

An Introduction to Constable Law



The purpose of this brief introduction is to give you a basic understanding of Constable Law. There has been misinformation, folk lore, and opinions passed down over the last few decades. This obviously has caused some confusion and misunderstandings. Constables are more than just process servers or officers that work for the courts. You will see multiple definitions Constables clearly fall under, the various powers, and authority held by the Constabulary. Constables are providing services today they once had long ago. This has created more confusion with some in the public, public officials, and other law enforcement entities. Our hope is to guide your attention to some of the most important definitions, titles, acts, and rules pertaining to Constables.

Constables can be found in nearly every municipality across the commonwealth. In most areas they are an untapped resource. Constables and other law enforcement agencies have many of the same powers and authority. In fact, other law enforcement agencies are defined as “ex-officio” (Latin for: of the office of or from the office of) Constables.

You will typically see Constables outside of court related duties providing services at such places and for such events but not limited to the following:

- Fairs
- Concerts
- Traffic Control
- Construction Sites
- Peacekeeping
- Sporting Events
- School Resource Officer (SRO)
- Festivals
- Churches
- Ordinance Enforcement
- Work Place Violence
- Patrol
- Privately Owned Properties and Recreational Areas

Definitions:

In this section you will find multiple definitions from various sources. The importance of this section is to provide you with a crystal-clear picture of how Constables are defined as Law Enforcement AND Police Officers.

You can clearly see that Constables fall under the definition of Law Enforcement Officer as well as Police Officer. It does not matter what one's opinion is. What does matter are definitions spelled out in black and white. You need to pay attention to what is written and not what people think or say. This may be hard to believe but sometimes others ignore what is written right in front of them.

Listed under Pennsylvania Rules of Criminal Procedure Title 234. Rule 103 Definitions:

LAW ENFORCEMENT OFFICER: is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

POLICE OFFICER: is any person who is by law given the power to arrest when acting within the scope of the person's employment.

Under the Pennsylvania General Assembly Title 75 Vehicle Code:

"Police officer." A natural person authorized by law to make arrests for violations of law.

Listed under the Pennsylvania Code Title 37. Chapter 21.1 Definitions:

Law enforcement officer—A sheriff, deputy sheriff, constable, deputy constable, detective, police officer of this Commonwealth, or any political subdivision, school district, or municipal authority thereof.

Listed under Purdon's Pennsylvania Statutes and Consolidated Statutes. Title 3, Dog Law:

"Police officer." Any person employed or elected by this Commonwealth, or by any municipality and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes Constables and dog, game, fish and forest wardens.

Listed under Pennsylvania General Assembly Title 18 Crimes and Offenses. Chapter 5 subsection 501:

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

Powers and Authority:

In this section you will find numerous passages granting Constables their powers and authority. It has been said that Constables do not have any authority whatsoever. You can very clearly see this is not the case at all. You can also see where it clearly states Constables can enforce ordinances. There has been some confusion as to borough vs Township Constables. One of the paragraphs below resolves that issue.

Listed under Pennsylvania Statutes. Title 44 Law and Justice. Please take special note to the words in subsection 7158 where it clearly states Constables SHALL make an arrest for breaches of the peace. Breach of the peace (Enforcing the Law) Law Enforcement Officers, make an arrest (Arresting for violating the Law) Police Officer.

7158. Arrest in boroughs.

In addition to any other powers granted under law, a constable of a borough shall, without warrant and upon view, arrest and commit for hearing any person who:

- (1) Is guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness.
- (2) May be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens.
- (3) Violates any ordinance of the borough for which a fine or penalty is imposed.

7159. Trespassing livestock.

(a) In general. --An owner or tenant of an enclosed or unenclosed, improved land in this Commonwealth who discovers trespassing livestock shall notify the constable of the township, borough, or ward in which the improved land lies. If the constable of the township, borough or ward is unavailable or unable to assist, the owner or tenant shall notify the constable of the county. The following shall apply:

- (1) The constable shall impound the livestock either with the owner or tenant of the land if the owner, and the tenant if one exists, agrees or with another individual or entity that the constable may deem best situated to care for the livestock.

7155. Arrest of offenders against forest laws.

If a person is detected by a constable in the act of trespassing upon any forest or timber land within this Commonwealth, under circumstances as to warrant reasonable suspicion that the person has, is or may commit an offense against any law for the protection of forests and timber land, the constable may, without first procuring a warrant, arrest the person.

Listed in Purdon's Pennsylvania Statutes and Consolidated Statutes Title 3 Dog Law. This section details the power and authority of the constable to enforce dog law. While Constables are not specifically mentioned in this section, please refer to the definitions page where it defines Constables as a Police Officer thus including them in this section.

§ 459-901. Enforcement of this act by the secretary; provisions for inspections

- (a) General rule.** -- The secretary, through State dog wardens, employees of the department and police officers, shall be charged with the general enforcement of this law. The secretary may employ all proper means for the enforcement of this act, including issuing notices and orders, filing violations for criminal prosecution, seeking injunctive relief, imposing civil penalties, and entering into consent agreements. The secretary may enter into agreements pursuant to section 1002, [FN1] which shall be filed with the department, for the purpose of dog control. State dog wardens and employees of the department are hereby authorized to enter upon the premises of any person for the purpose of investigation. A dog warden or employee of the department may enter a home or other building only with the permission of the occupant or with a duly issued search warrant.

Listed Pennsylvania General Assembly Title 75 Vehicles, Chapter 31 Subsection 3102:

3102. Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of:

- (1) any uniformed police officer, sheriff, or constable or, in an emergency, a railroad or street railway police officer.
- (2) any appropriately attired person, including an agent or employee of the funeral director during a funeral, authorized to direct, control, or regulate traffic.
- (3) any employee who has been trained in traffic control by a licensed and insured private security company and who is acting in the scope of employment; or
- (4) any driver of a certified escort vehicle as defined under section 3108 (relating to drivers of certified escort vehicles) and who is acting in the capacity as a driver of a certified escort vehicle.

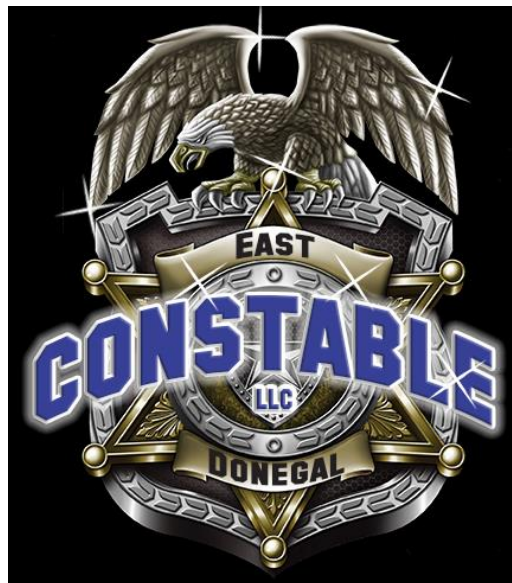
The following section is important because it was referenced in a supreme court decision. Therefore, creating case law that includes anything referenced. This specifically points out and details a Constables powers and authority. It also verifies Constables have statewide jurisdiction and are not limited to the borough or township where they hold the position. Simply put... a Constables is a Constable is a Constable.

In Delaware Co CCP (Delaware Co Reports) Feb 7, 1944, In Re Borough High Constables, which was cited in the Re Act 147 decision regarding a constable's arrest authority, the court ruled "Constables are guardians of the peace within their jurisdiction and may apprehend all breakers of the law and bring them before the proper authorities to answer for their conduct. A constable is more than a township, borough or ward official. His legal acts in civil cases may be performed anywhere in the county and in criminal cases anywhere in the state. The duties of a constable are of a three-fold nature. (1) to enforce the criminal law, (2) to serve writs and other process in civil matters, (3) to perform the statutory and court duties peculiar to the office. High constables in boroughs have the power and authority of constables in townships and are entitled to the same emoluments. It is the duty of a borough high constable to enforce the criminal laws and arrest or cause the arrest of all persons engaged in the commission of any unlawful act tending to imperil the personal security or to endanger the property of a citizen or violating any ordinance of the borough." This ruling leaves no doubt that borough constables were never intended to have greater or different powers and authorities than other constables but were to have the SAME powers and authorities as other constables.

Thank you for taking the time to read this short introduction. It is very important that we educate the Public, Public Officials, and other Law Enforcement Agencies with respect to Constables.

Constables are such an incredible untapped resource. With all the powers and authority granted to them as show above, utilizing them would greatly reduce areas of need.

Should you be interested in a more in-depth Constable Law Guide, feel free to visit my website or contact me at the information listed below.



Paul Castline

**Pennsylvania State Constable
Owner – East Donegal Constable LLC**

www.eastdonegalconstable.com

717-278-9478