

ADVOCACY STATEMENT

Subject: Preserving the Constitutional Independence of Pennsylvania State Constables

To: Members of the Pennsylvania General Assembly

From: Sewickley Township Constables Office

Date: 6/27/2025

Re: Separation of Powers and Unconstitutional Judicial Oversight of Elected Constables

I. Executive Summary

This advocacy statement seeks legislative and legal clarification regarding the improper extension of judicial oversight over Pennsylvania State Constables. As elected executive officers, constables serve a vital role in Pennsylvania's law enforcement and judicial system, yet they have increasingly been subjected to unauthorized administrative controls, review boards, and policy directives issued by members of the judiciary. These practices pose a direct threat to the constitutional separation of powers and undermine the lawful independence of an executive office established under state law.

II. Constitutional Framework

Under the **Pennsylvania Constitution** and mirroring the **U.S. Constitution**, the doctrine of **separation of powers** prohibits one branch of government from exercising or infringing upon the core functions of another.

- The **judicial branch** is responsible for interpreting laws.
 - The **executive branch**, which includes elected constables, is responsible for enforcing laws and executing judicial orders.
 - Constables are **not employees** of the judiciary and do not fall under judicial administrative authority.
 - Likewise, **county officials and local governing bodies** do not have the legal authority to exercise oversight or create policies that govern the conduct, duties, or administration of elected constables.
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III. Legal Authority of Pennsylvania State Constables

Under **Title 44 Pa.C.S. § 7101 et seq.**, constables are:

- Elected officials with law enforcement and civil process powers;
 - Authorized to serve warrants, subpoenas, and other court orders;
 - Mandated to complete PCCD-certified training but not to report to the judiciary for day-to-day operations;
 - Accountable to voters, PCCD for training compliance, and the courts for legal violations—but not judicial review bodies.
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IV. Problem: Unconstitutional Judicial Overreach

Recent practices in several judicial districts have included:

- Creation of “**constable review boards**” by courts or district judges;
- Imposition of **internal policies** not authorized by statute or law;
- **Exclusion of duly elected constables** from service based on non-criminal, non-legislative standards;

- **Sidestepping** and stripping voters of their constitutional right to hold elected constables accountable by democratic means;
- Attempted **disciplinary procedures** imposed outside the scope of existing law.

These practices violate:

- The **Take Care Clause** of executive authority;
- The **doctrine of separation of powers**;
- **Due process rights** of elected officials;
- The **rights of the citizens** by redirecting accountability to a board of individuals;
- The lawful limits of judicial authority under the Pennsylvania Constitution.

V. Recommendation and Requested Action

We respectfully urge the Pennsylvania General Assembly to:

1. **Affirm the status of constables** as independent executive officers not subject to judicial administration or county officials;
2. **Prohibit judicial districts from creating binding disciplinary boards or administrative rules** for elected constables outside of existing statutory processes;
3. **Enact protections** ensuring that constables can perform their lawful duties free from unconstitutional interference;
4. **Establish a clear state-level administrative complaint and review mechanism** under the executive or independent body such as PCCD, not the judiciary.

VI. Closing Statement

Constables are elected by and accountable to the people. While courts may work in cooperation with them, any attempt by the judiciary to control or discipline constables without statutory authority violates fundamental constitutional principles. Legislative action is necessary to preserve the balance of power, protect elected officials from arbitrary interference, and ensure the integrity of Pennsylvania's law enforcement system.

Respectfully submitted,
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