

TITLE 37

LAW

CHAPTER 431

CONSTABLES' EDUCATION AND TRAINING BOARD

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Authority

The provisions of this Chapter 431 issued under 42 Pa.C.S. §§ 2941—2950, unless otherwise noted.

Source

The provisions of this Chapter 431 adopted March 28, 2003, effective March 29, 2003, 33 Pa.B. 1617, unless otherwise noted.

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.

Cross References

This section cited in 37 Pa. Code § 431.14 (relating to lapse of certification).

§ 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 reactivate a certification 5 years or more after the lapse of a constable's certification upon the constable's successful completion of a basic training course.

Authority

The provisions of this § 431.14 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.14 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial pages (296523) to (296524).

§ 431.15. Certification numbers.

- (a) The Board will issue a unique certification number to a constable who obtains initial certification.
- (b) The Board will reissue the original certification number to a constable who successfully completes continuing education.
- (c) 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.
- (d) 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 reactivate the original certification upon the constable's successful completion of a basic training course.

Authority

The provisions of this § 431.15 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.15 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial page (296524).

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 will be required to attain the following to complete a basic training course:
- (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 who fails to achieve a passing score on a written examination may undergo a second written examination.
- (c) A constable who fails to achieve a passing score on a second written examination may attend and complete a second basic training course in its entirety. The constable shall bear financial responsibility for the cost of the additional basic training course.
- (d) A constable may attend a third basic training course upon failing to complete the second basic training course, but will not be given additional opportunities upon failing to complete the third course. The constable shall bear financial responsibility for the cost of the additional basic training course.

Authority

The provisions of this § 431.22 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.22 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial page (296525).

§ 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) Withdrawal. A constable who enrolls in a basic training course may withdraw from the course without penalty upon timely notification to the school conducting the basic training course. A notification shall be deemed timely if it is delivered to the director of the school or a designee no later than 7 calendar days prior to the start of classes. The school may assess a failing grade for all or part of the basic training course, if the constable fails to provide timely notification or to show good cause. A notification shall be deemed untimely if the notice is not received by the director of the school or a designee within 7 calendar days prior to the start of classes.

(b) Financial responsibility. If notification to withdraw is not given or is deemed untimely and good cause is not shown, and the constable wants to attend another basic training course in the same training year or in the next training year, the constable shall bear financial responsibility for the cost of the additional basic training course. Payment must be received by the Commission within 2 weeks of class start date in the form of a certified check or money order.

(c) Additional attendance. A constable who successfully completes a basic training course may not attend another basic training course in the same training year.

Authority

The provisions of this § 431.25 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.25 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial page (296526).

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) Withdrawal. A constable who enrolls in a continuing education course may withdraw without penalty upon timely notification to the school conducting the continuing education course. A notification shall be deemed timely if it is delivered to the director of the school or a designee no later than 7 calendar days prior to the start of classes. The school may assess a failing grade for all or part of the continuing education course if the constable fails to provide timely notification or to show good cause. A notification shall be deemed untimely if the notice is not received by the director of the school or a designee within 7 calendar days prior to the start of classes.

(b) Financial responsibility. If notification to withdraw is not given or is deemed untimely and good cause is not shown, and the constable wishes to attend another continuing education course in the same training year or in the next training year, the constable shall bear financial responsibility for the cost of the additional continuing education course. Payment must be received by the Commission within 2 weeks of class start date in the form of a certified check or money order.

(c) Additional attendance. A constable who successfully completes a continuing education course may not attend another continuing education course in the same training year.

Authority

The provisions of this § 431.35 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.35 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial page (296527).

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 21 years of age or older and who is not precluded under State or Federal law from possessing or using a firearm may enroll in a firearms qualification course.

Authority

The provisions of this § 431.42 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.42 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial pages (296527).

Cross References

This section cited in 37 Pa. Code § 431.44 (relating to requirements); and 37 Pa. Code § 431.48 (relating to lapse of qualification).

§ 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.

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

Authority

The provisions of this § 431.43 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.43 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial pages (296527) to (296528).

§ 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. [Reserved].

Authority

The provisions of this § 431.45 reserved under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.45 reserved March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial pages (296528) to (296529).

§ 431.46. [Reserved].

Authority

The provisions of this § 431.46 reserved under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.46 reserved March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial page (296529).

§ 431.47. Attendance policies.

- (a) *Withdrawal.* A constable who enrolls in a firearms qualification course may withdraw from the course without penalty upon timely notification to the school conducting the firearms qualification course. A notification shall be deemed timely if it is delivered to the director of the school or a designee no later than 7 calendar 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 or

to show good cause. A notification shall be deemed untimely if the notice is not received by the director of the school or a designee within 7 calendar days prior to the start of classes.

(b) *Financial responsibility*. If notification to withdraw is not given or is deemed untimely and good cause is not shown, and the constable wishes to attend another firearms qualification course in the same training year or in the next training year, the constable shall bear financial responsibility for the cost of the additional firearms qualification course. Payment must be received by the Commission within 2 weeks of class start date in the form of a certified check or money order.

(c) *Additional attendance*. A constable who successfully completes a firearms qualification course may not attend another firearms qualification course in the same training year.

(d) *New weapons*. If a constable obtains a new weapon after having successfully completed the annual firearms qualification, the constable may attend, without penalty, another firearms training class and complete the qualification course-of-fire using the new weapon. Attendance at another firearms course is subject to course availability.

(e) *Advanced firearms failures*. If a constable attends an advanced firearms qualification course and fails to successfully complete the qualification course-of-fire, the constable may attend, without penalty, a basic or annual firearms qualification course in its entirety.

(f) *Weapons malfunctions*. If a constable fails to successfully complete the qualification course-of-fire during a firearms qualification course because of a weapon malfunction, the constable may attend, without penalty, another firearms qualification course in its entirety, or may retake, without penalty, the portion of the firearms qualification course during and after which the malfunction occurred. Attendance at another firearms course is subject to course availability. A firearms instructor shall document weapons malfunctions.

Authority

The provisions of this § 431.47 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.47 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313.

Immediately preceding text appears at serial page (296529).

§ 431.48. Lapse of qualification.

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

(b) The Board will reactivate a firearms certification that is lapsed for 3 years or more upon the constable's successful completion of a basic firearms qualification course.

Authority

The provisions of this § 431.48 amended under 44 Pa.C.S. § 7144(10).

Source

The provisions of this § 431.48 amended March 7, 2014, effective March 8, 2014, 44 Pa.B. 1313. Immediately preceding text appears at serial page (296529).

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.