



**PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY**

**CONSTABLES' EDUCATION
AND TRAINING BOARD**

2004 ANNUAL REPORT



**PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY**

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CONSTABLES' EDUCATION AND TRAINING BOARD 2004 ANNUAL REPORT

TABLE OF CONTENTS

Annual Report Summary	1
Board Financial Support	2
Board Financial Status Report	3
Basic Training Curriculum and Delivery.....	4
Basic Training Curriculum	5
Continuing Education	7
Optional Training.....	8
Firearm Training and Qualification	9
Constable Certifications.....	10
Constables Certified by County	11
Constables' Training Bulletins	13

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2004 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 2004 Annual Report is the ninth report to the Governor and the General Assembly submitted by the Constables' Education and Training Board as required by Act 44.

Ten years after the implementation of Act 44, the Bureau of Training Services at the PCCD has continued to improve the services that have had a positive impact on the citizens of the Commonwealth of Pennsylvania by providing state of the art curriculum development, certification / re-certification, coordinating services from all six providers, monitoring services, while providing fiscal responsibility of the Restrict Constable Fund.

During 2004, a total of 323 newly appointed or elected constables attended the 80-hour basic training course. A total of 1210 constables completed the 20-hour continuing education training course, and 975 constables achieved or maintained their certification to carry a firearm while on duty as a constable via completion of firearms training courses.

Content of the PCCD website related to constable training, <http://www.pccd.state.pa.us>, was expanded and updated in 2004. The website includes information for constables on 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, a constable finder which allows users to locate certified constables and in 2004 constables could register for training courses online.

On December 1, 2004, Title 42 was amended, when Act 233 was signed into law. The amendment would allow the Commission to allocate surplus funds to assist constables and deputy constables with costs associated with attendance at continuing education programs under Section 2946 of Act 44.

The Board renewed a contract with Penn State Fayette for development of continuing education, firearms, and optional training curriculum for 2005 and for conducting instructor update courses used to get input from instructors on 2005 continuing education curriculum and familiarizing the instructors with the new training.

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 Years 2004/05, is estimated to be \$7,284,097. The balance from the previous year was \$8,534,702. 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 2003/04 indicated that the costs of training would exceed fee collections, resulting in a reduction of the balance maintained in the Constables' Education and Training Account. However, in the 10-year history of the Constables' Training Program, the actual expenses of running the program have been always been less than projected commitments. The balance on 12/31/2004 increased \$306,188 over the balance on 12/31/2003, because of savings in the costs of operating the program and in administration and overhead expenses.

In Fiscal Year 2004/05, commitments exceed estimated fee collections by \$1,250,605, indicating that the program will be spending more than it takes in. If these projections hold true, they will result in a reduction of the balance 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, 2004				
FOR STATE FISCAL YEAR 2004-05				
RECEIPTS				
		RECEIPTS	TOTAL	BALANCE
Balance from Previous Year				\$8,534,702
Fee Collections				
	7/1/04 - 12/31/04	\$992,429		
	Estimated Collections 1/1/05 - 6/30/05	\$1,002,000		
			\$1,994,429	
	Estimated receipts are based on an average contribution of \$167,000 per month.			
	ESTIMATED TOTAL FUNDS AVAILABLE AT 6/30/2005			\$10,529,131
EXPENDITURES AND COMMITMENTS				
		EXPENDITURES	COMMITMENTS	TOTAL
Administration:		\$182,483	\$217,517	\$400,000
Education:				
Harrisburg Area Community				
	SP8106920001	\$107,236	\$295,337	\$402,573
Lackawanna Junior College				
	SP8106920006	\$63,556	\$267,538	\$331,094
Mansfield University				
	SP8106920005	\$43,622	\$131,372	\$174,994
Mercyhurst College				
	SP8196920003	\$142,826	\$305,028	\$447,854
Penn State - Fayette				
	SP8106920002	\$105,516	\$606,137	\$711,653
Temple University				
	SP8106920004	\$142,315	\$378,204	\$520,519
Temple University				
	Curriculum Development	\$36,516	\$0	\$36,516
	SP8191210005			
Penn State - Fayette				
	Curriculum Development	\$36,961	\$182,870	\$219,831
	SP6013702000101			
	EST. TOTAL EXPENDITURES AND	\$861,031	\$2,384,003	\$3,245,034
	COMMITMENTS AT JUNE 30, 2005			
BALANCE AT JUNE 30, 2005				\$7,284,097

CONSTABLES' BASIC TRAINING: 80-HOUR CURRICULUM

Role of the Constable in the Justice System (Four 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 (Eight 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 (Twenty 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 (Twelve 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 (Four 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 (Eight Hours)

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

Defensive Tactics (Eight 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 (Four 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 (Four 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 (Eight 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 2004, 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 2005.

At the end of 2004, for the current period of continuing education, at the direction of the Board, the six regional training providers scheduled a total of 59 continuing education classes from January through October 2004. The 2005 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, 2004 in order to achieve recertification for the year 2005.

The Pennsylvania Constable as a Small Business:

Newly elected constables often assume their duties with little or no regard for the organizational and business matters for which they will be responsible. While there is sometimes controversy regarding the powers of Pennsylvania Constables, there is no room for dispute over their status—defined by Pennsylvania Courts—as independent contractors. This definition means that the constable's office is a business enterprise subject to the legal and tax structures, both state and federal, that apply to such enterprises. Because constables have often failed to appreciate the implications of their role as small business operators, this four-hour course has been developed to give them an overview of the functions and responsibilities involved in operating a small business.

Legal Updates:

This is a four-hour block of instruction designed to update Pennsylvania Constables regarding recent changes in Pennsylvania civil procedures, to review significant changes in Pennsylvania's rules of criminal procedure, and to discuss significant case law with regard to constable duties and responsibilities. Common practices and procedures that the constable should follow while completing a levy inventory will also be discussed.

Use and Abuse of Power:

This is a four-hour block of instruction defining the constable's position of both real and/or perceived authority in Pennsylvania, taking into account the "gray areas" that often lead to problems.

Realistic Prisoner Control:

Constables of the Commonwealth of Pennsylvania receive training in the areas of

Defensive Tactics, Mechanics of Arrest, and Prisoner Custody and Transport. However, several recent incidents involving these skill areas have resulted in constables being injured and prisoners escaping from custody. These incidents place the constable, the prisoner, and the general public at risk. This eight-hour Continuing Education course provides the constable with in-service training and evaluation to assist in reducing the occurrence of such incidents.

OPTIONAL TRAINING

In 2005 the first time, the Board is offering optional training modules. In response to many Constable suggestions in reference to broadening their training opportunities, the Board is now offering two optional classes. The first optional class is has two components. The first component is Oleoresin Capsicum (OC) spray. The second component is the Expandable Baton. Both of these classes are being offered to expand the constable's continuum of force, while performing their duties. The second optional training is Defendant Contact Procedures, which is broken into two parts to assist the constable in becoming aware of his or her personal safety while acting within the scope of his/her authority.

Oleoresin Capsicum (OC) Spray/Baton (Eight Hours)

This eight-hour block of instruction will cover four hours of OC and four hours of Baton. The course is divided equally between lectures and practical exercises. Lectures will cover the characteristics, effects, proper usage, and decontamination of OC spray, as well as a review of the use-of-force continuum (including a discussion of both verbal and nonverbal indications of attack and submission). The practical exercises will review proper carrying, drawing techniques, body positioning, proxemics, patterns of movement, and spraying. The scenarios cover spraying a combative subject in a variety of settings, including single-constable, contact/cover, and constable-down situations.

Defendant Contact Procedures (Eight Hours)

This is an optional eight-hour course for constables, delivered in two phases: lecture with class discussion, and practical demonstration. The course is designed to assist the constable in understanding the concept of personal safety in executing arrest warrants and the risks associated with the mechanics of arrest. In the practical demonstration, the constable will demonstrate how to safely take a person into custody from the street, vehicles, and buildings. Emphasis is placed on personal safety and on the legal issues regarding the constable's limited authority to carry out a search for safety purposes.

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 2004, the Board's six regional training delivery contractors scheduled 12 basic firearm classes and 47 annual firearm classes across the state. During 2004, a total of 975 constables achieved or maintained their firearm certification under the mandates of Act 44.

CONSTABLE CERTIFICATIONS

As of the date of this ninth Annual Report, a total of 1887 individuals have successfully completed either basic training or the waiver examination and have been certified by the Board. Of these, 1377 are currently active as constables and have maintained their certifications for 2004. There are presently 3375 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, 2110 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 640 constables have received certification by successfully passing the waiver exam.

CONSTABLES CERTIFIED BY COUNTY
As of MARCH 17, 2005

County	Certified	Not Certified	Total Registered
ADAMS	5	10	15
ALLEGHENY	200	54	254
ARMSTRONG	18	9	27
BEAVER	24	10	34
BEDFORD	4	2	6
BERKS	57	13	70
BLAIR	11	11	22
BRADFORD	13	9	22
BUCKS	47	22	69
BUTLER	18	9	27
CAMBRIA	20	12	32
CAMERON	0	2	2
CARBON	8	4	12
CENTRE	10	11	21
CHESTER	59	28	87
CLARION	3	7	10
CLEARFIELD	12	5	17
CLINTON	7	2	9
COLUMBIA	10	4	14
CRAWFORD	10	8	18
CUMBERLAND	15	14	29
DAUPHIN	31	13	44
DELAWARE	43	33	76
ELK	2	0	2
ERIE	30	6	36
FAYETTE	47	42	89
FOREST	0	0	0
FRANKLIN	6	4	10
FULTON	1	0	1
GREENE	9	8	17
HUNTINGDON	3	4	7
INDIANA	11	14	25
JEFFERSON	7	9	16
JUNIATA	0	2	2

CONSTABLES CERTIFIED BY COUNTY
As of MARCH 17, 2005

County	Certified	Not Certified	Total Registered
LACKAWANNA	21	13	34
LANCASTER	47	11	61
LAWRENCE	17	11	28
LEBANON	9	8	17
LEHIGH	23	9	32
LUZERNE	36	37	73
LYCOMING	13	4	17
McKEAN	3	2	5
MERCER	13	14	27
MIFFLIN	9	1	10
MONROE	12	12	24
MONTGOMERY	48	26	74
MONTOUR	0	2	2
NORTHAMPTON	30	11	41
NORTHUMBERLAND	10	10	20
PERRY	7	1	8
PHILADELPHIA	0	0	0
PIKE	5	5	10
POTTER	4	4	8
SCHUYLKILL	8	10	18
SNYDER	1	1	2
SOMERSET	7	7	14
SULLIVAN	0	1	1
SUSQUEHANNA	4	8	12
TIOGA	5	3	8
UNION	5	3	8
VENANGO	6	4	10
WARREN	4	3	7
WASHINGTON	52	20	72
WAYNE	7	6	13
WESTMORELAND	43	18	61
WYOMING	2	4	6
YORK	33	11	44
Total	1175	712	1887

CONSTABLES' TRAINING BULLETIN

Since its inception, the Constables' Education and Training Board issued 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 2004 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 48, January 2004

Bulletin 48 covered two areas of concern. The first area informed the training population of an additional Basic Training class, which was scheduled to take place in June at the Forth Washington Campus, Temple University. In addition to add another basic class, Mercyhurst College rescheduled a Basic Training class from February to July. Both of the classes were added and rescheduled to meet the ongoing needs of the constables. The PCCD will continue to adapt the training schedule in hopes of addressing the constable's needs. Also within Bulletin 48, the 2004 firearms course of fire was announced.

- Number 49, April 2004

Bulletin 49 covered three areas. The first area was to update the constables of some of the changes that were made to the 2004 schedule. The second area was a reminder to the constables of the On-Line Enrollment policies. The last area of concern dealt with the constable responsible to report their financial disclosure to the State Ethics Commission.

-Number 50, October 2004

The last Bulletin in 2004 announced District Justices James Russo passing away. District Justice Russo served as the CETB chairperson for the past 10 years and was an iatrical part in developing and implementation of Act 44 in the State of Pennsylvania. Bulletin 50 also announced the new Board members for 2005. There was also an announcement regarding the new Optional Training that will be to be offered in the 2005. The Bureau of Training Services at the PCCD, has adopted new Optional Training modules in response to the constables training need.