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2014 MAY 22 A 11:39  
CLERK OF COURT  
CUMBERLAND COUNTY, PA

ADMINISTRATIVE ORDER

AND NOW, this 21<sup>st</sup> day of May, 2014, the creation of a Constable Review

Board is hereby authorized in accordance with the following standards and procedures:

I. Definitions

- a. "Constable." Any elected or appointed constable or deputy constable performing judicial duties for the Cumberland County Court of Common Pleas or any magisterial district court within the Ninth 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.

II. 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 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.

### III. Authority

- a. The Constable Review Board may make recommendations to the President Judge with respect to practices and procedures as they relate to constables generally and make recommendation regarding the judiciary's continued use of a constable's services.
- b. If a matter involves a financial dispute or other matter within Cumberland County's control, the Constable Review Board may make recommendations to the Cumberland County Controller regarding payment for services.
- c. The Constable Review Board shall forward any findings of suspected criminal activity to the Cumberland County District Attorney.
- d. The President Judge remains the ultimate authority with regard to a constable's performance of judicial duties within the Ninth 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.

### IV. Membership of the Constable Review Board

- a. A judge of the Court of Common Pleas;
- b. A Magisterial District Judge;
- c. The Court Administrator or her designee;
- d. A Constable and an alternate; and
- e. The County Controller or his designee.

### V. 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:

Court Administrator  
Cumberland County Courthouse  
One Courthouse Square  
Carlisle, PA 17013  
FAX: 717-240-6460  
Email: [courtadmin@ccpa.net](mailto:courtadmin@ccpa.net)

- c. The written complaint shall substantially conform to the form set forth at VIII herein.
- d. The complaint shall initially be forwarded to the Court Administrator. Upon receipt of a complaint, the 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 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/or respondent, the Court Administrator shall 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 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.

#### VI. Constable Review Board Action

- a. Upon receipt of a respondent's written response, or expiration of the response period, whichever comes first, the 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 thirty (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 thirty(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.

VII. 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.

VIII. Form Complaint

CONSTABLE REVIEW BOARD FOR THE NINTH JUDICIAL  
DISTRICT OF PENNSYLVANIA  
COMPLAINT

A. COMPLAINANT:

Your Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone # \_\_\_\_\_

B. CONSTABLE COMPLAINED OF:

Name: \_\_\_\_\_

Contact Info (if known): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. STATEMENT OF COMPLAINT: PLEASE BE SPECIFIC – relevant dates, names of witnesses and any relevant documents. Explain the conduct or practice complained of, the date(s), names of witnesses and attach copies of relevant documents. You may attach as many additional pages as necessary to fully set forth your complaint.

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Date: \_\_\_\_\_

Signature: \_\_\_\_\_

The Complaint may be e-mailed, faxed, or mailed to the following:

Court Administrator  
Cumberland County Courthouse  
One Courthouse Square  
Carlisle, PA 17013  
FAX: 717-240-6460  
Email: [courtadmin@ccpa.net](mailto:courtadmin@ccpa.net)

This order shall take effect June 1, 2014, or thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

BY THE COURT,



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Kevin A. Hess, P.J.