

CONSTABLES' TRAINING BULLETIN

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Constables' Education and Training: 25 Years

June 15, 2019 marks the 25th Anniversary of the creation of the Constables Education and Training Program by Act 1994-44, which officially established the program under the Pennsylvania Commission on Crime and Delinquency (PCCD). Prior to its adoption, Act 1994-44 was preceded by both Act 1990-147 and Act 1992-102.

Act 1990-147 gave the Minor Judiciary Board responsibility for the Certification and Training Program, consisting of 80-Hour Basic Training and 40-Hour Continuing Education for constables and deputy constables. The Act established a surcharge of \$2.00, which would go to a restricted receipts account to pay for the Training Program. Act 147 required constables to carry a firearm either under the Municipal Police Officer's Education and Training Commission (MPOETC), Act 1978-120 or Deputy Sheriff's Education and Training Board (DSETB), Act 1984-2. Act 147 subjected constables to supervision by the President Judge in each judicial district. This measure gave the President Judge the power to remove constables from office, if the circumstances warranted. Shortly after being passed, Act 147 was ruled unconstitutional by the Pennsylvania Supreme Court.

Act 1992-102 was very similar to Act 147 in that it established a Board to oversee a Certification and Training Program for constables. The actual makeup of the Board varied, but its duties were essentially the same. Basic Training remained set at 80 hours and Continuing Education at 40 hours. Again, Act 102 established a \$2.00 surcharge to pay for the Program. This Act also retained the requirement for professional liability insurance and qualifications to carry a firearm. The Legislature passed Act 102 and it was enacted by the Governor. However, due to major flaws in the Act, it was not implemented.

To remedy the flaws of Act 1992-102, Act 1994-44 was adopted. Like the previous laws, the Act provided for the establishment of a Constables' Education and Training Board (Board) to "establish, implement and administer the Constables' Education and Training Program." The Board is responsible for developing curriculum, delivery of the training, administering the 80-Hour Basic Training and 40-Hour Continuing Education, and certifying constables who successfully complete the training.

Constables' Education and Training Board Members:

Board Chair – Thomas S. Brletic
Board Vice Chair - Craig Westover

Francis C. Peitz, Jr.
Rodney D. Ruddock
John Bruno



Charles H. Ramsey
Chairman, PCCD

Derin Myers
Acting Executive Director,
PCCD

John Pfau
Manager,
Bureau of Training Services

The Act defines the requirement for constables to have professional liability insurance and file proof of insurance with the county clerk of courts. Failure to maintain the insurance will result in automatic decertification. The surcharge under Act 44 is \$5.00 per docket number in criminal cases and \$5.00 per defendant in each civil case. These funds are deposited into a restricted account and is used solely for support of the Board and the Training Program.

The Constables' Education Training Board

The initial meeting of the Constables Education and Training Board was held on September 18, 1995 at the PCCD building located in downtown Harrisburg, PA. The original board members were:

Constable John Anderson, Pittston, PA

Mr. Joseph Cabraja, Beaver County Court Administrator

Mr. James Russo, District Justice-Allegheny County

Constable Charles Benhayon, Levittown, PA

The Honorable Russell Sheaffer, Dauphin County Commissioner

Constable James C. Withers, Meadville, PA

Captain Kirk Trate, Pennsylvania State Police

At the meeting, the Board focused on its organization, including the election of the Chairman and the prioritization of the tasks assigned to the Board by Act 44. Board members elected District Justice James Russo, Allegheny County, to serve as Board Chairman and Constable Charles Benhayon, Levittown, PA as Vice Chairman. During the first year, the Board's priorities entailed five major, simultaneous tasks: training curriculum development; waiver examination development; identification of the training delivery system; waiver examination system; and developing the firearms regulations and training program.

Certifications Issued

The first Waiver Exams and Basic Training courses were offered in the fall of 1996. The Board's six regional training delivery contractors offered Waiver Exams and Basic Training courses in numerous locations across the state. The first Board certification number, W000001, was issued to Deputy Constable Robert Clarson, Tioga County, October 17, 1996. The 1998 annual report stated that the Board issued certification numbers to 1,965 constables; 74% of the 2,654 constables who were registered with the Pennsylvania Commission on Crime and Delinquency. Basic training accounted for 1,356 constables and 600 successfully passed the Waiver Exam as allowed under the Act.

Financial Concern

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 several classes and having fewer certified constables to train than anticipated.

The projected cost of training constables during Fiscal Year 2002/03 was \$2,782,853 and the estimated account income was \$1,953,211. 2002/03 would 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.

Advanced Firearms and Optional Training 2005

In response to input from the training population, the Board began offering an Advanced Firearms Training course for constables that had scored an 88% or higher in the previous year's firearms qualification. This required constables to pass the Constable Qualification Course of fire at the beginning of the Advanced Training, without any practice. The rest of the training hours were spent on subjects such as: Officer Down drills, multiple targets, movement and speed vs accuracy. The Board also started to offer Optional Training, that did not count towards certification but offered training in various less lethal skills such as chemical aerosol and expandable baton.

Act 49 Signed into Law, 2009

On October 9, 2009, the Governor signed Act 49-2009 into law. Act 49 was a consolidation of various statutes regarding constables, including the 1994 Constables' Education and Training Act, known as Act 44. For the first time, there was one Commonwealth statute that encompassed the most common laws regarding Constables and Deputy Constables. Cited as Title 44, Chapter 71 (Constables), the law is broken down in the following Subchapters: A) Preliminary Provisions, B) Election, C) Appointment, D) Conflicts, E) Training, F) Powers and Duties, G) Compensation, and H) Penalties and Remedies.

Act 44-1994, the Constables Education and Training Act, was moved from Title 42, Chapter 29 to Title 44, Chapter 71, Subchapter E. Further, Act 49 eliminated part of Act 44, Section 2945, which provided for constables in office at the time of Act 44 passage to take a waiver exam to attain certification instead of attending the Basic Training. This portion of Section 2945 had not been relevant since late 1997.

Supreme Court Issues Policies, Procedures and Standards of Conduct, 2013

In 2013, the Supreme Court of Pennsylvania adopted new rules that required uniform policies, procedures and standards of conduct for constables across the Commonwealth of Pennsylvania.

The new rules of Judicial Administration and the *Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct* were based on the recommendations of a workgroup established by the Supreme Court to improve the constable system in Pennsylvania. The recommendations were the culmination of more than two years of study and input from related stakeholder groups.

Some key highlights from the new Policies, Procedures and Standards:

- A constable shall carry identification and wear clothing that clearly identifies him or her as a constable while performing judicial duties.
- No constable shall carry a firearm in the performance of judicial duties unless he or she has received firearms certification pursuant to 44 Pa.C.S. §7144 and complied with all regulations established by the Constables' Education and Training Board.
- When carrying a firearm, secure the weapon in a Level 2 or higher security holster.
- Passenger seat for purposes of creating separate and secure areas of the vehicle for the constable and the defendants. Cages shall be permanent, rather than temporary, and of the same type and quality used in police and sheriff vehicles.

CCETS 2014

In July 2014 the Constables' Certification, Education and Training System (CCETS) became available for all Constables and Deputy Constables, as well as Training Delivery Contractors. This new system replaced the Old Constable Information system (CIS). CCETS allows constables to sign up for training, view their training records as well as their certification status in near real time. In 2020, constables will access the online continuing education training thru CCETS.

Future of the Program

Despite the reduction in training for 2019, the Board and PCCD are determined to ensure the constable training program continues to provide quality training. In 2020, constables will have the first required online training course. The move to online training was the result of the need to reduce training costs. In the future, the Program will make additional online training available as part of the Basic Training as well as the required Continuing Education.

The Board would like to thank the many constables, past Board members, PCCD staff, instructors, curriculum developers and training delivery contractors who have contributed over the years to the improvement and growth of the Training Program. The Program will continue to grow and strive to provide quality training to constables and deputy constables of Pennsylvania.