

TITLE 37
LAW
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GENERAL PROVISIONS

§ 431.1. Purpose.

This chapter sets forth standards and procedures relating to the certification of constables and deputy constables and their qualification to carry or use firearms in the performance of their duties.

§ 431.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—42 Pa.C.S. §§ 2941—2950 (relating to constables).

Basic training—A course of training administered by the Board under section 2945 of the act (relating to program contents).

Board—The Constables' Education and Training Board of the Commission.

Certification—The Board's official determination that a constable or deputy constable has completed successfully the training required by the act.

Commission—The Commission on Crime and Delinquency.

Constable—A person currently serving as constable or deputy constable.

Continuing education—A course of annual training administered by the Board under section 2946 of the act (relating to continuing education).

Firearms qualification—The Board's official determination under the act that a constable is qualified to carry or use firearms in the performance of duties.

School—A facility approved by the Board that enters a contract with the Commission to conduct training.

Waiver—The Board's grant of permission to a constable to reduce the hours of classroom attendance in a Board training course.

CERTIFICATION**§ 431.11. Registration.**

(a) A person shall register with the Board for certification by completing and submitting a form provided by the Board. The person will be required to provide information such as mailing address and telephone number, Social Security number, date of birth and office held or sought. A constable shall set forth the beginning date and expiration date of the term of office held, and provide documentary evidence of election or appointment.

(b) A registrant shall inform the Board of a change to registration information within 15 days of the change.

§ 431.12. Initial certification.

The Board will issue a certification to a constable who successfully completes basic training or attains a passing grade on the Board's basic training waiver examination. An initial certification will be valid through December 31 of the year following initial certification.

§ 431.13. Annual certification.

(a) If a constable successfully completes continuing education, the Board will certify the constable for the next calendar year.

(b) To maintain continuous certification, a constable shall complete continuing education during the calendar year following the year in which the constable completed one of the following:

- (1) Basic training.
- (2) The basic training waiver examination.
- (3) A previous course of continuing education.

§ 431.14. Lapse of certification.

(a) The certification of a constable who fails to complete continuing education successfully within the time allowed in § 431.13(b) (relating to annual certification) shall lapse and the Board will list the constable as inactive.

(b) The Board will reactivate a certification that is lapsed if the constable completes continuing education within 5 years of the lapse. The reactivated certification will be effective for the calendar year following completion of continuing education.

(c) For good cause shown, the Board may reactivate the certification in the same calendar year in which the constable completes continuing education. Examples of good cause are a medical problem, family crisis or obligation, or conflict with other employment.

(d) The Board will not reactivate a certification 5 years or more after the lapse of a constable's certification. The Board will issue a new certification upon the constable's successful completion of basic training.

§ 431.15. Certification numbers.

(a) The Board will issue a unique certification number to a constable who obtains initial certification.

(b) If a person who successfully completes basic training has not been elected or appointed as constable, the Board will issue a certification number upon the individual's election or appointment and the notification to the Board by the constable of the election or appointment.

(c) The Board will reissue the original certification number to a constable who successfully completes continuing education.

(d) A person is required to notify the Board by telephone, facsimile transmission or electronic mail within 48 hours after the person has vacated the office of constable or deputy constable. The Board will place the person's certification number into inactive status upon notification.

(e) A person who is reelected or reappointed to the office of constable after vacating it shall notify the Board. Based upon the timing of reelection or reappointment, the Board will do one of the following:

(1) If the reelection or reappointment occurs less than a year from the date on which the office was vacated, the Board will reactivate the constable's certification number upon notification.

(2) If the reelection or reappointment occurs a year or more but less than 5 years after the date on which the office was vacated, the Board will reactivate the original certification upon the constable's successful completion of a continuing education course.

(3) If the reelection or reappointment occurs 5 years or more after the date on which the office was vacated, the Board will issue a new certification number upon the constable's successful completion of a basic training course.

BASIC TRAINING

§ 431.21. Curriculum.

Basic training will consist of instruction in the following topics:

- (1) Role of the constable in the justice system.
- (2) Professional development, including instruction in the interpretation and application of the fees provided for in section 2950 of the act (relating to fees).
- (3) Civil law and process.

- (4) Criminal law and process.
- (5) Use of force.
- (6) Mechanics of arrest.
- (7) Defensive tactics.
- (8) Prisoner transport and custody.
- (9) Court security.
- (10) Crisis intervention.

§ 431.22. Requirements.

(a) A constable or other person shall be required to attain the following to complete basic training:

- (1) Attend 80 hours of basic training.
- (2) Attain a passing score as established by the Board on the written examination for each topic.
- (3) Demonstrate proficiency in each examination of practical skills, such as defensive tactics and mechanics of arrest.

(b) A constable or other person who fails to achieve a passing score on a written examination may undergo a second examination.

(c) A constable or other person who fails to achieve a passing score in a second examination may attend and complete a second basic training in its entirety.

(d) A constable or other person may attend a third basic training upon failing to complete the second course, but shall be given no additional opportunities upon failing to complete the third course.

§ 431.23. Eligibility for waiver.

A constable who has the following qualifications may apply to the Board for a waiver of the requirement to complete basic training:

- (1) Current employment as a municipal police officer or deputy sheriff in this Commonwealth with current training and certification required to perform the occupation.
- (2) Employment within the past 2 years as a State Police officer, municipal police officer or deputy sheriff with current training and certification required to perform the occupation at the time the constable terminated the employment.

§ 431.24. Waiver examination.

(a) A constable who has been granted a waiver of basic training shall attain a passing score as established by the Board on the Board's basic training waiver examination.

(b) A constable shall have one opportunity to obtain a passing score on a basic training waiver examination. A constable who fails the basic training waiver examination shall complete basic training to obtain an initial certification.

§ 431.25. Attendance policies.

(a) A person who is not a constable but who intends to seek election or appointment as a constable may register and attend basic training if an opening is available and the person bears financial responsibility for the cost.

(b) A constable or other person who registers for basic training may withdraw from the course without penalty upon timely notification to the director of the school conducting basic training. A notification shall be deemed timely if it is delivered to the director of the school no later than 7 days prior to the start of classes. The school may assess a failing grade for all or part of basic training if the constable or other person fails to provide timely notification and the Board finds that substantial mitigating circumstances do not exist.

CONTINUING EDUCATION

§ 431.31. Curriculum.

The Board may adjust annually the content of continuing education as it deems necessary to address new or varied topics or skills required to perform judicial duties set forth in the act.

§ 431.32. Requirements.

(a) A constable shall attain the following to complete continuing education:

- (1) Attend the hours of continuing education per year as determined annually by the Board and published in a Board training bulletin.
- (2) Attain a passing score as established by the Board on each written examination taken.
- (3) Demonstrate proficiency in each examination of practical skills.

(b) A constable who fails to attain a passing score on any written examination may undergo a second examination for that topic.

(c) A constable who fails to attain a passing score in a second examination may attend and complete another course in the failed module to be certified. The constable shall bear financial responsibility for a second continuing education course.

(d) A constable who fails two successive continuing education courses will not be allowed to attend a third course.

§ 431.33. Eligibility for waiver.

A constable who is currently employed as a municipal police officer or deputy sheriff may apply annually to the Board for a waiver of topics in that year's continuing education curriculum if the constable demonstrates that the equivalent training and certification are current.

§ 431.34. Scope of waiver.

(a) At the beginning of each calendar year, the Board will publish a list of specific topics available for waiver consideration.

(b) The Board will grant a waiver of continuing education for those topics that also were covered in the certification training for municipal police officers or deputy sheriffs.

§ 431.35. Attendance policies.

A constable who registers for continuing education may withdraw without penalty upon timely notification to the director of the school conducting the continuing education. A notification will be deemed timely if it is delivered to the director of the school no later than 7 days prior to the start of classes. The school may assess a failing grade for the entire course or applicable topic if the constable fails to provide timely notification and the Board finds that substantial mitigating circumstances do not exist.

FIREARMS QUALIFICATION**§ 431.41. Qualification course.**

(a) A constable shall complete a basic firearms qualification course established by the Board to attain initial firearms qualification.

(b) After a constable attains initial firearms qualification, the constable shall complete the Board's annual firearms qualification course to maintain firearms qualification.

§ 431.42. Eligibility for firearms qualification.

A constable holding certification who is not precluded under State or Federal law from possessing or using a firearm may enroll in a firearms qualification course.

§ 431.43. Firearm and ammunition.

(a) As a prerequisite for attending a firearms qualification course, a constable shall provide at all times during the course a firearm and ammunition, magazines, speed loaders, safety accessories and cleaning equipment specific

to the firearm. The Board will provide ammunition to the constable for use during instruction. The constable shall provide ammunition for use during the qualification test.

(b) The firearm provided shall be of a design generally acceptable for law enforcement usage, and shall be in a condition for safe operation as designed and intended by the firearm manufacturer. The firearm provided shall be one of the following calibers:

- (1) .380.
- (2) .38 special.
- (3) .357.
- (4) .40.
- (5) .45.
- (6) 9MM.
- (7) 10MM.

(c) The ammunition provided shall be of a type and design generally acceptable for law enforcement usage, and may not be remanufactured or reloaded.

§ 431.44. Requirements.

(a) A constable who meets the eligibility criteria of § 431.42 (relating to eligibility for firearms qualification) shall attain the following to obtain firearms qualification:

- (1) Attend training scheduled by the Board, except for topics specifically waived by the Board under this chapter.
- (2) Attain a passing score as established by the Board on each written examination.
- (3) Demonstrate proficiency in each examination of practical skills, using the same firearm and the same or comparable ammunition that the constable will carry in the performance of duties during the upcoming year.

(b) A constable who fails to attain a passing score on a written examination or course-of-fire may undergo one retest of the applicable written examination or practical skill proficiency examination.

(c) A constable who fails to attain a passing score in a retest of a written examination or practical skill proficiency examination shall attend a second firearms qualification course in its entirety and complete it successfully to obtain a firearms qualification. The constable shall bear financial responsibility for the second firearms qualification course.

(d) A constable who fails two successive firearms qualification courses will not be afforded an opportunity to attend a third course.

§ 431.45. Eligibility for waiver.

(a) A constable who is currently employed as a municipal police officer, deputy sheriff or officer of the Game Commission or the Fish and Boat Commission may apply to the Board for a full or partial waiver of a Board firearms qualification course if the constable demonstrates that training and certification required to carry and use a firearm in the other occupation are current.

(b) A constable shall apply to the Board for each separate firearms qualification course for which the constable is seeking waiver.

§ 431.46. Scope of waiver.

The Board may grant a waiver relating to a Board firearms qualification course for those topics that also were covered in the firearms training for the other occupation.

§ 431.47. Attendance policies.

A constable who enrolls in a firearms qualification course may withdraw from the course without penalty upon timely notification to the school conducting the course. A notification will be deemed timely if it is delivered to the director of the school at least 7 days prior to the start of classes. The school may assess a failing grade for all or part of the course if the constable fails to provide timely notice and the Board finds that substantial mitigating circumstances do not exist.

§ 431.48. Lapse of qualification.

A firearms qualification will lapse immediately if a person no longer meets all of the eligibility criteria of § 431.42 (relating to eligibility for firearms qualification), or does not complete a firearms qualification course in the calendar year following the person's most recent completion of such a course.

SCHOOLS AND INSTRUCTORS**§ 431.51. Board approval of school.**

(a) The Board will approve one or more schools to conduct training under the act.

(b) Selections will be made from a list of schools solicited by the Commission through a competitive process.

§ 431.52. Scope of approval.

Board approval of a school shall be effective only for the duration of a contract executed between the Commission and the school.

§ 431.53. Board certification of instructors.

The Board will certify training instructors from persons who apply to the Board through a school and submit information as requested. Information shall include a detailed description of the formal training and actual experience in the specific topics for which certification is being sought, and a description of instructional experience.

§ 431.54. Scope and limitations of instructor certification.

A person certified by the Board as an instructor shall use the certification only for Board training in a school. Board certification shall be effective only if the instructor is actively teaching in a school the topics for which certification was granted.