

Understanding ORI Restrictions: Pennsylvania State Constables

**BUREAU OF COMMUNICATIONS AND INFORMATION SERVICES
CLEAN ADMINISTRATIVE SERVICES SECTION
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Contents

Background.....	3
ORI Types and Access Requirements	4
CJIS Security Policy.....	5
Appendix A – <i>Commonwealth v. Wiggs</i>	6
Appendix B – <i>Commonwealth v. Ward</i>	7
Appendix C – Title 44 Chapter 71 Constable Duties.....	8
Appendix D – Lancaster County District Attorney Correspondence.....	9
Appendix E – FBI Correspondence.....	10
Appendix F – PSP Bureau of Communications and Information Services Correspondence	11
Appendix G – <i>Commonwealth v. Wiggs</i>	12
Appendix H – <i>Commonwealth v. Garner</i>	13
Appendix I – <i>Commonwealth v. Copenhagen</i>	14
Appendix J – <i>Commonwealth v. Allen</i>	15
Appendix K – <i>Commonwealth v. Taylor</i>	16
Appendix L – <i>Commonwealth v. Roose</i>	17
Appendix M – <i>Commonwealth v. Rodriguez</i>	18
Appendix N – Act 147 of 1990.....	19
Appendix O – AOPC Correspondence.....	20

Background

An Originating Agency Identifier (ORI) is a unique identifier assigned by the FBI, Criminal Justice Information Services (CJIS) Division. ORIs are typically granted to agencies with standardized training, policies, and oversight, such as municipal police departments, sheriff's offices, or state police. ORIs provide the correct level of access to CJIS Division systems and will identify the agency in transactions on the NCIC System.

Pennsylvania State Constables have requested access to Commonwealth Law Enforcement Assistance Network (CLEAN)/National Crime Information Center (NCIC) through an ORI but have been denied due to several factors, which are outlined in detail in this document.

Generally, Pennsylvania State Constables are prohibited from having an ORI because they are not considered a traditional law enforcement agency with centralized oversight or direct affiliation with a state or municipal governing body. They are elected or appointed officials who operate independently, often as contractors, primarily serving judicial functions such as executing warrants, serving court papers, and maintaining order at polling places. They are not unified under a single state or county agency, and their training, while mandated under Act 49 for judicial duties, is administered by the Pennsylvania Commission on Crime and Delinquency and is therefore not equivalent to the standardized training required for traditional law enforcement agencies in Pennsylvania.

This lack of centralized structure and direct affiliation with a governing law enforcement body means that Pennsylvania State Constables do not meet the criteria for an ORI, which requires clear agency accountability (see Appendices A through F for examples).

ORI Types and Access Requirements

Full Access ORIs are authorized access to all NCIC 2000 files and the Interstate Identification Index (III). Full access ORIs are assigned to criminal justice/law enforcement agencies having law enforcement authority for the administration of criminal justice. The data transmitted by the CLEAN and NCIC systems is documented criminal justice information and access to that information is restricted to duly authorized agencies. Such agencies are those meeting the definition of a Criminal Justice Agency in 18 Pa.C.S. § 9102 and the United States Department of Justice definition of a Criminal Justice Agency, as contained in the 28 CFR Part 20. Additional agencies that qualify for the full access ORI are (1) Pennsylvania Office of Children, Youth, and Families (OCYF) County Offices (issued full access ORIs ending in "F"); (2) courts that hear domestic violence and stalking cases; and (3) non-governmental railroad or campus police departments.

Limited Access ORIs are authorized access to a limited number of NCIC files. A non-governmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, and whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute, may have direct terminal access to NCIC 2000 U.S. Secret Service Protective, Wanted Person, Missing Person, Stolen Property, and active Protection Order File records, provided such access is approved by the CJIS Systems Officer (CSO). Public Housing Authorities have III Query History (QH) access only.

Limited Department of Motor Vehicles (DMV) Access ORIs – Limited access ORIs for driver and vehicle information is available from some states. This ORI ends in VS. In Pennsylvania, parking authorities and code enforcement offices can have access to Pennsylvania Hot Files, PennDOT vehicle registration files, PennDOT operator license files, and Pennsylvania Bureau of Motor Vehicles (BMV) in-state only files.

State Assigned Judiciary ORI - This ORI is to accommodate the agency's needs for issuing citations and the appropriations of moneys collected as a result of an enforceable violation. This state ORI is assigned to identify an agency within the Commonwealth of Pennsylvania to the Administrative Office of Pennsylvania Courts (AOPC). If an agency is granted this ORI, there is no access granted to the CLEAN or NCIC files.

CJIS Security Policy

The FBI CJIS Security Policy (CJISSECPOL) defines a “criminal justice agency” as “a court, a governmental agency, or any subunit of a governmental agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.” State and federal Offices of Inspectors General are included in this definition.

Subsequently, 18 Pa.C.S. § 9102 defines a “criminal justice agency” as “any court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function. Criminal justice agencies include, but are not limited to: organized state and municipal police departments, local detention facilities, county, regional and state correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards, the facilities and administrative offices of the Department of Public Welfare that provide care, guidance and control to adjudicated delinquents, and such agencies or subunits thereof, as are declared by the Attorney General to be criminal justice agencies as determined by a review of applicable statutes and the State and Federal Constitutions, or both.”

Also, 28 CFR Part 20 – Criminal Justice Information Systems states that criminal justice information is available to criminal justice agencies who contribute a substantial portion of their budget toward the administration of criminal justice. The administration of criminal justice is defined as performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

Additionally, constables' roles are limited in scope as compared to police agencies or sheriffs' offices in Pennsylvania. While they have certain arrest powers and can perform peacekeeping duties, they do not investigate crimes or act as primary responders, which are functions associated with agencies that require ORI access for database reporting and coordination. The decentralized and localized nature of their operations further complicates their eligibility for an ORI, as there is no primary “constable agency” to assign such an identifier to.

Appendix A – *Commonwealth v. Wiggs*

In *Commonwealth of Pennsylvania v. Steve Ahmad Wiggs*, a constable had red and blue lights affixed to his personal vehicle. He was convicted under 75 Pa.C.S. § 4571 (b) (but should have been § 4571 (d)), however, the court found the wrong section was a minor issue and let the conviction stand). On appeal, Wiggs argued a constable is a police officer and therefore authorized to use red and blue lights. The Superior Court ruled, “in the light of reason and common sense, § 4571 (b)(1) intended to limit the usage of red and blue lights to those vehicles operated by officials with either the authority to stop motorists or a particular responsibility in responding to serious emergencies. Constables lack the authority to do either. Permitting constables to affix red and blue lights would cause confusion to motorists and bystanders, blurring the distinction between those who have the authority to act and aid as police officers, and those who lack such authority but are operating in what purports to be an authoritative vehicle. Thus, for purposes of § 4571, a constable is not a police officer, and a constable vehicle is not a police vehicle.”



Commonwealth v
Wiggs.pdf

Appendix B – *Commonwealth v. Ward*

In *Commonwealth of Pennsylvania v. J. Michael Ward*, the elected constable of Silver Spring Township, Cumberland County, sought municipal government license plates and a vehicle registration fee waiver for his personal vehicle used exclusively for constable duties. The Commonwealth Court, in its 2013 ruling, denied Ward's request, determining that constables, as independent contractors and not state employees, were not entitled to municipal plates or registration exemptions under the Pennsylvania Motor Vehicle Code. The court noted that Ward's vehicle was personally purchased and not registered on behalf of a political subdivision, disqualifying him from the exemption. This case highlighted the distinction between constables and other law enforcement officials like state troopers or municipal police, who qualify for such benefits.



Comm of PA v
Ward.pdf

Appendix C – Title 44 Chapter 71 Constable Duties

In Pennsylvania, Chapter 71 of Title 44 outlines the duties and powers of constables, who are elected peace officers serving in six-year terms in boroughs, townships, and cities. Their duties include election duties (e.g., maintaining order at polling places on Election Day) and judicial services (e.g., serving summons, subpoenas, arrest warrants, mental health warrants, etc.). Constables' arrest powers are limited to arrest with a warrant, or without a warrant for felonies, breaches of the peace, violations of forest and timberland laws committed in their presence, and trespassing livestock.



Chapter 71
Constable Duties.pc

Appendix D – Lancaster County District Attorney Correspondence

Correspondence was sent on September 17, 2021, from then-serving Lancaster County District Attorney Heather Adams to Constable Paul E. Castline, Jr. The subject of the letter was Castline's use of red and blue emergency lights and a "police" logo on his private automobile. District Attorney Adams states that if the aforementioned equipment was not removed from Castline's vehicle, he would be subjected to prosecution in York County should he commit the offense in that jurisdiction as well. District Attorney Adams cites *Commonwealth of Pennsylvania v. Taylor*, in which the Pennsylvania Superior Court addressed an appeal by the Commonwealth from an order granting Samuel Taylor's motion to suppress cocaine evidence recovered during a warrantless arrest and search. The case arose in 1991, when Constable Daniel M. Certo, while evicting Taylor from an apartment in Pittsburgh for unpaid rent, observed Taylor place a plastic bag containing smaller bags of a white substance (suspected cocaine) in his pocket. Certo arrested Taylor without a warrant and seized the evidence. The trial court suppressed the evidence, finding that constables in Pennsylvania lack the authority to make warrantless arrests for drug law violations. The Commonwealth appealed, arguing that constables have such powers. The Superior Court affirmed the suppression order, holding that Pennsylvania law does not grant constables general warrantless arrest authority for drug offenses. The Court noted that while constables are elected officials with certain duties (e.g., serving judicial process), their arrest powers are limited, and that no statutory or common law basis supported Certo's actions. The Court also found no alternative legal basis, such as a citizen's arrest, to justify the arrest and search. Thus, the evidence was deemed inadmissible, as the arrest was illegal, and the search violated Taylor's Fourth Amendment rights.



Lancaster DA to
Constable Castline.j

Appendix E – FBI Correspondence

In a letter dated April 23, 2025, to Constable Terry White in response to White's request for access to an ORI, Timothy A. Ferguson, Assistant Director, FBI, CJIS Division, states that the Pennsylvania CJIS Systems Agency (i.e., the Pennsylvania State Police) may exercise discretion in approving or denying access to information in state systems such as the Commonwealth Law Enforcement Assistance Network (CLEAN), and that the CJIS Division does not have the authority to assign ORIs in the state systems.



PA Constable Final
Letter.pdf

Appendix F – PSP Bureau of Communications and Information Services Correspondence

In a letter dated March 5th, 2021, Pennsylvania's CSO, Lt. George Ritchey, sent correspondence to Constable Terry White, denying ORI access. Ritchey states that, per the AOPC, constables must use a private criminal complaint for the filing of charging documents, and therefore "a constable does not qualify to be issued an ORI for the filing of charging documents." Within the correspondence, Ritchey includes several additional reasons that constables do not qualify for an ORI. Also in the attachment are letters from former Colonels Walp (June 15th, 1994) and Evanko (March 24th, 1997) of the Pennsylvania State Police. In each of these documents, it is explained that constables do not meet the criteria for access to CLEAN.



Ritchey to White
20210305.pdf

Appendix G – Commonwealth of Pennsylvania v. Wiggs

The case Commonwealth v. Wiggs, 2025 PA Super 29, involves Steven Ahmad Wiggs, an elected constable in Allentown's 16th Ward, who was convicted of firearms-related offenses following a traffic stop in Philadelphia. Police stopped Wiggs for driving with an expired license plate, observed a bulge under his clothing, and, after ordering him out of the vehicle, conducted a pat-down that revealed a concealed firearm. Wiggs was charged and convicted for carrying a concealed deadly weapon and unlawful possession of a firearm without a license.

Wiggs appealed, arguing the search violated his Fourth Amendment rights, claiming officers lacked reasonable suspicion for the frisk. The Pennsylvania Superior Court upheld the conviction on February 5, 2025, citing Pennsylvania v. Mims (434 U.S. 106, 1977), which allows officers to order drivers out of vehicles during traffic stops for safety reasons. The court found the bulge provided sufficient justification for the frisk. Wiggs also challenged the evidence's sufficiency and raised an issue about improper witness impeachment based on religious affiliation, but the court rejected these claims, finding overwhelming evidence of guilt. The sentence was affirmed.

(Note: The search results reference additional legal issues involving Wiggs, such as a 2019 New Jersey case where he pleaded guilty to unlawful possession of a firearm and impersonating a police officer, and a Lehigh County case resulting in his removal as constable in 2022 for not residing in Allentown. These are distinct from the 2025 PA Super 29 case and not directly relevant to the firearms conviction summary unless you request further details.)

Appendix H – Commonwealth of Pennsylvania v. Garner

In *Commonwealth v. Jack Clark Garner* (2023 Pa. Super. 134), Jack Clark Garner, a former elected constable in South Hanover Township, was convicted in 2011 of three counts of official oppression (18 Pa.C.S.A. § 5301) and two counts of impersonating a public servant (18 Pa.C.S.A. § 4912) for actions in May 2010. Garner, while driving his private vehicle, conducted unauthorized traffic stops on May 18 and May 20, 2010, in Lower Paxton Township, flashing his constable badge and detaining drivers, who perceived him as a police officer. The jury found that Garner acted with intent to perform official duties he was not authorized to execute, leading to his convictions.

Garner appealed the weight of the evidence, but the Superior Court affirmed his sentence on July 9, 2012, finding the verdict supported by evidence of his unauthorized actions. In 2013, Garner filed a Post Conviction Relief Act (PCRA) petition alleging ineffective assistance of counsel, which was denied in 2016, and the Superior Court affirmed in 2017, finding counsel's actions had a reasonable basis. In 2018, Garner sought the return of his constable badge, but the court denied this as untimely. In 2021, Garner filed a petition for limited access to his criminal record under 18 Pa.C.S.A. § 9122.1, which was denied in 2022 because his five convictions (each punishable by up to two years) exceeded the statutory eligibility for limited access. The Superior Court affirmed this denial in 2023, rejecting Garner's argument that his non-violent offenses warranted different treatment, as the statute does not distinguish based on offense nature.

The case centered on Garner's misuse of his constable authority, with appeals focusing on evidentiary weight, counsel effectiveness, and record access limitations.

Appendix I – Commonwealth of Pennsylvania v. Copenhaver (Breach of Peace Enforcement)

In *Commonwealth v. Victor Lee Copenhaver* (2020, 229 A.3d 242; 2021, 128 MDA 2021), Victor Lee Copenhaver was convicted of driving under the influence (DUI), possession of a small amount of marijuana, and Vehicle Code violations following a 2015 traffic stop by an Adams County deputy sheriff. The stop was initiated due to an expired registration sticker on Copenhaver's pickup truck, which led to the deputy observing signs of intoxication and marijuana. Copenhaver challenged the deputy's authority to conduct the stop, arguing that an expired registration did not constitute a "breach of the peace" required for a sheriff's deputy to enforce the Vehicle Code under common law.

The trial court denied Copenhaver's motion to suppress the evidence, and he was convicted after a bench trial, receiving a sentence of 72 hours to six months of partial incarceration. On appeal, the Superior Court initially affirmed, reasoning that driving with an expired registration was a breach of the peace, citing *Commonwealth v. Lockridge* (2002). However, the Pennsylvania Supreme Court (2020, 229 A.3d 242) reversed, holding that an expired registration sticker does not constitute a breach of the peace, as it poses no immediate public risk like vehicle theft might. The case was remanded, and the Superior Court (2020, 238 A.3d 509) vacated Copenhaver's sentence, reversed the suppression order, and remanded for further proceedings, as the deputy lacked authority for the stop.

In a 2021 PCRA petition (128 MDA 2021), Copenhaver claimed ineffective assistance of counsel for failing to raise a double jeopardy argument on direct appeal. The PCRA court granted partial relief but denied the double jeopardy claim, and the Superior Court affirmed, finding no merit in the claim and no ineffectiveness by counsel. The case clarified that deputy sheriffs in Pennsylvania cannot conduct traffic stops for expired registrations absent a breach of the peace.

Appendix J – Commonwealth of Pennsylvania v. Allen

In *Commonwealth v. Mark Amos Allen* (206 A.3d 1123, Pa. Super. 2019), Mark Amos Allen was convicted of Driving Under the Influence (DUI) and related traffic offenses following a 2018 incident in Adams County, Pennsylvania. Constables observed Allen's vehicle exit a highway at high speed, go airborne, and land in a residential yard. Suspecting impairment, they detained him without Miranda warnings for about 90 minutes until the Pennsylvania State Police arrived to investigate. Allen moved to suppress the DUI evidence, arguing the constables lacked authority to detain him for a Motor Vehicle Code violation, citing *Commonwealth v. Roose* (1998), which held constables cannot enforce such violations.

The trial court granted suppression of Allen's statements to the constables but denied suppression of other DUI evidence obtained by the State Police. The Superior Court affirmed, finding the constables acted within their common law powers to detain Allen for a suspected "breach of the peace" due to his reckless driving, which posed a public safety risk. The court distinguished *Roose*, noting it involved a minor traffic violation (illegal left turn), whereas Allen's actions were more dangerous. The Pennsylvania Supreme Court granted allocatur in 2020 (40 MAP 2020) to review whether constables have authority to detain for a breach of the peace until police arrive for a more serious offense investigation, but no final Supreme Court ruling is noted in the available records. The case clarified that constables may detain for breaches of the peace but raised ongoing questions about the scope of their authority, pending further Supreme Court guidance.

Appendix K – Commonwealth of Pennsylvania v. Taylor

In *Commonwealth v. Samuel Taylor* (1996), the Commonwealth appealed a July 26, 1995, order by the Allegheny County Court of Common Pleas granting Samuel Taylor's motion to suppress cocaine recovered during a warrantless arrest and search. On August 12, 1991, Constable Daniel M. Certo arrived at Taylor's apartment on Thomas Boulevard in Pittsburgh to evict him for non-payment of rent. While Taylor packed his belongings, the constable observed him place a plastic bag containing smaller bags of a white substance (suspected cocaine) in his pocket. Certo arrested Taylor without a warrant and seized the drugs, leading to charges for drug-related offenses.

The trial court suppressed the evidence, ruling that constables lack authority to make warrantless arrests for drug law violations. The Superior Court addressed whether constables have such powers under Pennsylvania law. It noted that constables, as elected officials, are defined as "peace officers" but are not equivalent to police officers. Historically, at common law, private citizens (including constables) could arrest without a warrant for felonies or breaches of the peace committed in their presence. The court found that drug possession, as observed by Certo, constituted a felony, justifying a citizen's arrest. However, the Superior Court reversed the suppression order, concluding that the constable's actions were lawful under the citizen's arrest doctrine, as the drug possession occurred in his presence.

Appendix L – Commonwealth of Pennsylvania v. Roose

In *Commonwealth v. Robert P. Roose* (551 Pa. 410, 710 A.2d 1129, 1998), Robert P. Roose was convicted of driving under the influence (DUI), summary traffic offenses, and possession of a small amount of marijuana following a traffic stop on January 25, 1994, in Pittsburgh. Two constables, observing Roose make an illegal left turn, conducted the stop and arrested him. Roose appealed, arguing the constables lacked authority to enforce the Motor Vehicle Code.

The Superior Court (456 Pa. Super. 238, 690 A.2d 268, 1997) reversed the conviction, ruling that constables do not have statutory or common law authority to arrest for Motor Vehicle Code violations, as these are not inherently "breaches of the peace" unless they involve immediate public danger, unlike in *Commonwealth v. Leet* (1994), which granted sheriffs such authority. The Pennsylvania Supreme Court affirmed the Superior Court's decision in 1998, holding that constables lack the legal authority to make traffic stops for Motor Vehicle Code violations absent specific statutory empowerment. The Court distinguished constables from sheriffs, noting the lack of historical common law support for constables' authority in this context. Consequently, Roose's convictions were vacated, and he was discharged.

This case established that constables in Pennsylvania cannot enforce traffic laws unless a statute explicitly grants such power, limiting their role to warrantless arrests for felonies or clear breaches of the peace.

Appendix M – Commonwealth of Pennsylvania v. Rodriguez

Manuel Rodriguez, a Pennsylvania constable in Allentown's Sixteenth Ward, was convicted of a summary offense for driving with improperly tinted windows under 75 Pa.C.S.A. § 4524(e)(1). On January 8, 2012, Rodriguez was stopped by a Pennsylvania state trooper on the Northeast Extension of the Pennsylvania Turnpike due to excessive window tint. Rodriguez argued he was exempt as a constable, claiming his vehicle was a "government vehicle" under § 4524(e)(2)(i). The trial court rejected this, finding constables are independent contractors, not Commonwealth employees, and thus not exempt. The Superior Court affirmed on May 15, 2012, noting that Pennsylvania case law (e.g., *Commonwealth v. Roose*) classifies constables as independent contractors, not government employees, and Rodriguez provided no legal authority to support his claim. The conviction was upheld, emphasizing that constables' vehicles do not qualify for the exemption.

Key Issue: Whether a constable's vehicle qualifies as a "government vehicle" exempt from window tint regulations. The court ruled it does not, affirming the conviction.

Appendix N – Act 147 of 1990

Act 147 of 1990, *Petition of Nancy Sobolevitch* (528 Pa. 460, 598 A.2d 985, 1991), Nancy M. Sobolevitch, Court Administrator of Pennsylvania, filed a petition seeking a declaratory judgment on the constitutionality of Act 147 of 1990 (42 Pa.C.S.A. § 2941 et seq.). This act, enacted by the Pennsylvania Legislature, placed constables and deputy constables under the administrative authority of the Pennsylvania Supreme Court, granting the Court power to regulate their training, certification, and conduct, including the ability to suspend or revoke certifications for incompetence, neglect, or rule violations. It also mandated that constables enjoy rights and privileges under prior laws and allowed President Judges to suspend certifications if a constable posed a clear and present danger.

Sobolevitch challenged Act 147, arguing it violated the separation of powers under Article V, Sections 2 and 10 of the Pennsylvania Constitution, which grant the Supreme Court exclusive authority over judicial administration. The petition invoked the Court's original jurisdiction to address this constitutional question. The Pennsylvania Supreme Court, in a decision dated November 6, 1991, upheld Act 147 as constitutional. The Court reasoned that constables, as elected peace officers within the executive branch, are subject to legislative regulation, and Act 147's provisions did not impermissibly encroach on the judiciary's administrative powers. The Court clarified that while constables perform judicial duties (e.g., serving warrants), their status as executive branch officials allows the legislature to define their roles without violating separation of powers.

The case affirmed the legislature's authority to regulate constables and integrate them into the judicial system's administrative framework, while maintaining the Supreme Court's oversight of their judicial functions.

Appendix O – Correspondence from PA AOPC to PSP

On 10/08/2020, PA AOPC (Administrative Office of Pennsylvania Courts) representative Geoffrey Weyl states that it is AOPC's position that constables do not have the power to issue citations, even for violations of 44 PA C.S. 7158.



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Question about Cor

Appendix P –Citations Issued by Pennsylvania State Police to Constables for violations of PA 75 4571

In calendar years 2023 and 2024, a total of seven traffic citations were issued by the Pennsylvania State Police to current or former elected constables in Pennsylvania for violations of Title 75, Chapter 4571 (Visual and Audible Signals on Emergency Vehicles), which restricts use of emergency red and blue lights to authorized emergency vehicles. Six of the seven citations resulted in summary verdicts of guilty or a plea of guilty by the Defendant in each separate case.



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REMARKS AND COM