

## **RULE 1907 CONSTABLES – SERVICE OF SUMMARY WARRANTS**

- a. A Constable shall only serve summary warrants that are issued by a Magisterial District Judge to that Constable.
- b. The Constable shall be in possession of the hard copy of the warrant to initiate contact with the subject of the warrant. Public web portal docket sheets are not permitted to be used for warrant service.
- c. Upon service of the warrant pursuant to Pa.R.Crim.P. 431(B), if the subject of the warrant only owes money and possesses the full amount owed, the Constable shall accept the money, issue a receipt and remit the money to the applicable Magisterial District Judge as soon as possible but no later than noon on the next business day. The Constable shall sign the warrant and submit the signed Constable Fee/Expense Reimbursement Request/Approval form to the Magisterial District Judge. The subject of the warrant shall not be taken into custody.
- d. Upon service of the warrant pursuant to Pa.R.Crim.P. 431(B), if the subject of the warrant is taken into custody due to the inability to pay the full amount, the Constable shall transport the individual to the office of the Magisterial District Judge where the warrant was issued. The Constable may ask the Magisterial Judge's staff to check if the individual has any other outstanding warrants from other Magisterial District Judge's office(s) in Dauphin County. If there are outstanding warrants from other offices, the Constable may call the other office(s) and ask that office to fax a copy of the active warrant to the Constable at the office of the Magisterial District Judge. That office shall timely fax any outstanding warrants to the requesting Constable at the other Magisterial

District Judge's Office. Additional warrants may, at the discretion of the Magisterial District Judge, be addressed at the same time as the warrant that brought the individual to the Magisterial District Judge's office. If these other warrants are addressed, the Constable shall go to the Magisterial District Judge's office(s) which holds the original of the faxed warrant(s) to sign the original warrant and the Constable Fee/Expense Reimbursement Request/Approval form(s). If the original of the faxed warrant(s) is not signed and the Constable Fee/Expense Reimbursement Request/Approval form(s) that are submitted are not properly signed, the Constable will not receive payment. If the Magisterial District Judge chooses not to address these additional warrants, the Constable shall transport the subject to the appropriate Magisterial District Judge's office for processing.

e. Upon receipt of the signed warrant and signed Constable Fee/Expense Reimbursement Request/Approval form, the Magisterial District Judge shall add the constable fees to the MDJS system and mark the warrant as served.

f. Constables shall make every attempt to serve warrants during non-Night Court hours. Absent extraordinary circumstances, Constables are discouraged from transporting an individual to the Dauphin County Booking Center since it is not the primary function of Night Court to process outstanding summary warrants. Extraordinary circumstances shall include, inter alia, circumstances where the Constable is unable to effectuate service of the summary warrant during normal business hours. The Constable must articulate reason(s) why the arrest cannot wait until morning or could not be accomplished during non-Night Court hours.

g. If a Magisterial District Judge makes a judicial determination that the case is dismissed, that the individual is found to be indigent or the individual is jailed in lieu of payment, the Magisterial District Judge shall check the appropriate box on the Constable Fee/Expense Reimbursement Request/Approval form, verify to the extent possible that the information on the form is accurate and timely submit the form to the Controller of Dauphin County for payment.