

CONSTABLE REVIEW BOARD RULES FOR THE SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

Rule 1907.2. Constable Review Board Procedures

Rule 1. Definitions

- a. **"Constable."** Any elected or appointed constable or deputy constable performing judicial duties for the Erie County Court of Common Pleas or any magisterial district court within the Sixth Judicial District.
- b. **"Judicial Duties."** Services performed pursuant to 44 Pa.C.S.A. §§ 7161- 7161.1 and further defined by the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of Pennsylvania Courts.

Rule 2. Scope

- a. Constables are elected and perform numerous functions at the municipal level, apart from the services performed as independent contractors for the judiciary. The Constable Review Board's jurisdiction extends only to constables in the performance of judicial duties.
- b. Consistent with the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct, the Constable Review Board may receive complaints by or against constables regarding:
 - 1. the performance of judicial duties;
 - 2. financial/payment disputes; or
 - 3. other matters relevant to a constable's judicial duties.
- c. The Constable Review Board does not have the authority to revise the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts.
- d. Nothing in these rules precludes any person or surety of a constable from filing a verified petition in accordance with 44 Pa.C.S. § 7172 alleging that a constable is incompetent to discharge official duties.

Rule 3. Authority

- a. The Constable Review Board may make recommendations to the President Judge regarding the judiciary's continued use of a constable's services.
- b. If a matter involves a financial dispute or other matter within Erie County's control, the Constable Review Board may make recommendations to the Erie County Executive regarding payment for services.
- c. The Constable Review Board shall forward any findings of suspected criminal activity to the Erie County District Attorney.

- d. The President Judge remains the ultimate authority with regard to a constable's performance of judicial duties within the Sixth Judicial District. In that respect, the President Judge may, at any time, temporarily place a moratorium on the use of a particular constable pending review and recommendation of the Constable Review Board on any pending complaint.

Rule 4. Membership of the Constable Review Board

- a. The Administrative Judge of the Trial Division
- b. The current President of the Magisterial District Judge Association of Erie County
- c. The District Court Administrator
- d. A Constable selected by the President Judge
- e. The County Controller or his/her designee

Rule 5. Filing a Complaint

- a. The complaint shall be in writing, signed by the complainant, and contain a statement of the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.
- b. The complaint may be submitted by mail, e-mail, fax, or any other electronic means by which a paper copy may be generated. The contact information for filing the complaint is as follows:

Deputy Court Administrator
Erie County Courthouse
140 West Sixth Street, Room 205
Erie, PA 16501
Fax: 814-451-6223
Email: Jrager@eriecountypa.gov

- c. The written complaint shall substantially conform to the form set forth at **Rule 8** herein.
- d. The complaint shall initially be forwarded to the Deputy Court Administrator. Upon receipt of a complaint, the Deputy Court Administrator shall:
 - 1. Note the date of receipt on the Complaint.
 - 2. Create a file to contain the complaint and all subsequent communications regarding the complaint.
 - 3. Within three (3) business days, the Deputy Court Administrator shall forward a copy of the complaint to the respondent constable, if the complaint is against a constable or to any other respondent if the complaint is by a constable.
 - 4. At the same time as the transmission of the copy of the complaint to the constable/respondent, the Deputy Court Administrator shall

provide written notice to the constable/respondent that he or she must provide to the Deputy Court Administrator a written response to the complaint within 20 days, or less if the President Judge so orders, from the date of such notice. The notice shall further provide that if a constable/respondent fails to respond, such failure may result in a decision by the judiciary based on the information available for review.

Rule 6. Constable Review Board Action

- a. Upon receipt of a written response, or expiration of the response period, whichever comes first, the Deputy Court Administrator shall, within three (3) business days forward a copy of the complaint, response, and all corroborating documentation to each Constable Review Board member for review.
- b. Within 30 days of receipt of the file information, the Constable Review Board shall:
 1. in matters falling outside the Constable Review Board's authority, forward the complaint file to the President Judge with written notification to the President Judge and the complainant that the complaint falls outside the scope of the Board's authority and list the reason(s) for that finding.
 2. in matters involving payment and or possible termination or suspension of the Court's use of a constable, interview the complainant, the constable and all other relevant witnesses. If scheduling conflicts prevent the Board from meeting to conduct interviews before the Board as a whole, the Board may request the President Judge to select two Board members to conduct interviews who shall prepare and submit a report to the Board. Unless the President Judge grants an extension of time, interviews shall be completed and a recommendation to the President Judge shall be made within the 30 day time period.
 3. in all other matters, the Constable Review Board may conduct interviews or make a recommendation to the President Judge based exclusively upon the complaint, response, and all other written documentation submitted.

Rule 7. Notice by President Judge

- a. Within thirty (30) days of receipt of the Constable Review Board's recommendation, the President Judge shall issue a written notice to the complainant and any constable of the Court's decision.

Rule 8. Form Complaint – See next page