

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Constables' Education and Training Board

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CONSTABLES' TRAINING BULLETIN

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District Justice James Russo **Constable's Education and Training Board Chairman** **1995-2004**

District Justice James Russo passed away April 24, 2004, after a long struggle with his health. Judge Russo was appointed to the Constables' Education and Training Board in 1995 by Governor Ridge. At the first Board meeting, Judge Russo was elected as the Board Chairman by the six other members of the original Board and was re-elected to that position for the past 10 years.

Judge Russo began his career as a constable in Allegheny County, a position he held for nine years. He also worked as a municipal police officer in Bell Acres Borough, Allegheny County, for eight years before being elected as a district justice in 1975, a position he held for 29 years. Judge Russo was very involved in advancing the professionalism of district justices in Pennsylvania as a member of the Board of Directors of the Pennsylvania Special Court Judges' Association for 25 years, serving as the elected State President of the Association from 1983-1986. In addition, his significant service to the judiciary included appointments by the Pennsylvania Supreme Court as Chairman of the Civil Rules Committee for District Justices, to the Judicial Conduct Board, and to the Court of Judicial Discipline.

Judge Russo provided leadership and guidance to the Constables' Education and Training Board from the program's inception through the growth of the program over the last 10 years. Judge Russo firmly believed that the constable plays an important role in the criminal justice system, and he strived to develop and ensure the professionalism of Pennsylvania constables. His leadership and professionalism will be missed. His wife, Carol, and daughter, Kelli, survive him.

NEW BOARD MEMBERS

Two vacant Board positions have been filled by the Governor's Office. Sandra A. Miller was appointed to fill the County Commissioner position last held by Commissioner Cloyd Brenneman, Mercer County. Commissioner Miller, Bucks County, was elected in November 1991 to a full four-year term and was re-elected in 1995 and 1999. Constable William E. Keyser, Bucks County, was appointed by the Governor's Office to fill a vacant constable position on the Board. There is currently a district justice position vacancy on the Board.

At its last meeting, Commissioner Miller was elected Board Chair and Charles G. Benhayon was elected Vice-Chair. Constable Benhayon, Bucks County, has been a board member since 1995.

Training Cycle Ends October 31

Constables are reminded that the training cycle ends in late October, and that classes are limited as to size and are on a "first-come, first-served" basis. In order to ensure uninterrupted certification, constables are encouraged to enroll in class as soon as possible. Registration with the appropriate training provider is required prior to attending any class. To register, mail or FAX a completed Standard Registration Form directly to the training delivery contractor or you can use the PCCD website. (www.pccd.state.pa.us)

Also, do not fail to change your current personal information if your mailing address or phone number change. You have 15 days to change the information to stay in compliance (**Title 37 Law § 431.11**). Also, Act 1994-44 provides that any constable or deputy constable who fails, neglects or refuses to maintain a current insurance policy as required, or to file proof thereof with the clerk of courts, shall cease automatically to be certified to perform judicial duties upon the expiration of the policy of which proof has been filed with the clerk of courts. In order to ensure uninterrupted constable certification, it is essential that every constable notify the county clerk of courts whenever the insurance company issues a new certificate of insurance.

Reminder Regarding 2005 Training

This is a reminder about scheduling yourself for the upcoming year. Scheduling will be available by mail or on-line in November of 2004. As usual, all classes will be filled "first come, first served." In order to fulfill your training obligations, the sooner you get your paper work in, the easier it will be for you to adjust your schedule. Waiting until the last minute will only inconvenience you. In 2005, class size limits will be strictly enforced.

Ten Year Anniversary

It has been ten years since Act 1994-44 has been implemented. There have been many changes since the Constables' Education And Training Board began training constables in 1996. There were many views on what type of training and how much training constables needed. The Board has always kept one objective in mind, to raise the professional competence of constables in the State of Pennsylvania.

Some of the changes have been within the Basic Training that is provided for newly elected Constables. The Constables' Education and Training Board has worked diligently to ensure the information is pertinent and up-to-date in order to fulfill the educational needs of all of constables. The Continuing Education Program curriculum is new each year, in order to refine the skills learned in the Basic Training Program.

Within the last year the new interactive website has made it increasingly easier for constables to change personal information, register and enroll in classes, view past bulletins, use the Constable Finder, gather information from Act 1994-44, and link to other state websites such as the State Ethics Committee for help with financial disclosure.

Some of the behind the scenes improvements have concerned constable identification cards and the exchange of information from the PCCD to the Administrative Office of Pennsylvania Courts (AOPC). This allows current information regarding a constable's certification to be updated quickly.

In the next ten years, the Constables' Education and Training Board will continue to move forward to meet the educational needs of constables in the Commonwealth of Pennsylvania.

2005 Constable Education Curriculum

This year, the Constables' Education and Training Board will offer Optional Training along with normal, mandatory Continuing Education training. The Optional Training will be on a "first come, first served" basis. Please take note that there will be Optional Training and Mandatory Training. The Optional Curriculum will not replace the Mandatory Curriculum. The Optional Training will be in addition to the Mandatory Training in order to assist you in performing your duties. There will also be the annual firearm recertification.

MANDATORY SUBJECTS:

ANNUAL FIREARMS (FOR CONSTABLES WHO CHOOSE TO CARRY A FIREARM): The annual firearms course for 2005 consists of 20 hours of instruction focused on the improvement of basic marksmanship skills. Along with a qualification course, it will include reduced-light and judgmental training, as well as modules designed to improve marksmanship and weapons handling skills. Assessments will evaluate each student's skills and will provide information to enhance future firearms training programs for constables.

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.

OPTIONAL SUBJECTS:

OLEORESIN CAPSICUM (OC) SPRAY/BATON: 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: 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.

Certification Of Insurance Renewals

Constables are reminded to file updated certificates of professional liability insurance with their county clerk of courts offices. The county clerks of courts are the legal repositories for insurance information and the county clerk of courts will forward the insurance to the PCCD. Do not mail or fax it the PCCD.

Comments on Training Evaluations

After each of the training programs, the constable is afforded the opportunity to fill out a comment section on the class evaluation form. Many times, constables do not take the opportunity to voice their opinions on what could be added or deleted from the training. We know many constables choose to share their constructive criticism with each other. The only problem with sharing your thoughts only with each other is that it will change nothing in the training program. The Constables' Education and Training Board encourages constructive criticism to enhance the training you are receiving. Please take the time fill out this section.