

CONSTABLES' EDUCATION AND TRAINING BOARD

2005 ANNUAL REPORT



PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

CONSTABLES' EDUCATION AND TRAINING BOARD MEMBERSHIP

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CONSTABLES' EDUCATION AND TRAINING BOARD 2005 ANNUAL REPORT

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2005 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 2005 Annual Report is the tenth report to the Governor and the General Assembly submitted by the Constables' Education and Training Board as required by Act 44.

Eleven years after of 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 proving 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 2005, a total of 117 newly appointed or elected constables attended the 80-hour basic training course. A total of 1,280 constables completed the 20-hour continuing education training course, and 869 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 2005. 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 as of 2003 constables have been able to register for training courses online.

The PCCD, through the Request - For - Proposal process, have contracted with a vendor to conduct a Job Task Analysis of Constables tasks relate to the performance of judicial duties, as specified in Title 42 Pa. §2941-2950. The contractor will recommend any changes to the Act 44 curriculum based on the results of the Job Task Analysis. The Job Task Analysis is expected to take 12-16 months to complete.

The Board believes that these significant accomplishments will ensure the quality, viability and relevance 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 Comptroller maintains these funds in a restricted receipts account. Working closely with the Comptroller, 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 2005/06, is estimated to be \$10,513,653. The balance from the previous year was \$8,449,908. 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.

In Fiscal Year 2005/06 many different dynamics have changed the general complexion of the Restricted Fund. The estimated fee collections per month have increased by an average of \$10,000. Also, due to the projected reduction in funds the staff from PCCD had made deep cuts in the expenditures in the training providers. The fiscal cuts in the 2005 delivery expenditures have totaled approximately \$300,000. Also in the 2005/06 Fiscal Year, as previously stated, there was a Request For Proposal (PFP) released for Job Task Analysis for Constables and Deputy Constable. The Job Task Analysis will consist of all the tasks and the implied tasks that are imperative for a Constable/ Deputy to carry out their duties relating to Title 42, with the communities' safety being paramount. The RFP was released late in 2005 and will be implemented during 2005/06 Fiscal Year.

In Fiscal Year 2005/06 estimated balance will also be affected by Act 233, which was incorporated in Title 42 Pa. C.S. §2949. (f). If account moneys are sufficient to meet the expenses and cost under subsection (a). The amendment states, the Commission may allocate any surplus funds in the account to assist constables and deputy constables with costs associated with attendance at continuing education programs under section 2946 (relating to continuing education programs). The effects of Act 233 have not been incorporated into the estimated fiscal projections of 2005/06.

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY CONSTABLES' EDUCATION AND TRAINING ACCOUNT FINANCIAL STATUS REPORT AS OF DECEMBER 31, 2005 FOR STATE FISCAL YEAR 2005

RECEIPTS	RECEIPTS	TOTAL	BALANCE
Balance from Previous Year	NEGEN 10	TOTAL	\$8,449,908
Fee Collections 7/1/05 - 12/31/05	\$1,031,745		
Estimated Collections 1/1/06 - 6/30/06	\$1,032,000 —	\$2,063,745	-
Estimated receipts are based on an average contr	ibution of \$172,000 per	month.	\$10,513,653
EXPENDITURES AND COMMITMENTS			
Administration:	EXPENDITURES \$150,564	COMMITMENTS \$224,436	TOTAL \$375,000
Education:			
Harrisburg Area Community SP8106920001	\$138,896	\$262,206	\$401,102
Lackawanna Junior College SP8106920006	\$98,227	\$269,267	\$367,494
Mansfield University SP8106920005	\$79,057	\$80,269	\$159,326
Mercyhurst College SP8196920003	\$181,194	\$243,906	\$425,100
Penn State - Fayette SP8106920002 Temple University	\$191,220	\$441,452	\$632,672
SP8106920004 Penn State - Fayette	\$250,932	\$308,312	\$559,244
Curriculum Development SP6013702000101	\$95,321	\$124,510	\$219,831
TOTAL EXPENDITURES AND COMMITMENTS AT JUNE 30, 2006	\$1,185,411	\$1,954,358	\$3,139,769
BALANCE AT JUNE 30, 2006			\$7,373,884

Prepared By: Shari Yiengst, Budget Analyst Financial Administration Division January 11, 2006

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 curriculum as crucial to ensure the constables training is relevant.

The Board utilizes a curriculum development contractor, Penn State University, to refine and enhance the constables' basic training curriculum. 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 2006, appears on the next page.

During 2005 the Board's training delivery contractors scheduled ten basic training classes throughout Pennsylvania. A total of 117 new constables completed the 80-hour basic training during 2005. Out of the 97 constables that completed the training all of the constables and deputy constables 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 (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 2005, 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 2005, for the current period of continuing education the six regional training providers scheduled a total of 68 continuing education classes from January through October 2005. 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, 2005 in order to achieve recertification for the year 2006.

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.

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 with in the scope of his/her authority. In 2006 the Board will offer the same optional training and also offer an advanced Expandable Baton module for those persons who participated in 2005.

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.

In year 2006 a second tear has been added to the Expandable Baton optional training. As many of the Constables/Duties have taken advantage of the initial fundamental Baton training an advanced modular for those who participated in the basic modular last year.

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 PCCD 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. In 2005 Judgmental Shooting has been added to curriculum by the utilization of the Laser Shot Judgmental Shooting scenarios. The Laser Shot scenarios afford the Constables/Deputies the opportunity to participate in "Shoot/Don't Shoot" scenarios. The Laser Shot component of the annual training was three and half-hours. 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 must 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 2005, the Board's six regional training delivery contractors scheduled 10 basic firearm classes and 55 annual firearm classes across the state. During 2005, a total of 869 constables achieved or maintained their firearm certification under the mandates of Act 44.

CONSTABLE CERTIFICATIONS

As of the date of this tenth Annual Report, a total of 2925 individuals have successfully completed either basic training or the waiver examination and have been certified by the Board. Of these, 1,221 are currently active as constables and have maintained their certifications for 2005. There are presently 4,546 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, 2,165 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	3	14	17
ALLEGHENY	143	127	270
ARMSTRONG	9	18	27
BEAVER	14	26	40
BEDFORD	1	4	5
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 3	8 4	17 7
HUNTINGDON INDIANA	3 11	4 14	7 25
JEFFERSON	7	9	25 16
JUNIATA	0	2	2
JOINIAIA	U	4	۷

CONSTABLES CERTIFIED BY COUNTY As of January 3, 2006

County	Certified	Not Certified	Total Registered
LACKAWANNA	21	12	33
LANCASTER	46	17	63
LAWRENCE	16	12	28
LEBANON	8	11	19
LEHIGH	22	11	33
LUZERNE	40	32	72
LYCOMING	9	10	19
McKEAN	3	2	5
MERCER	13	14	27
MIFFLIN	8	2	10
MONROE	15	8	23
MONTGOMERY	53	24	77
MONTOUR	0	2	2
NORTHAMPTON	30	13	43
NORTHUMBERLAND	17	4	21
PERRY	7	2	9
PHILADELPHIA	0	0	0
PIKE	6	5	11
POTTER	4	4	8
SCHUYLKILL	9 1	10	19
SNYDER SOMERSET	6	1	2 15
SULLIVAN	0	9 1	15
SUSQUEHANNA	5	7	12
TIOGA	4	4	8
UNION	4	4	8
VENANGO	6	6	12
WARREN	4	1	5
WASHINGTON	53	24	77
WAYNE	7	7	14
WESTMORELAND	34	26	60
WYOMING	2	4	6
YORK	37	8	45
Total	1224	713	1937

CONSTABLES' TRAINING BULLETIN

Since its inception, the Constables' Education and Training Board issued its newsletter, the <u>Constables' Training Bulletin</u>, 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 <u>Bulletins</u> issued during 2005 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 51, January 2005

Bulletin 51 covered the new 2005 Firearms Qualification Course. The changes to the Firearms Qualification Course were minimal. Some of the changes consisted of the utilization of a larger target, no movement, no barricades, and less weapon manipulation from the holster. The Bulletin also reflected the new Judgmental Shooting that was implemented in 2005. Bulletin 51 reflected a report, which detailed the monitoring of classes by staff to ensure quality of curriculum delivery. The new Optional Training and the critical for participation was mentioned in hopes the Constables and their Deputies would take advantage.

Number 52, August 2005

In Bulletin 52, the Constables' Education and Training Board thanked Major John Gallahar for his years of service as a member of the Board and took the opportunity to congratulate him on his new promotion from Captain. The Bulletin also welcomed Captain John Laufer how is Commissioner Jeffery Miller's designee for the Pennsylvania State Police. Bulletin 52 also reminded the Constables and their Duties of the important of the Training Evaluations they are asked to fill out at the end of each training modular.

Number 53, October 2005

Bulletin 53 featured an article on the passing of Constable John Anderson who survived as one of the Boards original members. The PCCD also requested contact information form all Constables Associations in order to increase communication. Bulletin 53 also informed and addressed some of the ramifications surrounding the implementation of Act 233. Act 233 addresses the possibilities of assisting Constables and Deputies Constable with costs associated with continuing education. Bulletin 53 posted the tentative dates and locations of the CETB meetings for calendar year 2006.