



State of Rhode Island
Department of Business Regulation
Division of Commercial Licensing
Certified Constables Section
1511 Pontiac Ave, Bldg. 69-1
Cranston, RI 02920

Code of Conduct for Certified Constables **Bulletin 2018-1 – Effective November 5, 2018**

The Rhode Island Certified Constables' Board provides this Code of Conduct as a resource regarding the practical aspects of constable practice.

PROFESSIONAL CONDUCT

A Certified Constable:

- Shall conduct himself or herself, both on and off duty, in a professional manner.
- Shall be competent to perform his or her duties and to assume responsibilities of his or her position, including reading and complying with the requirements of this policy, the requirements of the Department of Business Regulation (“DBR”) and any applicable Rhode Island statutes, rules, or regulations.
- Shall be tactful in performance of duties and exercise patience and discretion even under the most trying of circumstances.
- Shall answer all nonlegal questions in a courteous manner, while avoiding argument and unnecessary conversation.
- Shall treat everyone with dignity and respect.
- Shall not engage in any conduct involving dishonesty, fraud, deceit, or misrepresentation or commit any act that reflects adversely on the profession.
- Shall not knowingly perform services involving an actual or potential conflict of interest.
- Shall dress in a professional manner to be taken seriously by any person he or she encounters. Clothing should be neat and clean with no offensive words or images.
- Shall maintain a bond.
- Except in the case of extraordinary circumstances, most service should occur between the hours of 6:00 a.m. and 10:00 p.m.

COMPLAINTS AGAINST CERTIFIED CONSTABLES

A Certified Constable:

- Shall promptly and accurately make a written record of any complaint made by a person against themselves.

- Shall not discourage the person from filing a complaint with DBR.
- Shall provide the person expressing an interest in filing a complaint with the appropriate contact information for the DBR.

BADGES & LICENSES

A Certified Constable:

- Shall wear his or her badge and license at all times while on duty and shall properly identify himself or herself to any person being served or requesting this information.
- Shall not use his or her official badges and/or licenses for personal financial gain, to avoid consequences of illegal acts or for obtaining privileges not otherwise available to them.
- Shall not use or display blue lights on motor vehicles or use or display any badges containing the words “police” or “law enforcement”.
- Shall not lend his or her badge and/or license to another person.

REPLACEMENT OF LOST OR STOLEN BADGES & LICENSES

- All lost and/or stolen Constable badges and/or licenses shall be promptly reported to DBR.
- The Constable must provide a written statement (email is acceptable) to DBR regarding the circumstances of how his or her badge and/or license was lost or stolen.
- If stolen, the Constable must notify the municipal police in the location where the theft occurred and obtain a police report documenting the theft.
 - A copy of the police report shall be submitted to DBR.
- DBR will require the Constable to fill out an affidavit as to the lost badge/license.
- Upon review of all submitted information, DBR may issue a duplicate badge/license.

PROHIBITED CONDUCT

Any conduct found to be a violation of R.I. Gen. Laws § 9-5-10.5 could result in the denial of a certified constable application, or the suspension or revocation of a certified constable license.

Certified Constables shall not:

- Commit any criminal act (felony or misdemeanor) or violate laws of the United States or of any state or local jurisdiction.
- Use his or her influence or official position for private gain or advantage for themselves or another.
- Impersonate a police officer.
- Make arrests or otherwise take a person into his or her custody, except pursuant to a body attachment.

RESPECT THE PRIVACY OF THOSE SERVED OR EVICTED

- As a Certified Constable, you have been entrusted with sensitive documents to be served upon a specifically named person or entity and not to be discussed with surrounding neighbors, people in general or businesses in the area where you are attempting to effectuate service.
- Discretion, safeguarding an individual's information and professionalism should always be in the forefront.

SUITABLE AGE AND DISCRETION

- When effectuating service, make sure the person you are serving is of sufficient age and of sound mind.
- If you are unable to determine the individual's age, ask for identification, and/or date of birth.
- While there is no specific age in Rhode Island, it is generally accepted that sixteen (16) years of age is a suitable age for service. Anyone younger, think twice and ask questions before leaving paperwork with a minor.
- Exception – Family Court Service is personal. It can only be left with the person named in the court documents.

WHEN CAN YOU ENTER A HOUSE?

- When executing an Eviction, you have the authority and power to enter the premises.
- Never enter an apartment or house on a summons or writ that is not an eviction execution.
- You may enter a common hallway or area.

FILLING OUT COURT FORMS

If the information is required by law, it is the duty of the Certified Constable to include it on the form, even if there is no specific field for such information.

Examples:

- Date and Time of Service should be included always.
- 9-Day Trespass and Ejectment – you must list date and time of posting.
- If serving a government agency, note on the form who accepted service on behalf of that agency. Have that person print and sign his or her name.
- Eviction Execution – note what happened with the tenant and the circumstances by which the constable took possession of the property.

MAKE AN ACCURATE RETURN

A Certified Constable must provide a timely, accurate return of service and not submit any document that is false and/or misleading.

- The return must include the correct date, time and location of service, and a description of the service.
- Costs must be reported to the clerk accurately and reflect what the constable is actually being paid, up to the statutory limit.
 - If agreed upon fee with the attorney for each service of process is less than the statutory maximum, the lower fee must be reported by the Certified Constable when filling out the return.
 - You cannot indicate a fee in the return that is higher than the statutory maximum.

BODY ATTACHMENT

Writ of Civil Arrest

- For procuring personal jurisdiction over a person who has allegedly violated a court order or who is otherwise in contempt of court, the court may issue a writ of civil arrest.
- Common in family court actions.

Best Practices for a Body Attachment

- Try to make arrangements to meet the defendant at the courthouse.
- Be cognizant of whether other issues may arise if you are alone with the subject.
- When you meet defendant at the courthouse, go to the clerk's office and request that the file be sent to the courtroom.
- If you pick someone up yourself, it would be advisable to:
 - Have another constable with you; and
 - Make sure that you have insurance coverage for this conduct.

Exemptions from the Body Attachment:

- Election Day, the day before and the day after.
- Those in active military service.
- Someone who has already been arrested and released on the same attachment.

BEST PRACTICES FOR WRIT OF EXECUTION

- Must be personally served.
- If using execution to close a business, use care to make certain no constitutional or other rights are violated. For example, do not lock out all businesses from one location when you are only evicting one of the commercial tenants in the building.

EVICCTIONS

Residential Landlord and Tenant Act, R.I. Gen. Laws §§ 34-18-1 to 34-18-57

Commercial Leasing and Other Estates, R.I. Gen. Laws §§ 34-18.1-1 to 34-18.1-20

Mobile and Manufactured Homes, R.I. Gen. Laws § 31-44-2

1. Make 4 copies of the execution.
 - a. Copy for mover;
 - b. Copy for evictee;
 - c. Copy for police;
 - d. Copy for your records; and
 - e. Original for attorney.
2. Contact locksmith.
3. If you anticipate that there will be substantial controversy or arguments, contact the local police and do not enter the premises until police arrive. Even if you do not anticipate problems, you may still want to contact the local police to keep the peace.
4. Upon arrival, take pictures of all the rooms before you disturb any of the contents. Take pictures of all items that cannot go into storage.
5. Be respectful, but firm. Let the evictees take their personal belongings such as clothing, medication, children's toys etc.
6. Never lock evictees out of the premises until you as the Constable take control and possession of the premises.
7. If you find pets, contact the constable associations or the local police for references to shelters or animal control.
8. If the evictee is not present during eviction, make a personal box for all the things the evictee will need. (medication, prescription drugs, jewelry, cash, etc.) Take photos of the contents of this box and keep it separate from the items sent to storage.
9. Handover all firearms and illegal drugs to the police.
10. The property is under your custody and control until the eviction is complete. If the eviction takes more than 1 day, exercise all caution and make sure property is secured until process is complete.
11. When the movers are finished, perform a walk through and make sure nothing is left. If you leave something behind because it is broken, take pictures of it.
12. Post mover information and Execution on the door.
13. Make true return.

WRITS, SUMMONS AND PROCESS

Here is a list of some common statutes that involve service by Certified Constables.

This is NOT an exhaustive list.

- R.I. Gen. Laws § 9-5-1 et seq. – writs §§ 9-5-6, 9-5-7, 9-5-10, 9-5-15,
- R.I. Gen. laws § 10-5-1 et seq. – attachment
- R.I. Gen. Laws – Domestic Assault – § 8-8.1-4.2

- R.I. Gen. Laws – Service of notice on jurors? § 9-10-2
- R.I. Gen. Laws – Form of Superior Court Writs of Possession § 9-25-9
- R.I. Gen. Laws – Body Attachment – nonsupport of children § 12-1-14
- R.I. Gen. Laws – Return of Service/Alternate Service § 15-15-4.1
- R.I. Gen. Laws – Replevin – § 34-21-9 form of writ of return

FAIR DEBT COLLECTION PRACTICES ACT

Federal Law: 15 U.S.C. §§ 1692 to 1692p

State Law: R.I. Gen. Laws §§ 19-14.9-1 to 19-14.9-14

The Fair Debt Collection Practices Act (“FDCPA”) generally governs how a third-party debt collector may seek to collect a debt on behalf of a creditor. A portion of the FDCPA restricts the methods that may be used when a debt collector is seeking the whereabouts of a debtor.

- A Certified Constable shall never be deceitful or provide false information to a potential debtor to determine the debtor’s location.
- Information about a debtor’s debt should never be communicated to an unauthorized third-party (i.e. someone other than the debtor).

PROHIBITION ON INTERFERENCE WITH U.S. MAIL

- A Certified Constable shall not open a person’s mailbox to verify address or identity. Doing so may be a violation of federal law.
- Do not leave a writ or summons in a mail box.

The Rhode Island Department of Business Regulation (“DBR”) has been licensing Certified Constables since September 1, 2015, when the program was transferred from the Rhode Island District Court by 2015 R.I. Public Law, Ch. 275.

The licensing requirements for Certified Constables are set forth in R.I. Gen. Laws §§ 9-5-10.1 through 9-5-10.6. <http://webserver.rilin.state.ri.us/Statutes/TITLE9/9-5/INDEX.HTM>

More information about Certified Constable licensing can be found here:

<http://www.dbr.ri.gov/divisions/commlicensing/constables.php>