

State of Arizona

CONSTABLE ETHICS, STANDARDS & TRAINING  
BOARD

**CODE OF CONDUCT  
FOR  
CONSTABLES**

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# CODE OF CONDUCT FOR CONSTABLES

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## **PREAMBLE**

Election to the public office of constable is a sacred trust, and constables shall strive to maintain that trust. All public officials, including constables, are servants of those who elect them to office.

The Code of Conduct for Constables establishes ethical standards for Arizona constables pursuant to A.R.S. § 22-136. The code consists of broad statements called canons, specific rules set forth under each canon and commentary that provides explanation where necessary. The code is designed to give guidance to constables and confirm expectations for monitoring their conduct through appropriate political subdivisions, administrative agencies, and the Arizona Constable Ethics Committee.

Although the canons are intended to govern the conduct of constables and be binding upon them, not every transgression will result in formal action. Each incident reported to the Constable Ethics Standards & Training Board or other entity will be treated individually. A reasonable and reasoned application of this text will depend on all of the circumstances in a given situation, as well as such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the office of constable.

The code is not an exhaustive guide for the conduct of constables who should also be governed in their professional and personal lives by general ethical standards. The code is intended, however, to state basic standards, which should govern the conduct of all constables and assist constables in establishing and maintaining high standards of professional and personal conduct in carrying out their duties under A.R.S. § 22-131 *et seq.* The code is not intended to serve as a basis for civil liability or criminal prosecution except as otherwise provided by law.

## CANON 1

### **CONSTABLES SHALL UPHOLD THE LAW AND MAINTAIN THE INTEGRITY OF THE OFFICE**

**A. Constables shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the office of constable.**

Commentary:

As elected public officials, constables should not act in any way that would violate specific laws or the provisions of this code. Constables are put on notice that the violation of some statutes may have serious consequences that could result in criminal penalties.

**B. Constables shall maintain high standards of conduct in order to preserve public confidence in their offices.**

Commentary:

Public confidence in the office of constable is maintained by the willingness of each constable to live up to this standard. When faced with conflicting loyalties, constables should seek first to maintain public trust.

**C. Constables shall maintain and observe the highest standards of integrity, honesty, and truthfulness in their professional and personal dealings.**

Commentary:

The fundamental attitudes and work habits of individual constables reflect on the integrity of the office and are of vital importance in maintaining the confidence of the public. Honesty and truthfulness are paramount.

## CANON 2

### **CONSTABLES SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES**

**A. Constables shall not use or attempt to use their positions to secure special privileges or exemptions for themselves or any other person.**

Commentary:

Constables should not provide special consideration or treatment to parties or matters, discuss the merits of cases pending in court, or give preferential treatment to persons who do business with the court. Accepting, agreeing to accept, giving or requesting a gift or favor with an understanding that any court business or process would be influenced may be bribery (A.R.S. § 13-2602 (A)(2) and A.R.S. § 13- 2606).

**B. Constables shall not use public funds, property or resources for any private or personal purpose.**

Commentary:

Constables should not misuse facilities or equipment, such as telephones, fax machines, photocopiers, computers or vehicles, or take supplies home for private use. Misuse of public property may lead to charges of theft or fraud (A.R.S. § 13-1802 and A.R.S. § 13-2310).

**C. Constables shall not solicit or accept gifts or favors from attorneys, litigants, employees, or other persons known to do business with the court. Constables shall not request or accept any payment in addition to their regular mandated compensation for assistance rendered as part of their official duties.**

Commentary:

The standard to keep in mind is that constables should always conduct themselves in a manner that inspires public confidence in the office. Examples of improper conduct include seeking a favor or receiving a gift, or the promise of one, whether it is money, services, travel, food, entertainment, or hospitality, that could be viewed a reward for past or future services. Receiving fees or compensation not provided by law in return for public services is unlawful (A.R.S. § 38-505 and A.R.S. § 38-510).

This canon does not apply to campaign contributions or assistance legally provided or received pursuant to A.R.S. § 16-901 et seq.

**D. Constables shall manage personal and business matters so as to avoid situations that may lead to conflicts of interest, or the appearance of such conflicts, in the performance of their duties.**

Commentary:

Every public officer has a legal obligation under A.R.S. § 38-501 et. seq. to diligently identify, disclose and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a constable participates may specifically benefit or harm a personal, business or employment interest of the constable, the constable's relative or the constable's close friends. In a judicial proceeding, a potential conflict of interest arises if a constable's business associate, relative or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the court system.

## CANON 3

### **CONSTABLES SHALL PERFORM THEIR DUTIES IMPARTIALLY AND DILIGENTLY**

**A. Constables shall perform their duties without bias or prejudice, and shall not manifest by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.**

**B. Constables shall perform their duties diligently, without regard for kinship, social or economic status, political interests, public opinion or fear of criticism or reprisal.**

Commentary:

Constables should make every reasonable effort to carry out their duties diligently and promptly as required by law. Court papers should be served as quickly as practical and reasonable under the circumstances, and litigants should be notified promptly when papers cannot be served.

**C. Constables shall furnish accurate, timely information and shall provide access to public records according to established procedures. Constables shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.**

Commentary:

A.R.S. § 11-445 (I): “Constables shall maintain a log of work related activities including a listing of all processes served and the number of processes attempted to be served by case number, the names of the plaintiffs and defendants, the names and addresses of the person to be served except as otherwise precluded by law, the date of process and the daily mileage.” In addition, subsection (J) reads: “The log maintained in subsection I of this section is a public record and shall be made available by the constable at his office during regular office hours. Copies of the log shall be filed monthly with the clerk of the justice court and with the clerk of the board of supervisors.” In keeping with these statutory requirements, constables must not knowingly make false entries on any records; backdate any document; falsely claim reimbursement for mileage or expenses.

Some information received by constables while performing their duties is confidential and should not be revealed. Sometimes confidential matters are revealed through innocent and casual remarks about pending or completed process that could give an individual unfair advantage. Abuse of confidential information by a constable may be unlawful (A.R.S. § 38-504B).

**D. Constables may assist citizens in identifying available procedural options and in understanding and complying with court procedures; constables shall not advise a particular course of action.**

Commentary:

Constables may assist citizens, consistent with their office resources, with matters within the scope of their responsibilities and knowledge. Constables should not advise citizens whether to take a particular course of action or attempt to answer questions outside their knowledge and experience.



## **CANON 4**

### **CONSTABLES SHALL MAINTAIN HIGH STANDARDS OF PROFESSIONALISM AND TRAINING**

#### **A. Constables shall maintain high professional and personal standards.**

Commentary:

This canon relates to all other canons and involves the manner in which a constable approaches his or her duties. One of the hallmarks of professionalism is the willingness to follow a code of conduct in professional and personal life, and the expectation that everyone in the profession will follow similar standards.

#### **B. Constables shall act appropriately at all times, taking into account their duties and responsibilities as elected public officials.**

Commentary:

Election to public office is a sacred trust, and constables must follow the highest standards of conduct at all times by striving to meet and exceed the standards set forth in this code. Being elected does not give a public official the right to ignore the law or treat others with indifference or disrespect. To the contrary, a public official is the servant of those who elected them to office.

#### **C. Constables shall be courteous, patient and respectful toward those who come in contact with their offices.**

Commentary:

As public officials, constables must respect the feelings and opinions of others, taking into account the circumstances of a particular situation. They should be mindful of their appearance, avoid profanity and sexist remarks, and respect the rights of others. They should also act in a positive manner.

In addition, constables should strive to maintain cordial relationships with judges and other public officials who rely on them for important services.

#### **D. Constables shall meet or exceed all training requirements for their positions.**

Commentary:

One of the key attributes of professionalism is a voluntary commitment to improve individual knowledge and skills in order to better serve the public. In Arizona, minimum training standards for constables are set forth in A.R.S. § 22-137 (D) which states:  
The Arizona Peace Officer Standards and Training Board shall approve a mandatory training course for constables covering topics including civil and criminal process, conflict resolution and

firearm safety. Constables shall be required to attend the mandatory training course within six months after election. In subsequent years, constables shall annually attend at least sixteen hours of additional training approved by the Arizona Peace Officer Standards and Training Board. Copies of certificates of completion of the constable training shall be forwarded to the Constable Ethics Standards & Training Board within thirty days after completion.

These are minimum requirements, and constables who wholeheartedly endorse the concept of professionalism should strive to exceed these standards.

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