

IN RE: PROMULGATION OF LOCAL RULE : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
: 1793 S 1989
: 8-1MD 2016

ORDER

AND NOW THIS 23rd day of March, 2016, Dauphin County Local Rule 1907 is promulgated as follows:

RULE 1907.1 – CONSTABLE REVIEW BOARD

A Constable Review Board (CRB) is hereby created to assist in resolving any disputes related to a constable's performance of judicial duties in accordance with the following standards and procedures:

A. Definitions:

1. "Constable" is defined as any elected or appointed constable or deputy constable performing judicial duties for any Magisterial District Court within the Twelfth Judicial District.
2. "Judicial Duties" are defined as 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.

B. Scope:

1. The CRB's jurisdiction extends only to constables in the performance of judicial duties.
2. The CRB may receive complaints by or against constables regarding:
 - a. the performance of a constable's judicial duties
 - b. financial or payment disputes; or
 - c. other matters relevant to a constable's judicial duties including, but not limited to, the Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of PA Courts.
3. The CRB does not have the authority to revise the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts.

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4. Nothing contained herein shall preclude 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.

C. Authority:

1. The CRB may make recommendations to the President Judge with respect to practices and procedures as related to constables generally and make recommendations regarding the judiciary's continued use of a constable's services.
2. If a matter involves a financial dispute, the CRB may make recommendations to the Dauphin County Controller's Office regarding payment for services.
3. The CRB shall forward any findings of suspected criminal activity to the Dauphin County District Attorney.
4. The President Judge has the ultimate authority with regard to a constable's performance of judicial duties within Dauphin County. The President Judge may, at any time, temporarily place a moratorium on the use of a particular constable pending the review and recommendation of the CRB on any pending complaint. The total length of the moratorium shall not exceed thirty (30) days or the length of the CRB review, whichever is shorter.

D. Membership of the Constable Review Board:

1. A Magisterial District Judge.
2. The Deputy Court Administrator-Magisterial District Judges.
3. A certified Constable and an alternate Constable to be used in the case of a conflict.
4. The County Controller or his or her designee.
5. The Sheriff of Dauphin County or his or her designee.

Members of the CRB shall elect one of its members to act as Chairperson. The Chairperson shall be responsible for conducting, coordinating and overseeing the business of the CRB.

E. Filing Procedures:

Constables shall make every attempt to resolve their disputes with the party or agency involved prior to filing a complaint with the CRB.

1. A complaint by or against a constable shall be in writing on the form set forth below and shall be signed by the complainant and shall specify in detail the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.

2. The complaint may be submitted by mail, fax or email and the contact information is as follow:

Court Administrator
Dauphin County Courthouse
3rd Floor
Harrisburg, PA 17101
FAX: (717) 780-6463
courtadmin@dauphinc.org

3. The Court Administrator shall:
 - a. note the date of receipt on the complaint;
 - b. create a file to contain the complaint and all subsequent communications regarding the complaint;
 - c. upon receipt of the complaint, forward the complaint to all members of the CRB;
 - d. upon receipt of a moratorium decision from the President Judge, forward the same to all members of the CRB;
 - e. within three (3) business days, 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, by certified mail, return receipt requested, restricted delivery, and;
 - f. provide written notice to the constable/respondent that he or she must provide to the Court Administrator a written response to the complaint within twenty (20) days or less if the President Judge so orders, from the date of such notice. The notice shall also provide that if the constable/respondent fails to respond, such failure may result in a decision by the President Judge based on the information available for review.

F. Constable Review Board Action:

1. Upon receipt of the respondent's written response or the expiration of the response period, the Court Administrator shall forward a copy of the complaint, response and all corresponding documentation to each Constable Review Board member for review.
2. Within thirty (30) days from receipt of the file information, the CRB shall:
 - a. forward the complaint file to the President Judge if the matters fall outside the CRB's authority, 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;

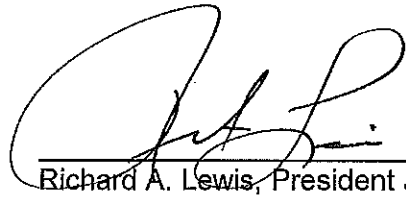
- b. in matters falling within the scope of the CRB, the CRB shall interview the complainant, the constable and all other relevant witnesses. Unless the President Judge grants an extension of time, the interviews shall be completed and a recommendation as to disposition of the complaint shall be made to the President Judge within this thirty-day period.

G. Notice by President Judge:

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

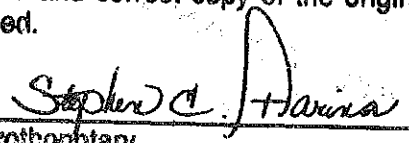
This local rule shall be effective thirty (30) days after publication in the Pennsylvania Bulletin.

BY THE COURT


Richard A. Lewis, President Judge

MAR 23 2016

I hereby certify that the foregoing is a true and correct copy of the original filed.


Prothonotary