

# Safe Vehicle Operation Handout

## Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct (AOPC; May, 2013)

Preface: The provisions of the Constable Policies, Procedures and Standards of Conduct are mandatory for constables engaged in the performance of duties for the courts, unless expressly stated otherwise. (Preface; Page 3, Paragraph 2)

- Vehicles used for the transportation of defendants shall:
  - Comply with applicable law and regulations, including the provisions of the Pennsylvania Motor Vehicle Code (Title 75). (Part IV, Section E, §1)
  - Be maintained in a roadworthy condition to ensure the safety of its occupants and the public. (Part IV, Section E, §2)
  - Contain a cage behind the driver's seat and in front of the back passenger seat for the purposes of creating separate and secure areas of the vehicle for the constable and defendant(s). Cages shall be permanent, rather than temporary, and of the same type and quality used in police and sheriff vehicles. (Part IV, Section E, §3)
  - Include functioning window and child safety door locks. (Part IV, Section E, §4)
- While transporting defendants to and from court, the following provisions apply
  - Each transport to and from a magisterial district court or other court facility shall include at least one certified fire armed constable, unless directed otherwise by the President Judge (Part IV, Section F, §1)
  - Each transport shall include at least one of the following forms of two-way communication:
    - Two-way radio
    - Cellular phone (Part IV, Section F, §2)
  - A constable shall not transport a number of defendants that is greater than the number of seatbelts present in the secure area of the vehicle, in accordance with applicable provisions of the Pennsylvania Motor Vehicle Code (with the exception of a specially-adapted van without seatbelts, such as a prisoner transport van) (Part IV, Section F, §3)
  - The constable shall search the transport area of the vehicle prior to and following each transport. (Part IV, Section F, §4)
  - The constable shall, in the event of an escape or other security breach during a transport, immediately contact 911 or, if applicable, the local emergency communications center, and then notify the magisterial district judge who issued the transport or commitment order (Part IV, Section F, §5)



## Constable Vehicles

Under the applicable statutes, constable vehicles are not considered emergency vehicles and are not exempt from lighting and equipment standards. These are defined in the following sections of the Pennsylvania Code:

### Title 75 (PA Motor Vehicle Code)

- Definitions (75 PA.C.S., Part I, §102)
  - "Authorized vehicle"
  - "Emergency service responder"
  - "Emergency vehicle"
- Vehicle Characteristics (75 PA.C.S., Part I, Chapter 45, Other Required Equipment, Subchapter B. Safety and Anti-Pollution Equipment)
  - Windshield obstructions and wipers...Sunscreening and other materials prohibited (§4524 (e))
- Vehicle Characteristics (75 PA.C.S., Part I, Chapter 45, Other Required Equipment, Subchapter D. Equipment of Authorized and Emergency Vehicles)
  - Visual and audible signals on emergency vehicles...Vehicles prohibited from using signals (§4571 (d))
  - Visual signals on authorized vehicles...Vehicles prohibited from using lights (§4572 (c))

### Title 37 (Law, Part I. State Police, Chapter 41)

- Designation of Emergency Vehicles
  - Eligibility (§41.5 (b)(2)) – Specifically excludes the private vehicles of constables for consideration as emergency vehicles

Note that all relevant case law has upheld the statutory ruling that constable vehicles are not emergency, government or official vehicles (*Commonwealth v. Rodriguez*) and that constables are not empowered to enforce the vehicle code in Pennsylvania (*Commonwealth v. Roose*).

## Insurance

Constable vehicles must carry insurance as required under 75 PA.C.S. , Part I, Chapter 17 (Financial Responsibility). The minimum limits for Pennsylvania auto insurance are listed as follows:

- Bodily Injury Liability Coverage: ..... \$15,000 per person, \$30,000 per accident
- Property Damage Liability Coverage: ..... \$5,000
- Uninsured Motorist Coverage: ..... \$15,000 per person, \$30,000 per accident
- Underinsured Motorist Coverage: ..... \$15,000 per person, \$30,000 per accident
- First Party Benefits Medical Payments: ..... \$5,000

NOTE: In Pennsylvania, a driver may request to reject the uninsured and underinsured motorist coverage

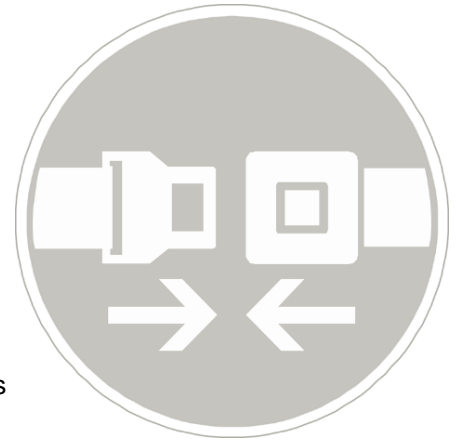
A personal auto coverage policy may not adequately cover a constable for duties. Constables should consult with their insurance agent or company to determine whether they have adequate coverage for liability and prisoner transports.

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## Vehicle Operation

Constables are responsible for ensuring that they operate their vehicles in a safe manner and in accordance with the law at all times. This includes wearing of seatbelts as required by law (75 PA.C.S., Part I, Chapter 45, Subchapter E. Occupant Protection, §4581), as well as not engaging in careless (75 PA.C.S., Part I, Chapter 37, Subchapter A. Offenses in General, §3714) or reckless (75 PA.C.S., Part I, Chapter 37, Subchapter B. Serious Traffic Offenses, §3714) operation of a motor vehicle. Constables can be held civilly and criminally liable for their actions while operating a motor vehicle in violation of the law.

Seatbelts for prisoners in the rear passenger area, while not required by law, are required by the Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct. Further, failure to properly restrain prisoners could lead to injury or escape.



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## Vehicle Maintenance

Regular maintenance of the constable vehicle is critical to both safe operation and effectively carrying out court-related duties. Constables should maintain the vehicle in accordance with the manufacturer's specifications. Additionally, constables should regularly maintain their vehicles to ensure safe and trouble-free operation.

### Daily

- Check tires for proper inflation and wear
- Check all fluids (oil, engine coolant, brake fluid, power steering, transmission, windshield washer fluid)
- Lights and signals
- Dashboard warning lights
- Cage and safety equipment

### Monthly

- Steering – correct, noise free
- Brakes – good condition and no noises
- Suspension – shocks and struts function properly, no leaks
- Lights – All internal and external lights function properly
- Leaks – No visible fluid leaks under vehicle
- Alignment – vehicle tracks straight and true, no pulling

Sources: AAA.com; Cars.com; <http://mcp.maryland.gov/Documents/MCP%20Vehicle%20Inspection%20Form.pdf>; <https://www.policeone.com/police-products/vehicle-equipment/articles/99939-Cutting-car-costs/>

Constables should maintain written records of vehicle operation and service.

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*Individual counties may have additional regulations concerning vehicle insurance, maintenance, and operation. Constables should check their County Constable Handbook for further information.*