

**IN THE COURT OF COMMON PLEAS  
OF THE 37<sup>TH</sup> JUDICIAL DISTRICT OF PENNSYLVANIA  
WARREN AND FOREST COUNTIES  
MISCELLANEOUS**

**In the Matter of the Administrative Order for : Misc. 27 of 2007  
the Appointment of Constables and Deputy :  
Constables for the 37<sup>th</sup> Judicial District :**

**ADMINISTRATIVE ORDER**

AND NOW, this 3<sup>rd</sup> day of July, 2007, pursuant to all applicable rules of Court and statutes granting President Judges powers, duties and responsibilities with respect to constables and magisterial district judges, including but not limited to Rule 17 of the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, it is Ordered as follows:

1. Constables and deputy constables serving process and/or executing warrants, transporting prisoners or otherwise carrying out constable business for the Courts of the 37<sup>th</sup> Judicial District must meet and adhere to the following minimum standards:
  - a. Obtain certification under Act 44 (42 Pa.C.S. 2941 et seq.)
  - b. Display an approved photo ID badge when performing official duties and wear an approved constable uniform or attire when performing official duties unless the wearing of an approved constable uniform or attire would substantially hinder or affect the constable's ability to perform official duties in a particular case or circumstance.
  - c. Undergo a criminal history record check (Act 34) and child abuse record check (Act 33) and submit both record checks at the time the application for appointment is made to the Court. Obtain Clearances and approvals and update the same annually and file the same with the Clerk of Courts of Warren and/or Forest Counties.
  - d. Disclose the inclusive dates of any commitments under the Mental Health/Mental Retardation Act (50 P.S. §7101 and 50 P.S. §4101) at the time of application.
  - e. Obtain and maintain certification and be qualified in the use of firearms in compliance with Act 44 (42 Pa. C. S. 2948).
  - f. At all times present a professional manner and attitude.
  - g. Transport prisoners in accordance with generally accepted police and sheriff's procedures.
  - h. Comply at all times with all qualifications and other requirements imposed by statute or rule.
  - i. Comply at all times with all rules and regulations governing constables adopted by the 37<sup>th</sup> Judicial District.
  - j. Maintain at all times a pager and a telephone with an answering machine.
  - k. Submit all bills or claims for charges and fees on a uniform Warren/Forest County form that Warren/Forest County shall prepare and disseminate for that purpose.

- l. File with the Clerk of Courts proof that a policy of professional liability insurance is currently in force for the performance of duties with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year (42 Pa.C.S. 2942(b)).
- m. Give a bond in an amount \$3,000 as required by the Court of Common Pleas (13 P.S. §9). Said bond shall be payable to the Commonwealth of Pennsylvania or County of Warren and/or Forest as their interests appear for the faithful discharge of his/her duties as constable or deputy constable.
- n. Take and subscribe the official oath or affirmation as provided for in the Constitution (Pa. Const. Art. 6, §3).
- o. Shall not engage in partisan political activity, make or solicit political contributions (including purchasing tickets for political party functions) while performing official business. While a candidate for the office of constable, a constable shall not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office nor misrepresent his/her identity, qualifications, present position or other fact. This subparagraph (m) shall only apply to constables and deputy constables elected or appointed to serve a municipality or political subdivision within Warren/Forest Counties.
- p. Must have a valid and current Pennsylvania operator's license and proof of motor vehicle liability insurance in the minimum sum of \$250,000 per person and a minimum \$500,000 per accident (42 Pa. C.S. A. §2942).
- q. Must disclose to any district judge who employs the constable's service any civil judgments that have been entered against the constable.
- r. Upon resignation, completion of term of office, or withdrawal from approved status, the constable shall return to the PCCD (Pennsylvania Commission on Crime and Delinquency) the constable's approved photo ID badge and the approved photo ID badges of any deputy constables serving under the constable as directed by the PCCD.
- s. Shall participate in establishing, maintaining and enforcing, and shall himself/herself observe, high standards of conduct so that the integrity and independence of the judicial system shall be preserved.
- t. Shall respect and comply with the law and shall conduct himself/herself at all times in a manner that promotes public confidence in the constable's impartiality and integrity.
- u. Shall not allow any family, social or other relationship to influence the constable's conduct and shall not lend the prestige of the constable's office to advance the private interest of others nor convey or permit others to convey the impression that they are in a special position to influence the constable.
- v. Shall devote the time necessary for the prompt and proper disposition of the business and duties of a constable.
- w. Shall at all times maintain all required and ongoing certifications.
- x. Shall diligently discharge administrative responsibilities, maintain competence in administrative matters concerning the duties of constables and facilitate the administrative responsibilities of the constable staff and other member of the judicial system.

- y. Shall be discreet respecting the privacy of persons with whom the constable comes into contact in the course of the constable's official duties and shall abstain from public comment concerning matters in which the constable is officially involved. This rule shall not prohibit constables from making public statements in the course of their official duties or from explaining for public information the duties and procedures of constables.
  - z. Information acquired by a constable in the constable's official capacity shall not be used or disclosed by the constable in financial dealings or for any other purpose not related to the constable's official duties.
  - aa. Constables shall not use the constable's office or the prestige of the constable's office for the purpose of soliciting funds nor employ or permit anyone on behalf of the constable to solicit funds for any educational, religious, charitable, fraternal or civic organization. This shall not prohibit the constable from performing these functions in the constable's individual capacity but solely limits the constable's ability to perform these functions in an official capacity.
  - bb. Shall not accept gifts from any party whose interests are affected or are likely to be affected by the performance of the constable's official duties.
  - cc. Shall not engage directly or indirectly in any activity or act incompatible with the expeditious, proper and impartial exercise of the constable's duties and shall not exploit the constable's official position for financial gain or for any business or professional advantage.
  - dd. Shall not be under the influence of alcoholic beverages, intoxicating liquors beer or wine nor any illegal or controlled drugs while performing official business. A constable shall not perform official business until at least eight hours has passed from the time the constable last consumed alcoholic beverages, intoxicating liquors, beer or wine.
2. The Court may suspend or terminate from service any constable or deputy constable who is the subject of any pending criminal prosecution, convicted of a criminal offense, or has otherwise violated any statute, rule or minimum standards set forth above.
  3. The Court may, from time to time, require proof of compliance with minimum standards in a manner and form as the Court may so designate.
  4. All petitions to appoint a constable or deputy shall be presented to the President Judge of Warren/Forest Counties. The petition shall be signed by not less than ten (10) electors of the municipality (election district) from which the petitioner is requesting to be appointed. The petition for appointment of constable shall be substantially in the form attached. (13 P.S. §11) (Exhibit 1). All petitions and applications to appoint a deputy constable shall be in the form substantially similar to (Exhibits 2).
  5. When a petition to appoint a constable or deputy constable is presented to the Court, the petition will be denied without a hearing unless it contains a recital of the circumstances warranting the need for the appointment.

6. Except for the reappointment of existing deputies, the Court may hold a public hearing with notice in a manner approved by the Court on all such petitions for the appointment of a constable or deputy constable in order to review the residence of the proposed appointee, the justification or need for the appointment, and a determination that the persons proposed as a constable or deputy constable shall comply with all of the requirements pertaining to constable conduct and certification provided for in Act 44 and all of the terms and conditions of this order.
7. The terms of office of a deputy constable shall expire when the term of the constable for whom the deputy is serving as deputy expires. As each constable begins a new term, that constable must petition for the reappointment of existing deputies.
8. The Court Administrator of Warren/Forest Counties shall annually review the status of all constables and deputy constables in the 37<sup>th</sup> Judicial District to assure that their election and appointments are valid and in compliance with all statutory, rule and local court requirements.

BY THE COURT

*William F. Morgan*

William F. Morgan,  
President Judge