

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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CONSTABLES' TRAINING BULLETIN

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PENNSYLVANIA RULES OF JUDICIAL ADMINISTRATION

The Supreme Court of Pennsylvania has adopted new rules that will require 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.A § 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.
- Vehicles used for transport of defendants shall contain a cage behind the driver's seat and in front of the back 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.

Here is the link to the Constable Policies, Procedures and Standards of Conduct on the Administrative Office of Pennsylvania Courts webpage:

<http://www.pacourts.us/assets/files/resource-1059859/file-2699.pdf>

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The new rules of Judicial Administration and the *Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct* are also posted on the PCCD website at: <http://www.portal.state.pa.us>

Also updated:

PENNSYLVANIA RULES OF JUDICIAL ADMINISTRATION CONSTABLES

RULE 1907.1 DEFINITIONS

"Constable." Includes any elected or appointed constable or deputy constable engaged to perform services for any court of the unified judicial system.

Note: For the statutorily prescribed services constables perform for the unified judicial system, see, e.g., 44 Pa.C.S. §§ 7161 and 7161.1.

RULE 1907.2 POLICIES, PROCEDURES AND STANDARDS OF CONDUCT

(a) The Court Administrator shall establish uniform policies, procedures and standards of conduct for constables who perform services for the courts. These policies, procedures and standards of conduct shall be mandatory for all judicial districts and constables engaged to perform services for any court of the unified judicial system.

(b) The president judge of a judicial district is authorized to enact policies and procedures consistent with those established by the Court Administrator in section (a) as local rules pursuant to Pa.R.J.A. No. 103(c). Any policies and procedures enacted by the president judge of a judicial district that may deviate from the uniform policies, procedures and standards of conduct for constables established by the Court Administrator must be approved by the Court Administrator before promulgation. See Pa.R.J.A. No. 505(1).

(c) President Judges are responsible for implementing the provisions set forth in this rule within their respective judicial districts.

Comment: Constables are independent contractors, belonging analytically to the executive branch of government. *In re Act 147 of 1990*, 528 Pa. 460, 598 A.2d 985 (1991). Constables are defined as "related staff" under the Judicial Code. *Rosenwald v. Barbieri*, 501 Pa. 563, 462 A.2d 644 (1983). While these Rules are established pursuant to Pa. Const. Art. V, §10(c), nothing herein, or in any document created under these Rules, shall be construed to alter the status of constables as independent contractors and related staff.

PCCD staff is reviewing the new rules, policies and procedures and will be updating the training accordingly.