forms related to constables' training and certification and a constable finder which allows users to locate certified constables. Developed in 2002 to be implemented in 2003, the website will enable constables to register for training courses online.

During 2002, the constables' training database was upgraded by entering a class enrollment section. This permits contractors to build class rosters that can be viewed on the PCCD website. Once a class is full the system will close the class and accepts registrations from a waiting list if another constable cancels his or her registration. It is expected that this will be an excellent management tool for canceling classes that don't meet minimum class size.

In May 2002, the Board compiled and distributed updates to the 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 six modules of the 80-hour basic training curriculum, implemented the continuing education curriculum for 2003, and conducted two instructor update courses used to get input from instructors on 2003 continuing education curriculum and familiarize the instructors with the new training.

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 Spring 2003, 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 2002/03, is projected to be \$7,214,150. 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 2001/02 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 \$185,534 due to cancellation of a number of classes and having fewer certified constables to train than anticipated.

The projected cost of training constables during Fiscal Year 2002/03 is \$2,782,853 and the estimated account income is \$1,953,211. If the estimates hold true, 2002/03 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, 2002
 FOR STATE FISCAL YEAR 2002-03

RECEIPTS

	RECEIPTS	TOTAL	BALANCE
Balance from Previous Year			\$8,043,792
Fee Collections			
7/1/02 - 12/31/02	\$969,211		
Estimated Collections 1/1/03 To 6/30/03	\$984,000		
		\$1,953,211	

Estimated receipts are based on an average contribution of \$164,000 per month.

ESTIMATED TOTAL FUNDS AVAILABLE AT 6/30/2003 \$9,997,003

EXPENDITURES AND COMMITMENTS

	EXPENDITURES	COMMITMENTS	TOTAL
Administration:	\$143,049	\$256,951	\$400,000
Education:			
Harrisburg Area Community SP8106920001	\$44,190	\$187,456	\$231,646
Lackawanna Junior College SP8106920006	\$38,646	\$335,239	\$373,885
Mansfield University SP8106920005		\$146,262	\$146,262
Mercyhurst College SP8196920003	\$47,882	\$358,437	\$406,319
Penn State - Fayette SP8106920002	\$67,502	\$546,282	\$613,784
Temple University SP8106920004		\$419,738	\$419,738
Temple University Curriculum Development SP8191210005		\$191,220	\$191,220
EST. TOTAL EXPENDITURES AND COMMITMENTS AT JUNE 30, 2003	\$341,269	\$2,441,584	\$2,782,853

ESTIMATED BALANCE AT JUNE 30, 2003 \$7,214,150

Prepared By:
 Shari Yiengst, Budget Analyst
 Financial Administration
 January 28, 2003

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 six topics were updated by Temple and were 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 to support each subject module. A summary of the basic training curriculum, being utilized during 2003, appears on the next page.

During 2002 the Board's training delivery contractors scheduled eight basic training classes throughout Pennsylvania. A total of 138 new constables completed the 80-hour basic training during 2002. Out of the 138 constables that completed the training only 106 filed professional liability insurance with the clerks of courts and received their certification.

Regional Constable Training Providers include:

- South Central - Harrisburg Area Community College
- Southeast - Temple University
- Southwest - Penn State Fayette
- Northeast - Lackawanna 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 communication 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 2002, 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 2003.

The Constables' Education and Training Board voted unanimously to request legislative amendment of Act 1994-44 to provide for reimbursement to constables for attending and successfully completing the required annual continuing education. This request was formally presented to and approved by the Pennsylvania Commission on Crime and Delinquency. This amendment is expected to be considered by the General Assembly during its 2003/2004 Legislative Session.

At the end of 2002, 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 2003. The 2003 continuing education consists of four modules for a total of 20 hours of instruction, as summarized below. Constables must satisfactorily complete continuing education by November 1, 2003 in order to achieve recertification for the year 2004.

Legal Updates (Four Hours) – This module will review changes to the Pa. R.C.P.D.J., recent case law affecting constables including *In RE: Hunter* (appointment of deputy constables) and *In RE: Rodrigues* (residency of constables), and juvenile law as it pertains to the service of criminal and civil process.

Prisoner Transportation (Eight Hours) - This course will be taught entirely in a classroom setting. Topics will include planning and preparation for prisoner transport, searching, restraints, complacency and the inverted alertness curve, use of force issues, and special considerations and problems.

Safe Handling of Resistant Offenders (Four Hours) – Classroom teaching will take one hour, focusing on liability and use of force issues and preparing for practical exercises. Three hours will be set aside for defensive tactics and the demonstration and practical exercise of handcuffing and handgun retention techniques.

Terrorism Awareness and Prevention (Four Hours) - This program was designed to help constables understand who terrorists are, what they do, and why and how they do it. Terrorism Awareness and Prevention will teach constables what to look for and how to properly handle and report suspicious activity. Equally important, it will stress that suspicious activity is not when someone looks, speaks, acts, believes, or lives differently, but rather is that which is unusual or out of place and may be leading to criminal activity.

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 a review of marksmanship, the five-count draw, re-holstering, loading and unloading, position shooting, tactical movement, and reduced-light shooting. 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 2003, the Board's six regional training delivery contractors have scheduled eight basic firearm classes and 68 annual firearm classes across the state. During 2002, a total of 961 constables achieved or maintained their firearm certification under the mandates of Act 44.

CONSTABLE CERTIFICATIONS

As of the date of this seventh Annual Report, a total of 2,436 individuals have successfully completed either basic training or the waiver examination and have been certified by the Board. Of these, 1,231 are currently active as constables and have maintained their certifications for 2003. There are presently 2,777 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, 1,806 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 630 constables have received certification by successfully passing the waiver exam.

CONSTABLES CERTIFIED BY COUNTY
As of JANUARY 22, 2003

County	Certified	Not Certified	Total Registered
ADAMS	12	10	22
ALLEGHENY	187	133	320
ARMSTRONG	22	18	40
BEAVER	21	30	51
BEDFORD	3	6	9
BERKS	49	33	82
BLAIR	10	25	35
BRADFORD	8	8	16
BUCKS	55	23	78
BUTLER	14	17	31
CAMBRIA	20	29	49
CAMERON	1	1	2
CARBON	9	5	14
CENTRE	11	12	23
CHESTER	60	31	91
CLARION	5	8	13
CLEARFIELD	12	13	25
CLINTON	6	7	13
COLUMBIA	7	6	13
CRAWFORD	13	7	20
CUMBERLAND	12	18	30
DAUPHIN	27	20	47
DELAWARE	61	29	90
ELK	2	1	3
ERIE	24	20	44
FAYETTE	50	41	91
FOREST	0	0	0
FRANKLIN	7	8	15
FULTON	0	0	0
GREENE	9	9	18
HUNTINGDON	4	3	7
INDIANA	10	13	23
JEFFERSON	6	12	18
JUNIATA	0	2	2

CONSTABLES CERTIFIED BY COUNTY
As of JANUARY 22, 2003

County	Certified	Not Certified	Total Registered
LACKAWANNA	23	22	45
LANCASTER	52	35	87
LAWRENCE	15	19	34
LEBANON	12	12	24
LEHIGH	18	18	36
LUZERNE	48	56	104
LYCOMING	10	14	24
McKEAN	2	3	5
MERCER	12	14	26
MIFFLIN	4	8	8
MONROE	15	14	29
MONTGOMERY	49	41	90
MONTOUR	0	1	1
NORTHAMPTON	25	19	44
NORTHUMBERLAND	9	14	23
PERRY	7	5	12
PHILADELPHIA	0	0	0
PIKE	7	8	15
POTTER	2	8	10
SCHUYLKILL	11	20	31
SNYDER	1	1	2
SOMERSET	6	14	20
SULLIVAN	0	0	0
SUSQUEHANNA	9	14	23
TIOGA	5	10	15
UNION	4	5	9
VENANGO	8	2	10
WARREN	3	4	7
WASHINGTON	47	47	94
WAYNE	10	12	22
WESTMORELAND	37	40	77
WYOMING	4	16	20
YORK	39	18	57
Total	1,231	1,108	2,339

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 2002 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 43, April 2002

Informed constables of meeting dates and locations of all the Constables' Education and Training Board meetings in 2002. Reminded constables that they need to file their updated professional liability insurance information with their county clerks of courts offices. This bulletin also had an article from the Ethics Commission informing constables of the consequences of failing to file financial interest statements and also described to constables the process for requesting a prospective advisory opinion from the Ethics Commission.

- Number 44, August 2002

This bulletin contained information on the increasing premiums for professional liability insurance and the reasons for fewer insurance providers. It listed several insurance companies that were offering professional liability insurance to constables and the costs and coverage offered. The bulletin also reminded constables that the training cycle ends in October and reminded them of the No Show-Policy. This bulletin also described the new Constable Finder and other constable-related items on the PCCD's website at www.pccd.state.pa.us.

- Number 45, December 2002

Informed constables that new 2003 certification cards were mailed out; noted that due to technological difficulties constables will not be able to do electronic registration for training until the end of January 2003; listed the tentative Constables' Board meeting schedule for 2003; gave a description of the four subjects that would be offered in the 20-hour continuing education classes for 2003; and noted that in 2003 the course Terrorism Awareness and Prevention was a waivable subject for constables who are also municipal police officers.