

Instantly, Appellant “fails to recognize that [Pierson’s] testimony regarding h[is] fear of [Appellant] was believed” by the PFA court. *Id.* at 726; see also PFA Court Opinion, 6/17/24, at 4-5. Here, there is clearly a volatile history between the parties and ... there were ... [incidents of Appellant’s abuse] in the past, which, when considered in conjunction with the ... [March 11 incident], would justify [Pierson] fearing injury at the hands of [Appellant]. *Raker*, 847 A.2d at 724.

Finally, contrary to Appellant’s claim, it is irrelevant that Appellant never physically abused Pierson. *See K.B.*, 208 A.3d at 128 (“[A] victim does not have to wait for physical ... abuse to occur for the [PFA] Act to apply.”); *Fonner*, 731 A.2d at 163 (“[T]he victim of abuse need not suffer actual injury”). Further, the fact that Pierson did not file his PFA petition for 11 days after the March 11 incident is not sufficient to disturb the PFA court’s factual findings.

Based on the foregoing, Appellant’s challenge to the sufficiency of the evidence supporting the PFA court’s order does not entitle her to relief.

Order affirmed.

**Editor’s Note:** In this opinion Superior Court Judge **Mary Murray** included several passages **in bold** to emphasize that:

- The standard of proof for PFA hearings is a preponderance of the evidence, and a petitioner need not prove that abuse occurred beyond a reasonable doubt;
- PFA petitioners need not suffer serious bodily injury to prove abuse;
- A victim does not have to wait for physical or sexual abuse to occur for the Act to apply
- Fear of imminent serious bodily injury does not require any physical injury

These are great reminders regarding what is needed to be proved at emergency PFA petitions.

## ETHICS:

Submitted by Lindy L. Sweeney, Magisterial District Judge  
Member: SCJAP Ethics & Professionalism Committee

### JUDGES AND CONSTABLES – ETHICALLY INTERTWINED

The Pennsylvania court system is an integral part of maintaining justice, law and order in the state. Among its many components are constables – unique officials with specific duties that support the judicial system. Judges and constables, in their respective roles, can and should work together to serve the public and Pennsylvania’s court system.

Interestingly, there is no official definition of a constable in the PA Constitution. A constable is an elected official. The office of constable is created by statute and a constable has no authority under the statute to act on behalf of the government unit in which he works. (*In Re: Pennsylvania Constable Mark Bilentikoff*, Erie Co. CCP, No. MD-116-2022). Constables are peace officers whose central functions and activities partake of exercising executive power. They are independent contractors, belonging analytically to the executive branch of government, as well as related staff who serve the unified judicial system who aid the judicial process. They are not personnel of the judicial system and are not supervised by the courts. See 1 Standard Pennsylvania Practice 2d § 3.111 and cases cited therein. A constable is a public officer elected or appointed to serve in townships, boroughs and cities, and wards throughout Pennsylvania. Their primary responsibility is to support the state's judicial system by enforcing court orders and ensuring the efficient functioning of the courts.

Constables' roles are diverse and key duties to the courts include serving legal documents, executing warrants, court security in instances when they are present in the court facility, and transporting defendants.

To ensure professionalism, constables in Pennsylvania are required to complete certification and training through the Pennsylvania Commission on Crime and Delinquency (PCCD). They must adhere to ethical standards, and violations can result in suspension or removal from office. No one supervises individual constables and specifically Courts have no supervisory authority over constables. *Rosenwald v. Barbieri*, 462 A.2d 644 (Pa. 1983) and *Com v. Roose*, 690 A.2d 268, 269 (Pa. Super. 1977), *aff'd*, 710 A.2d 1129 (PA 1998). Constables are not employees of the courts.

**Courts, however, do have some power to require constables to uphold court standards when performing judicial duties.** When performing services for the courts, constables are subject to the Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct ("Constable Policies") as promulgated by AOPC in May of 2013 and available on the AOPC website. In particular, note Article III of the Constable Policies, at Standard of Conduct 3:

Standard 3. Impropriety and Appearance of Impropriety to be Avoided.

"A constable must respect and comply with the law, and while performing judicial duties, shall conduct him or herself in a manner that promotes public confidence in his or her integrity and impartiality. A constable shall not allow family, social, or other relationships to influence his or her conduct while performing judicial duties. A constable shall not lend the prestige of his or her office to advance the private interests of others, nor shall he or she convey or permit others to convey the impression that they are in a special position to influence the constable in the performance of judicial duties." **Any language sound familiar here Judges?**



Many times, constables are the “public face” of our District Courts. While Magisterial District Judges are not responsible for their behavior or the way they conduct their duties, constables are representing the courts and in particular, MDJs every time they perform services for us. Beyond the adherence to ethical standards of their PCCD Certification, I submit constables, while performing services for the courts, should be mindful of and be guided by the ethical standards of conduct for MDJs and the staff we do supervise, and they should conduct themselves in accord therewith. To this end, I specifically point to MDJ Canon 1 - Rule 1.1 (Compliance with the Law), Rule 1.2 (Promoting Confidence in the Judiciary – independence, integrity, and impartiality and avoiding impropriety and the appearance of impropriety), and Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office) as well as MDJ Canon 2 - Rule 2.8 (Decorum, Demeanor, and Communication in an Official Capacity). I would further submit that Rule 2.12 (Supervisory Duties) wherein a Judge’s duty to supervise and require court staff, court officials, and others subject to the magisterial district judge’s direction and control act in a manner consistent with the judge’s obligations under the Judicial Standards of Conduct, extends that duty to the constables when performing services for us and our Courts.

**A practice tip for your consideration:** Meet with the constables who perform services for your district court. Explain to them the similarities in the ethical conduct for judges and for constables. Remind them that they are the “face” of the court when performing services for us and that the perception of those with whom they interact may be that they are working for the court directly. As such, their conduct may very well impact how the court and the judge are perceived.

Constables are a vital component of the Pennsylvania judicial system, bridging the gap between the courts and the community. Their roles, though often behind the scenes, are essential for the effective delivery of justice. Together with the various levels of the court system, constables help maintain the rule of law, contributing to a fair and orderly society. One of my favorites, and oft spoken sayings, is “We are all spokes in the wheel of justice and working together, we make the wheel turn.”

Special thanks to York County Constables Michael Chandler and Todd Ross for their review of this article prior to publication and for their professionalism in performing their duties.

## LEGISLATIVE UPDATE:

The General Assembly has begun its 2025-2026 Legislative Session. Each Session sees numerous bills introduced by members of the House and Senate, but only very few advance and ultimately become law. In the early days of this Legislative Session, members are introducing many bills and they are referred to the appropriate House and Senate committees, who may hold hearings on the bill.