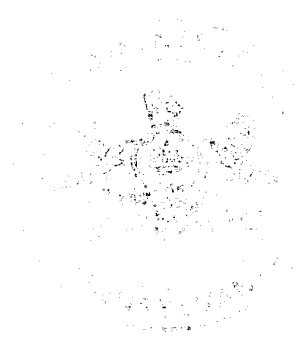


Constable
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THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
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Prepared for:

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ACQUISITIONS

THE CONSTABLES OF PENNSYLVANIA

DS-75-C-2A-9-712

A CRITICAL SURVEY

for the

ADMINISTRATIVE OFFICE OF THE PENNSYLVANIA COURTS

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SUMMARY OF THE REPORT

Findings

The Constable' (both elected and deputies) duties include service of civil process: complaints, executions, and evictions; service of criminal process: arrest warrants, commitments, releases, traffic (fine and cost) warrants and subpoenas. Also, by statute they are required to protect the polls on Election Day. They sometimes provide, without compensation, security for District Justices. In an unofficial capacity they guard private business establishments and collect debts before judgment.

The basic fee for services is \$5.00 per paper. In many cases this is insufficient compensation for the time and risks involved in the work. The committee found some instances of improper requests for payment, which result partly from a lack of supervision and auditing. In spite of the low fees, a few Constables earn over \$50,000 per year, but the average income state-wide among active Constables is below the poverty level.

There are too many Constables in Pennsylvania. But in spite of that, a minority of the Constables are not active because the low fees are insufficient incentive and because the large number spreads the available work too thinly.

There are, at present, no minimum qualifications for Constables. As a result, some Constables are aged and infirm, have little or no training in power and duties or weapons handling. Also, since almost anyone can be a Constable or deputy, some have no desire to perform the duties of a Constable.

With few exceptions, Constables are not adequately supervised, either from the state or local level. The result is inconsistent and poor service of process to the judiciary. Some counties have established central distribution of process, and some Courts have appointed their own Constables while prohibiting service by elected Constables.

Recommendations

There should be a dramatic increase in the remuneration made to Constables. This recommendation is predicated upon full-time Constables who would receive a base salary with fees.

In addition to dramatically increasing the rates under the Constables fee bill, it is important that the fee bill be expanded to explicitly define the services and the manner of payment.

All Constables should be full-time and the number should be determined by the Supreme Court of Pennsylvania with the recommendation by the President Judge of the Judicial District, but there should be at least one Constable per county.

Consideration must be given to the manner of selection of Constables. There are essentially two options, and the survey revealed supporters of each option throughout the Commonwealth. Option No. 1 is the election of Constables as has been the practice for several hundred years. Option No. 2 is the appointment by the President Judge with the approval of the Supreme Court, probably upon recommendation of the District Justice who would be served.

All compensation should be paid through the Court system and properly accounted and audited. This should include all fees obtained by virtue of the office of Constable. All Constables' fees should be paid for services as rendered at least monthly. Prior to assuming office, a Constable should have the following qualifications:

1. He should be over eighteen years of age.
2. He should pass a training program in the duties and responsibilities of a Constable.
3. He should qualify in weapons handling.
4. He should successfully complete a physical and mental examination.
5. He should be a resident of the County and if elected, a resident of the District from which he is elected.

The powers and duties of Constables must be explicitly defined. Constables should have a standard uniform, identification, and registration. There should be broad state guidelines and directives, but specific supervision should be on a local basis.

INTRODUCTION

The office of Constable is one of great history, having been brought from England by the colonists. In England, it was an office of great dignity and importance, since the Constable was vested with substantial power to preserve the peace and safety of his bailiwick. In the early days of the Commonwealth those great powers continued, but with the shift of the population away from the smaller communities and into large metropolitan areas, with organized police forces, the powers of the Constable have diminished. Most recently, the Constitutional Convention of 1968, which restructured the Minor Judiciary from a system of fee justices of the peace, to a system of salaried District Justices, each serving a large geographic area, has made the Constable system as structured, an anachronism.

Recognizing the present situation, and responding to the many complaints received both from within and without the Judicial system as well as from working Constables, the Administrative Office of the Pennsylvania Courts, initiated this study of the Constable system. The study, supported by a grant from the Governor's Justice Commission, is designed to improve the administration and supervision of the Constable system within the Commonwealth by assessing and identifying the needs of the system; recognizing commendable practices by Judicial Districts; determining any deficiencies in the system; and recommending improvements of the system on a local and state wide basis.

Survey Methods

The research design was based on multiple survey methods which were integrated to develop as much information as possible about the subject matter.

In the first phase of the study, ten counties were selected by the Administrative Office of Pennsylvania Courts to participate in on-site visitations by members of a Constable evaluation team. Members of the team were appointed by the Administrative Office and were assigned by groups to visit each county to conduct an in-depth survey of the Constable system therein. Members of the Constables evaluation team consisted of two representatives from the Court Administrator's Office, an assistant district attorney, a senior court administrator, a district justice court administrator, an active Constable, and an attorney in private practice. At certain sites, the interview group was augmented by other people interested in the Constable system. After selection of the counties, visitation dates were scheduled by the Administrative Office of Pennsylvania Courts. Local arrangements for the visitations were handled by the chairman of the evaluation team. On-site visitations were made to the following counties:

Allegheny	Erie
Beaver	Franklin/Fulton
Centre	Huntingdon
Clarion	Potter
Delaware	Schuylkill

Team members spent two or three days in each county. Interviews with respondents were set up on a thirty minute basis. Interviewees were selected on the basis of their involvement in the justice system. Every effort was made to limit the persons and groups that were interviewed to those people who had contact or knowledge of the Constable system. These included Judges, Constables, District Justices, Court Clerks, Sheriffs, police officers, wardens, district attorneys, public defenders, probation officers, and Court Administrators. Parties interested in the Constable system also were interviewed by members of the committee. These persons generally knew that the evaluation team was meeting in a particular county and visited the county to talk to the committee members.

At the conclusion of the visitation, a committee member was assigned to write a report detailing the results of the visitation. The reports included names of persons interviewed, findings, and specific conclusions. The purpose of the reports was to identify concerns articulated within the counties.

In an effort to broaden data for analysis, an additional data collection technique was employed. In March, 1977, a short-form questionnaire was sent to each judicial district excluding those districts which were visited by the committee and Philadelphia which does not have a Constable system. Of forty-eight questionnaires sent to President Judges, thirty-five were returned. The results of the questionnaire were analyzed by the Administrative Office and are made part of this report (See Appendix A). For

each county that was visited, the survey questionnaire was completed by a committee member. The results of survey questionnaires are included in Appendix B of this report.

After the visitations and questionnaires were completed, a committee conference was held to determine the final form of the report. The report along with its recommendations, is the product of a consensus of that conference.

Historical and Statutory Perspective

The powers and duties of Constables relate principally to criminal matters, although many duties of a civil nature are conferred upon them by Act of Assembly. At one time, Constables were the conservators of the peace within their jurisdiction and were clothed with the authority to apprehend all breakers of the law, and bring them before the proper authorities to answer for their conduct. It was their duty to keep the public peace in their several districts, and for that purpose they were authorized extensive powers of arrest and imprisonment, of breaking open doors, when such acts were necessary to prevent murder, riots, and violent breaches of the peace. However, with the organization of municipal police forces even at the local level, the Constables' powers have generally eroded in Pennsylvania.

Although Constables are elected by townships, boroughs, or wards, their legal acts, in civil cases, may be performed anywhere in the county. In criminal cases, they may perform their legal acts throughout the Commonwealth. A Constable is answerable only to his Court and not to the governing body of his district. The duties of the Constable are of a threefold nature: to enforce the criminal law, as in making an arrest in certain circumstances; to assist District Justices of the Peace in the execution of their civil and criminal business, as serving of writs; and to perform the statutory and court duties peculiar to the office.

A Constable is elected in every ward, borough, and township in this Commonwealth to serve a term of six years (13 P.S. 1, 2, 14). The Constable, having qualified, holds his office until his successor is elected or appointed and also qualifies (53 P.S. 573, 35904, 45804). The Constable is required to post at least a one thousand dollar (\$1,000.00) bond unless he possesses a freehold estate clear of all encumbrances (13 P.S. 6, 9).

The Court of Common Pleas has the power, on petition of the Constable's surety or any citizen, to inquire into the official conduct of any Constable. If the Court is satisfied that the Constable, because of unlawful acts, habits of intemperance, neglect of duty or oppressive conduct, is unfit or incompetent to properly discharge his official duties, the Court may decree his removal and appoint a successor. (13 P.S. 31).

Why Become a Constable?

Initially, in order to determine the motivation of Constables, members of the survey team asked each of the Constables why he/she had run for office. There were essentially three reasons. Some became Constables because of the quasi-police powers which they have as Constables. Some sought political power or prestige. Some used the office for either a primary income or an income supplement.

Unfortunately, the team members met few of those who seek power or prestige, but the data available and the comments of many people indicates that this group predominates.

Some Constables interviewed had prior police experience and became Constables to remain in that type of work. The most competent of these were retirees from active police work. The least competent of these were "washouts" from police work.

The smallest group of Constables by far were the ones who actively worked as Constables, in the official meaning of the word. The limited number who do pursue it actively, however, earn excellent incomes within the system by the receipt of fees under the Constables Fee Bill, or in some cases by fees in excess of the fee bill.

Still others also earn money in strictly quasi-legal ways: serving as bouncers, security guards, collection agents, or traffic controllers.

Deputy Constables

The law provides that an elected Constable may appoint and remove deputies with the approval of the Common Pleas Court. When so appointed, a deputy has all of the powers and duties of an elected Constable, but he is an agent of the appointing Constable because the Constable is responsible for the acts of the deputy, as is the Constable's surety.

Hereafter, when a Constable is mentioned, it shall include both elected and deputy Constables.

THE CONSTABLE'S DUTIES

The official duties of a Constable are many and varied. They include service for District Justices, service on Election Day at the polls, and certain police duties performed on behalf of the judicial system or the local municipality.

In addition, Constables have many quasi-official duties which they perform on a free-lance basis for those who will pay their fee. Many Constables also perform unofficial duties which are effective, only because of the public's perception of the Constable's badge.

Civil Process Server

Among the primary duties of the Constables are service of civil process for the District Justice. In this capacity the Constable is to the District Justice Court what the Sheriff is to the Court of Common Pleas (the Sheriff may also serve civil process for the Minor Judiciary but the converse is not necessarily true). Like the Sheriff, he has county-wide jurisdiction pursuant to the writ.

Civil process includes the Trespass and Assumpsit Complaint or the Landlord and Tenant Complaint. This Complaint under the rules may be served by a Constable personally upon the

Defendant or upon his agent, or, at the option of the Plaintiff and upon direction of the District Justice, by certified or registered mail marked "Restricted Delivery".

The provision of service by certified mail is generally objected to by the Constables, because they feel that this takes away some of their work and does not increase the efficiency of the service. Specifically, this service is relatively easy and pays \$5.00 per paper. In effect this reduces the potential income of the Constable, but many District Justices express confidence that most of the time the certified mail will reach the Defendant. Further, in the event that the Defendant refuses to accept the certified mail or cannot be found at the address, the District Justice can then order personal service on the Defendant. The District Justices reported, however, that when the paper was given to a Constable, service was made, if it was in fact possible.

The second major area of Constable involvement in a civil jurisdiction is the service of the final process in civil matters. Final process includes a writ of execution for a money judgment or the writ of possession in a landlord and tenant action as well as the intermediate writs and papers (e.g. levy, sale notice, and return) involved in the final process. If the Constable serves the order of execution, levies on the property, posts for sale, makes a sale and a return to the District Justice, his total fee will be approximately \$40.00 plus mileage. This includes

\$7.00 for the service of the order of execution; \$15.00 for the levy; \$2.50 for advertising; and \$5.00 for posting the sale; and \$10.00 for the making of the sale of goods. If a Constable does a complete eviction, his fee will be \$32.00 plus mileage, based on \$7.00 for serving the order of possession, and \$25.00 for making the forcible ejection.

Notwithstanding that these fees are substantially more than the \$5.00 writ, warrant, and subpoena fee, very few Constables are willing to do the execution or the eviction. An almost standard complaint from District Justices was that they did not know of a Constable who would do the eviction or the execution in their District or even in the County. Sometimes it was merely not knowing who would serve. but more frequently it was that nobody in the County would serve. To alleviate this problem, some counties have informally directed all of their final processes to the Sheriff's office, where if the Sheriff has time, the work is done. More often the Sheriff does not have time and there is a substantial backlog of evictions and executions awaiting service.

Frequently, the Constables interviewed stated that they did not do the final process because they really did not know how. Properly served executions and evictions are rather tricky legal proceedings. Unless they are performed correctly, they are subject to attack by the debtor. Many of the Constables Associations requested training in this type of work.

In the larger counties such as Allegheny, Erie and Delaware, certain Constables have become specialists in evictions and executions. This results, at least in those counties, with some improvement in the service, and occasionally at increased costs. In certain cases, the lack of competition permits overcharging by less than scrupulous Constables.

While serving any of the above-mentioned civil writs, the Constable is clothed with the general powers of a police officer in the furtherance of his writ. This means that if someone interferes in his service of process, assaults him, or takes some other action which makes his duty difficult, he has the power of arrest on view for interference with his work and whatever other measures would be appropriate in the situation. This is mentioned primarily because so few Constables are aware of this power. Frequently, Constables complained that all the old powers of the Constables have been withdrawn. While this may be generally true with respect to general law enforcement duties, when the Constable has a writ and is acting in accordance with the directions of his writ, he has whatever power he needs in the circumstance in which he finds himself.

Criminal Process

The primary criminal process is the warrant of arrest. With such a warrant, the Constable has the power to enter a home

anywhere within the Commonwealth and remove the citizen into his custody and take him before a District Justice for preliminary arraignment. For this he is paid \$5.00 plus mileage. If at the preliminary arraignment the District Justice determines that it is appropriate to commit the Defendant to jail, he prepares a commitment for the Constable and the Constable transports the Defendant to jail for another \$5.00 and mileage. If the District Justice wants the Defendant to appear for preliminary hearing while in jail, he gives to the Constable a release and the Constable transports the prisoner back in his custody to the District Justice, for which again he is paid \$5.00. And similarly, if the Defendant is to be recommitted, another commitment and another \$5.00 plus mileage of fifteen cents per mile.

Generally, the Constable has no broader powers of arrest on view than does a citizen. If a citizen sees a felony being committed in his presence, he has the authority to make an arrest; so does a Constable. However, there are certain older laws which provide that the Constable is general keeper of the peace in his jurisdiction. Thus, if a breach of peace occurs in his presence and in his own bailiwick, he may be entitled to make an arrest on view or in the alternative, issue a citation. However, this particular duty is very much tied into whether or not the city, the borough, or the township has its own police force. In that case, it is probably true that the Constable may not make an arrest except on a clear breach of the peace in his presence, such

as would entitle a citizen to make an arrest. This occurs because when the local municipality hires full-time or part-time police officers, they are by that act transferring those general peace-keeping powers from the Constable to the police. This is an important concept to note when dealing with Constables in the more remote areas of the Commonwealth. Many of those Constables are the only law enforcement officers for many miles around. Many of those Constables view the peace-keeping duty with great importance even though they are very often inadequately compensated for it. But obviously, the Constable in the big city has very limited general law enforcement duties.

For example, in Fulton County there is a Constable who earned \$87.00 last year, but is the chief law enforcement officer of his community. As such he is responsible for keeping the peace and for preventing people from speeding through the main part of town, and performs similar duties. There is a Constable in Potter County who when asked, "What do you do if you can't find the Defendant?" responded, "I always get my man." In fact, in his section of the county, there may well be more game than people, but he knows all of the people and knows where to find them.

Traffic Warrants

One of the most lucrative specialties which a Constable can acquire is serving traffic warrants on people who do not pay their parking tickets. These warrants pay the same \$5.00 fee, and with a large volume of warrants, it is not unusual for a traffic warrant specialist to earn \$50,000 a year or more.

The service of traffic warrants is a rather unique form of Constable work. One Constable in Pittsburgh earns in excess of \$50,000 a year without arresting anybody. His methodology consists of sending out a threatening letter with his picture on the letterhead that states if you don't pay, he will come and arrest you. He said that he never arrests anybody.

Similarly, in Erie there is a group of Constables who "serve" their traffic warrants by telephone. They call the Defendant or his wife and say that they have a legal paper for him and he should come and pick it up at their office. When he arrives, they present him with the warrant and tell him that if he does not pay it, they will take him for an arraignment before the issuing authority.

Another feature of the traffic warrant "business" is best illustrated by the City of Pittsburgh with a central Traffic Court which receives over a million traffic citations per year. Seventy percent of those traffic citations are paid in a timely fashion, but the balance of over 300,000 traffic warrants are issued to five Constables. In fact, Pittsburgh has over 400 Constables, but for some reason they see fit to use only five. Interestingly, the Chief Clerk of the Traffic Court complained that of the five Constables, only one will actually make an arrest, the other four send only letters. Those letters, however, bring in a 25% return. Three hundred thousand warrant letters sent by Constables bring in 75,000 paid citations per year; or at \$5.00 per warrant, a total fee of \$375,000 divided between five Constables. The other members of the Allegheny County Constables Association stated that they would like some of that business as well, but were unable to convince the appropriate authorities to give them any.

Other counties that operate centralized Court systems such as the Pittsburgh Traffic Court, the City of Chester Central Court, the Philadelphia Municipal Court distributing its warrants to persons who reside outside the City of Philadelphia, the Erie Central Court, all have similar inequitable distributions of available work among available Constables.

Some counties even encourage the sending of letters while others discourage it. At the present time in Allegheny County, the President Judge has issued a directive prohibiting Constables from sending letters and yet in Delaware County, the Court Administrator has developed a standardized letter for collections by Constables.

The Pennsylvania State Police insist upon handling their own traffic warrants. This may well be a matter of good police work, or it may only be a matter of the military nature of the State Police. In either case, the Constables complained that they do not get those warrants to serve. They raise an interesting question of whether the taxpayers should pay a full-time State Police officer to serve warrants when the Constables will do it at the cost of the Defendant. The argument is somewhat persuasive where Constables are adequately serving warrants, but in many counties they do not.

Election Duties

One of the few duties which almost all of the Constables of Pennsylvania perform are those required on Election Day at the polls. The Election Code, 25 P.S. 3047, requires that Constables be present at the polls during an election and remain through to the end of counting the votes for the purpose of

keeping the peace. This is one of the few areas where the Constable's police powers are greater than that of the municipal policeman who is enjoined from being at the polls for fear that he will tamper with the election. For this the Constable is paid a per diem fee according to the law.

Most Constables appear to do this duty because it is of a very highly political nature. In addition, it may be safely said that even the most inactive Constable, if he is physically able, performs his poll watching duties to some degree. It was said by some that were interviewed that the Constable only makes an appearance long enough to collect his fee, but that is lack of supervision.

Security Duties

Many of the active Constables are called upon to perform Courtroom security for the District Justice whom they serve. Frequently, this involves being present during hearings to keep the peace. In criminal hearings, the Constable may have transported the prisoner and must await the disposition, for which he is paid. However, when the Constable has to perform security at civil hearings, he receives no compensation at all, although the Constable is frequently only present because he is loafing or waiting for work. Many District Justices maintain their own

security in one form or another (some carry guns), and frequently there are local policemen available in the Courtroom when certain kinds of hearings occur.

Another quasi-criminal process (quasi because a civilian can do it) which many Constables perform is the service of subpoenas for the District Attorney. This varies from county to county and very much depends on the District Attorney's views and the kind of a case load which is carried. The fee bill provides \$5.00 for the first witness on a case, and \$2.00 for each additional witness, plus mileage. Some District Attorneys are now sending out their trial notices by mail. This frequently occurs when the County has a computer system which easily generates trial notices as a by-product of producing the trial list. In some counties, the subpoena is delivered personally upon the Defendant, and yet in other counties a whole batch of them are given to the desk Sergeant.

An interesting question arises in those counties where mail service occurs, because the rule requires that a subpoena be personally served. If the witness does not appear for trial and was not personally served, the more severe powers of the Court in compelling his attendance cannot be used; because the preliminary of personal service has not occurred. In some counties the

service of subpoenas for the District Attorney is a political favor which is given to certain Constables. As such, again the reliability of the service depends upon the individual chosen to do the work.

Service of Private Process

The Constables in many counties are permitted to serve process issued from the Prothonotary's Office of the Court of Common Pleas but not required to be served by the Sheriff. This usually involves divorce complaints. An interesting thing occurs. The Constable's fee bill provides that a Constable shall be paid \$5.00 for service of a warrant, a complaint, a writ, a subpoena, and "similar" services. Obviously, a service of a divorce complaint is similar to service of a warrant, complaint or subpoena. However, when Constables serve divorce complaints, they are entering into a private contractual arrangement with an attorney, and are paid \$15 to \$25, not \$5.00. The attorneys are happy to have them served by the Constable for several reasons: first, because they get better service from the Constable than the Sheriff; second, because it is sometimes less expensive to hire Constables; and third, because attorneys, occasionally, hope to get referrals from Constables or exchange business.

Similarly, certain Constables who specialize in eviction and execution engage in private contracting. In Pittsburgh, there is a landlord and tenant specialist who states that he initially contacts the landlord before the case is filed and advises him on how to file the case, and more, will file it for him. Then he follows that case through the Court appearing with the landlord to assist him in the presentation of the case. Of course, he serves the final process of eviction. For these services, he extracts from the landlord an advance fee which has no relationship to the fee bill and further at the time of eviction, if it is forcible, he is paid approximately \$30 per room by the landlord. In addition, if the Defendant is able to pay, he extracts from him the statutory fee. In other counties there are specialists in eviction who require as much as \$100 to consider the matter. But they have no competition because no other Constables are willing to put somebody out of their home--at least not for the statutory fee.

Private Security Duties

In the nature of quasi-official duties, perhaps the most common one is the private security guard. Constables work in shopping malls, at football games, in drinking establishments to keep the peace. They do this under private contractual arrangement with the proprietor and they have no official duties to

perform while they do so. However, they usually perform these duties in uniform, carrying a side arm, and if a breach of the peace occurs in their presence, they will make an arrest. Some counties have experienced difficulty with arrests made in bars by private security Constables. Similarly, shopping malls use Constables in uniform to control shoplifters and similar criminal matters.

In some counties the Constables Association contracts for services of their members at county fairs or football games, establishing a uniform hourly fee for this service. These services are, of course, performed in uniform with side arms.

Also, Constables may be employed by municipalities for traffic control as the occasion arises. In such cases they are paid a salary or wage which compensates for the time involved, but it becomes an "official" Constable duty because they do it in a Constable's uniform and by virtue of the Constable's office.

The matter of private security work in uniform is highly problematic. On the one hand, it is a misrepresentation to the public that the Constable is working in an official capacity and frequently appears to be a policeman in the public's mind. Secondly, it may be an abuse of office since the employer of the

Constable frequently expects the Constable to perform official duties, like arrests for the employer's benefit. Consider the alleged shoplifter, who may be arrested and charged by an apparent police officer without the usual benefits of due process of law on the demand of a retail merchant.

CONSTABLES: NUMBERS VS. AVAILABILITY

It may seem to be a flat contradiction, but the survey and data indicate that the more Constables there are, the fewer will be available. Yet the statement is true and supports a recommendation set forth by the committee, that the number of Constables be substantially reduced.

A good example of the above premise is the Constable situation in Allegheny County, where there are in excess of four hundred Constables and deputies. The average income per Constable is less than \$2,000, with the result that few wish to work full-time. Perhaps a dozen Constables earn enough to make it a full-time occupation. The Pittsburgh Traffic Court, which pays approximately \$375,000 in Constable fees, uses only five Constables. The most frequent complaint from the District Justices and Court officials was that there were no Constables available.

Similarly, in Beaver County with eighty-three Constables, only about ten are sufficiently active and available to earn an adequate living. In Delaware County, with 115 Constables and deputies, only about thirty have sufficient interest to attend the mandatory training programs established by the Court.

In Clarion County, where the Court has appointed two of its own Constables, they have adequate service and few complaints. Similarly, in Potter, Huntingdon, and Franklin Counties the problems of the system have been reduced by eliminating the use of the Constables.

The questionnaire also compared the number of Constables and the number of active Constables. (See Appendix) The data presented indicates that the majority of Constables are not active.

But this is not to suggest that the solution is to reduce the number of Constables to zero. While that suggestion was made several times, it was the consensus of opinion that Constables serve an important role within the judicial system. Without them, or someone similarly empowered, none of the routine service of process would be accomplished. Even in those counties which have ostensibly eliminated the Constable, by appointment or reclassification of duties, someone still must serve process.

Rather, as even the Constables Associations readily admit the number must be reduced. The precise number must reflect local needs. Some counties need only one Constable, particularly in rural areas, while larger counties need one or more Constable per Magisterial District.

But the need remains. The number must be reduced to a level which can support and be supported by the available work. To fail to reduce the number will merely continue the status quo of a majority of the Constables holding office, not because they want to work, but because they want a badge for power or prestige.

COMPENSATION AND RELATED ISSUES

The present system of compensation for Constables is provided under the Constable's fee bill which is found in Title 13 or Purdon's Pennsylvania Statutes at section 65. A copy of the fee bill is attached to this report. (See Appendix D) Fundamentally, the fee bill provides for a fee of \$5.00 for service of a complaint, a subpoena, or a warrant of arrest, plus mileage. The fee bill also provides certain specialized fees for writs of execution, orders of possession, and similar collateral matters.

The Constable receives fifteen cents per mile round trip by the shortest route between his home or the Court and the place of service. This rate is of course competitive with the mileage rates in business and government.

Unfortunately, these fees are a very small reward for what is dangerous, time consuming work. In order to properly serve the process, the defendant or witness must be personally contacted. This frequently requires multiple trips until the person is located, or where the defendant may be hiding.

The Constable fee bill does not adequately compensate for waiting time in magistrate's office with a prisoner in custody.

The Constable fee bill does not provide for a shift differential for working past midnight, which frequently is required in the criminal work.

The result of these inequities, the committee found, was that some Constables resorted to the false return to increase their compensation. The return is the legal document which the Constable files with the originating officer to prove that he has made service. It includes an affidavit of service and a bill for services rendered. It was in the bill which we found frequent overcharges.

For example, the committee found that some Constables charge differing amounts for the mileage between the same points, in spite of the fee bill requirement that mileage be computed by the shortest route between two points. It also appeared that exaggerated mileage was charged in some instances.

Arguably, this is justified by multiple trips to locate the person. However, it is not justifiable in the face of a clear statute which prohibits it.

The committee also found frequent and repeated violations of the rule mentioned above requiring reduced rates of pay for subsequent witnesses. The practice was to charge \$5.00 for each and every witness served, in spite of the fee bill.

These infractions occur for two reasons. First, because the proper officials are unaware of the mandates of the fee bill. Second, there is no verification of returns of Constables by audits.

The sample payments which the committee examined originated within the Court system, rather than in the District Justices' offices. Thus, under the law, the returns of the Constables are to the Clerks of Courts for payment. But prior to being presented for compensation it should be checked by the office which issued it. For example, if the District Attorney issues a subpoena, then he should verify that the work was performed and that the Constable is due payment. Likewise, if the Constable serves a warrant for the Adult Probation office, they should verify that the work is done and that the Constable is entitled payment.

Following those checks, the Clerk of Courts or the County Controller should routinely verify the mileage claimed. Unfortunately, the committee found that in some counties there were no checks being made at any stage. After the Clerk of Courts prepared a voucher, the Constable sometimes hand carried the voucher to the Controller, where it was endorsed for payment without verification or audit as required by law. Again, it was sometimes hand carried by the Constable to the County Treasurer

who in some counties immediately paid the voucher in cash, without verifying the amount.

The committee also examined itemized lists of the income of the Constables, per case, as recorded by the Clerk of Courts. These lists indicated that some Constables habitually charged as much as \$30 more per case than other Constables. However, because the committee did not have the time, nor was its function to isolate individuals, it did not pursue this matter.

Unfortunately, the fee bill does not provide sufficient incentive under the present system to have adequate service of Constables on a state-wide basis. Notwithstanding the fact that certain Constables earn extremely adequate incomes, as a general proposition this fee is not sufficient incentive for the work.

The fee bill also provides for payments for good faith, but unsuccessful, efforts to locate a defendant. This is variously referred to as a "nulla bona" (in the East) or "N.E.I." (in the West) fee. Problems occur in two ways. Either Constables are claiming the fee without making the "good faith effort" or having made the effort, some counties are not paying the valid claims. Both problems can be solved by proper supervision.

The Constable's Income

It was extremely difficult to determine accurately, the average income of Constables in Pennsylvania. While every Constable interviewed was asked what his annual income was, the answers were unverifiable. In most counties the Controller was asked to supply similar data reported by the County to the Internal Revenue Service, but usually this only included the nulla bona fee or other fees taxed by law to the county. It was quite obvious that the present financial reporting requirements, both for Constables and District Justices were inadequate.

Aside from the obvious direct payments in private contract arrangements, the Constables also received direct payments from Defendants, Plaintiffs, and District Justices which did not pass through the official accounts maintained by the District Justice. Thus, it was almost impossible to obtain reliable data.

Responses to the question, "How much do you make per year?" varied from \$87 to over \$60,000. In addition, the questionnaire distributed to all counties not visited, indicates an income range from \$10 to \$30,000, see Question No. 25. The questionnaire data is somewhat difficult to interpret because so many counties did not know the income of their Constables. Of the 32 counties questioned, only 11 counties responded. These

ranged from a low of \$10 to \$150 in Wyoming-Sullivan County to a high of \$10,000 to \$30,000 in Montgomery County.

In the largest county surveyed, Allegheny County, the Controller's office reported that of the over 400 Constables and deputies in the County, only 91 Constables had incomes in excess of \$600, the threshold for Internal Revenue reporting requirements. Distribution of these incomes was as follows:

<u>Salary</u>	<u>Constables</u>
0 - \$1,000	25
\$1,000 - \$2,000	39
\$2,000 - \$3,000	14
\$3,000 - \$4,000	6
\$4,000 - \$5,000	4
\$5,000 - \$6,000	1
\$6,000 - \$7,000	1
\$13,813	1

However, the interview data indicates that those Constables who have the Pittsburgh Traffic Court franchise earn in excess of \$50,000 each, and this income is not reported or tabulated through the Controller's Office. In addition, in Allegheny County one civil process specialist earns in excess of \$35,000 per year.

Similar data obtained from the Controller of Delaware County had the following ranges:

<u>Salary</u>	<u>Constables</u>
0 - \$1,000	8
\$1,000 - \$2,000	7
\$3,000 - \$4,000	4
\$5,000 - \$10,000	3
\$10,000 - \$13,000	4
\$16,000	1
\$22,000	1

But again, in Delaware County, interviews reveal one civil specialist who earns in excess of \$30,000 per year, and one Constable who has the Philadelphia Traffic Court franchise earns in excess of \$60,000 per year. Their income is not reported in the data which we have because their income is derived from non-county sources. However, in this County, the active part-timers reported incomes of at least \$5,000, while in Allegheny County, the active part-timers reported incomes of only \$2,000.

The Erie County Controller reported the following ranges of incomes:

<u>Salary</u>	<u>Constables</u>
0 - \$1,000	3
\$1,000 - \$2,000	3
\$3,000 - \$4,000	2
\$8,000	1
\$15,000	1

In this County, the Constable with the greatest earnings averaged \$25,000 to \$30,000 per year from a combination of both civil expertise and criminal arrests. The second ranking Constable reported earning in the range of \$15,500 per year.

The Beaver County available data indicated that the Constable incomes were as follows:

<u>Salary</u>	<u>Constables</u>
0 - \$1,000	15
\$1,000 - \$2,000	3
\$2,000 - \$3,000	3
\$3,000 - \$4,000	1

But, again it is known that certain Constables earn more than the available data indicates.

The other counties surveyed responded with relatively low ranges. For example, Potter County responded with a range from \$84 to \$2,000. Clarion County's fee Constables responded in the range from \$25 to \$1,200. In Franklin County the range was from \$100 to \$1,000. In Schuylkill County the range is from \$100 to \$800, but a Constable from Carbon County who works in Schuylkill County reported earnings of \$8,600 and stated that a Constable in his County earned \$20,000 per year. In Huntingdon County, the reported range was from \$80 to \$700. And in Centre County, apparently, none of the Constables have any earnings.

From the data it appears that in a rural county with a low volume of work, the Constables have a low potential income. But even in a large county like Allegheny the average Constable does not earn proportionately more. Rather, the large incomes become concentrated into the hands of a few specialists who are either extremely good at their work or have a franchise for a particular part of the system. The data set forth may fairly justify a conclusion that the average Constable does not earn a living wage from his work.

Salary

One of the most common recommendations for improvement and change in the Constable system was to put the Constable on

a full-time basis, usually with a salary. This recommendation came not only from Judges and District Justices, but from County officials and Constables as well. Throughout the Commonwealth, most of the comment was for salary structured very much as the Sheriff's office now operates, with salaried process servers who either have a County car or are paid mileage.

Fourteen of the thirty-two counties responding to the questionnaire (Question No. 31) indicated that the Constable system could be improved by salaried, full-time Constables. In addition, in some of the counties surveyed, the Court or the County officials have actively discouraged the use of elected fee Constables. For example, in Potter County, the Sheriff, the Public Defender, the Constables, and the Court all recommended abolition of the Constable system as it is presently constituted and the appointment of a full-time salaried Constable working exclusively for District Justices. Similarly, in Huntingdon County, the recommendation was that the Constable be salaried and paid in the range of \$8,000 to \$9,000 plus mileage; the Sheriff is now doing most of the work of the Constables in that County. In Centre County it was the consensus of the survey team that there was no need for Constables in the present system. Most of the work is being done either by the Sheriffs or by local police departments.

In Clarion County, the Court has appointed a full-time salaried Constable. His precise title is Court Security Officer. His duties include service of civil papers for the District Justices while the Sheriff serves all criminal papers for both the District Justices and the Common Pleas Court. In addition, the Sheriff will assist him in executions and evictions if necessary. The program has been so successful that the Court has appointed a second duty officer to assist in the work. The senior Court Duty officer earns \$10,290 per year, and the recent appointee receives \$7,200. The Constables fee which accrue from their work are collected and retained by the County to compensate for the salary, although no study has been made as to whether this particular procedure is cost effective.

Although not surveyed, the team was advised that in Crawford County, a similar plan has been adopted in which one appointed Deputy Sheriff does all service for the District Justices as necessary. He is, of course, on salary and the County absorbs the fees which are generated from his work. In the more rural counties, the salaried Constable may be in fact a necessity since, obviously, these counties do not have sufficient Constable work to support a fee only Constable. Clearly, the service must be performed whether it generates sufficient fees or not; therefore, the salaried Constable may solve the problems of the more rural counties.

Obviously, the question that first comes to mind when the discussion of the salaried Constable arises is who pays the salary. There are two choices--either the County or the State. In favor of the former, is that the County now pays Deputy Sheriffs and it is not that expensive to add one more Deputy or one more Court Security officer. It may be argued that the Court has the inherent power to compel such an appointment and payment of reasonable salaries. Arguments on behalf of the state paying the salary generally follow from the fact that the state now pays the salary for the District Justices. A salary structure not unlike the District Justices with a base rate and an additional amount based on population was suggested. Obviously, this Constable should not be paid a salary greater than the District Justice. Another scheme was also proposed, the payment of fees in addition to salary. This is Recommendation No. 3 of this committee. The resolution to this particular question lies with the legislature.

It is interesting that even in the largest county, Allegheny County, the general consensus of opinion was that the Constables should be salaried. Both Court and County officials and even the majority of the Constables of Allegheny County Constables Association stated that if you wanted full-time, effective Constables, you had to pay a salary; only in their case the salary was in the \$16,000 to \$18,000 range. This may be \$4,000 or \$5,000

more than is really necessary, since Deputy Sheriffs of Allegheny County earn between \$12,000 and \$13,000, but obviously, that question can be resolved legislatively. The point is that most of the Constables in Allegheny County wanted a salary because they knew that on a salary most of them would earn more than they are now making on a fee basis.

Perhaps the greatest objection to the salaried Constable comes from those Constables who are making substantial incomes on the fee basis. Clearly, the Constable with the franchise for traffic warrants, earning in excess of \$50,000 a year, does not want to be on a salary; nor do those engaged in civil execution and evictions who earn over \$30,000, want to be on a salary. The broader question may well be not what is necessary to have those kinds of jobs done, but what is better for the improvement of the Constable system state-wide.

Accounting and Auditing

Income was a difficult area to survey because there is little good data available on this matter. Usually the County Controller had a tabulation of what the County paid individual Constables, at least where he was aware that the Internal Revenue Service required reporting, but frequently that income did not include direct payments made by the District Justices to the Constables unless the County had a very refined computerized

accounting system. Typically, the data was only for those circumstances when the County was required to pay the Constables fee itself, usually for nulla bona returns where the defendant is not found, or where the defendant is acquitted at trial. But even in those counties where records were kept of all fees paid to the Constables, this never included the private contractual arrangements that the Constable was able to make. It is known, for example, that certain Constables have substantial incomes from plaintiffs, but obviously, this is not accounted for. More interestingly, it was very difficult to get an official handle on the Constables who had the big traffic warrant franchises. Specifically, despite repeated requests of the appropriate officials in Allegheny County, the data was not forthcoming.

These auditing problems may be resolved by better accounting requirements for District Justices generally. The fewest problems occurred in counties that had a highly refined accounting and computer system, like Delaware County which not only audits the Constables and the District Justices, but provides standard mileage charts for every District Justice office.

It was apparent that there should be state-wide regulations, not only for the accounting and auditing process, but for the interpretation of the proper fee. For example, in one county the Constable is paid a nulla bona fee for good faith

efforts to locate a defendant who cannot be found. In other counties, he is never paid such a fee because the county refuses to admit that the defendant cannot be found, or the reporting requirements to prove them not found are so onerous as to be impractical. In Allegheny County the Constables are asked to complete a one-page report on their efforts to locate the defendant--which is in essence a rather extensive field investigation to justify a \$2.50 fee.

In many counties, the Constable is the last to be paid, frequently not until the case is disposed through the appellate process. Many of the District Justices insist that they receive full payment, thus accumulating partial payments before disbursing any funds. The result is the Constable must wait months after an arrest or service for his fee, or the County will not disburse until the defendant comes to trial before the Constable is entitled to his fee.

These procedures place the Constable in a difficult monetary situation, requiring them to finance the Judicial System. There is no question that the Constable will eventually be paid. Either the defendant's money will be available to pay him, or if the defendant is acquitted the County will be responsible for the payment of the recorded costs. But in either event, it is only a question of time before the Constable's money is due; and the County under the law is responsible for all costs of the

Judicial System whether or not they can be reimbursed by the defendant. Thus it would seem that legislation is long overdue to remove the Constable from this financial burden which is basically unfair.

Some Constables complain that some District Justices do not pay them at all for services rendered. If a Constable is issued a warrant and the defendant walks into the District Justice's office and pays his fine, sometimes the District Justice does not collect the Constable's fee even though the Constable has made efforts to execute service.

QUALIFICATIONS AND TRAINING

There are no basic qualifications for a Constable in the present system. If the Constable can get elected, then if he merely posts a bond in an amount set by the Common Pleas Court, he will have met all of the qualifications for his office. There are no physical qualifications. There are no mental qualifications. There are no qualifications regarding training, and no qualifications involving firearms.

The results around the state are mixed. The majority of the Constables do not wish to serve process nor do they wish to perform the other duties which a Constable has under our system. This is evident from the statistics reported in this report regarding the activity or the percentage of Constables who are active in a given county or community.

Presently, Constables run for election for political reasons or for reasons of power or prestige. In one instance it was reported that a Constable ran to win a wager. Thus in addition to there being too many Constables, there are too few Constables who accepted the position because they wanted to perform the duties.

There are many able Constables around the Commonwealth. In some cases, these Constables were elected, in other cases they are appointed deputies of an elected Constable, and in other cases they have been appointed by the Court on a merit selection basis. But the observations of the survey team are that a very few Constables who have been elected have the necessary qualifications.

In discussing the matter with judges, sheriffs, and law enforcement personnel, it was generally agreed that there is a need for qualifications of the Constables as well as for training. In particular, there ought to be an upper age limit to persons serving as Constables in the best interests of the public and the individual. The survey team met Constables over 80 years of age who still ran for office. They may occasionally do some type of Constable duty, but they are not active. In addition, it was the consensus of most interviewees that there ought to be physical and mental requirements for a Constable; that is, he ought to have at least some threshold education, perhaps a high school graduate, or merely being able to read and write the English language. There ought to, of course, be physical requirements much like those required for police officers.

Even the active Constables agreed with the above suggestions. The active Constables want to upgrade their profession to improve the performance of the men with whom they are compared,

and they would accept the qualifications outlined. However, inactive Constables may not necessarily agree. Obviously, the older Constables would not want an age limit, nor would they want other restrictive qualifications.

Perhaps the most meritorious suggestion was a system not unlike the present District Justice system. The Constable after election would qualify for the position before receiving his commission. He would be required to go to school to learn the elements of his profession as well as undergo a weapons training program. At the completion of this school, if he passed the final examination, he would then be permitted to hold the badge of Constable. This proposal met with generally good acceptance by the Constable Associations with whom it was discussed. Again, the active Constables want to upgrade their profession, they want the respect of the public, and they realize that they must as a group meet the expectations of the public.

Constable Training

Constable training is a significant issue around the Commonwealth. Repeatedly District Justices complained that the Constables they knew were not adequately trained and did not know how to do their work properly. They complained that they had to explain how to make an eviction or execution; how to make

a proper service; and how to handle criminal defendants. The same complaints were made by wardens who frequently see Constables with inadequately secured prisoners in their custody. Likewise, state and local police related experiences with Constables, who had no weapons training, in situations beyond their ability.

But this is also a major issue with the Constables. Constables in Pennsylvania want training. They recognize that they need to improve their own performance in order to successfully earn a living at their profession and earn the respect of the community. Many Constables admitted that they did not perform civil executions because they did not know how, but they wanted to learn. Many Constables do not carry a weapon because they have never had proper training.

Obviously, the big issue is who will provide the training. The Constables, of course, do not want to provide the training at their own expense, although some of the County organizations are now providing training--either alone or with the active support of their Courts. Consider, for example, Delaware County with a mandated monthly training program for Constables along with mandatory weapons training. The Delaware Court has taken the approach that if they do not attend the sessions, they will not be authorized to work in the Court System.

The alternative to local training is a state program, not unlike the program now being operated for District Justices. This is an issue that the legislature will have to address at some point; but if Constables are going to be an integral part of the unified judicial system, they must be trained.

Training should include the legislation and rules for Constables, weapons training, and just as important, the proper way to deal with people. Frequently there were complaints that a particular Constable was not effective because he felt that he had to be physically forceful to achieve his goal. He had to slap the handcuffs on and threaten the defendant as if he were less than a first class citizen. Many times it was seen that the most effective Constable was the one who realized that the defendant had problems too; that he would come along if asked properly; forcefully and with dignity. Similarly in the civil collection field it was readily apparent that the most successful civil process servers were the ones that recognized that the defendant is an individual who fully intended to pay his debt when he incurred it, but, for one reason or another, now could not pay. It was observed that the proper way to collect a debt was by the tactful use of pressure to give the defendant the opportunity to pay the debt. These are lessons that Constables can learn from their peers and which are necessary to improve their image.

As stated in the prior section, training alone is not enough. Equally as important with training is that training be mandatory for active Constables. That is, if the Constable intends to work in the Unified Judicial System, the Constable has to qualify after proper training. Most people interviewed, including the Constables agreed.

SUPPORT, SUPERVISION, AND CONTROLS

One of the areas of the greatest variance is the matter of support, supervision, and control. Some counties routinely direct the work of their Constables and as a consequence are very supportive of them, while others ignore their Constables, and as a result are non-supportive of their needs and thus services suffer.

Perhaps the strongest controls occur in counties which have established their own Court appointed Constables. In Clarion County this has occurred with excellent results. There were fewer complaints from the District Justices and the county officials because the Court had taken an active interest. Of course, the controls are substantial. By local Rule of Court, the elected Constables are not permitted to receive work. The County absorbs all of the Constable fees to underwrite the salaries which the two process servers receive. But, the system seems to work and most people are satisfied.

Compare Clarion County with Franklin County, where the Court tried appointing its own Constable and required that all processes go to him for service. Initially this experiment did not work because the individual appointed failed to have the necessary qualities, and because of active opposition of the

District Justices and elected Constables. The result is that the present system has many failings, including unserved processes and public dissatisfaction.

Certain counties have by rule prohibited elected Constables from serving process by directing that all process be served by the Sheriff's office. Two examples of this pattern are Crawford County and Centre County.

Allegheny County is an example of the opposite approach. There are no controls and no support. The Court has permitted the indiscriminate appointment of Deputy Constables without any demonstrated need or qualification. The result is a wide range in compensation. Oddly, at the meeting with the Association, one elected Constable who complained about the low incomes, had eight deputies serving under him. Yet despite the large number of Constables, the most common complaint from the District Justices was that none were available. An obvious answer is to reduce the numbers to those who would work.

The most supportive Court and Court Administrator are in Delaware County, which is a model of effective Constable Administration. They have a mandatory training program which includes weapons training and fundamental Constable skills. It is mandatory because those who do not attend are prohibited from working within the Judicial system. Delaware County is also

supportive in the area of fees. They permit the payment of a nulla bona fee for defendants sought in good faith but not found. They require the prompt payment of fees after the service is rendered, rather than when payment is received from the defendant. But at the same time, they restrict mileage charges to the minimum, based upon standard round trip mileage charts. This removes the temptations found in certain other counties of estimating, usually at the expense of the defendant.

The County requires rather strict bookkeeping procedures including a pre-numbered receipt. This insures the proper distribution of funds and forms the basis for an accurate income data base, something which was found severely lacking elsewhere. Also the county requires advanced costs for the Constable in all civil processes. For example, prior to receiving an execution, the Plaintiff must post with the District Justice the entire Constable's fee so that the Constable can be paid immediately as each part of the service is performed.

The overall support and control given to the Delaware County Constables results in higher per capita income among the active Constables. The total yearly income of the 28 active Constables is about \$232,000.00. In Delaware County, almost one quarter of the cash flow of the District Justice offices goes to Constables (based on a minimal sampling); the other portions

are: 10% to the Commonwealth, 28% to the County, and 37% to the local governments, with only 2% in restitution to plaintiffs.

Centralization

Some Counties have established central dispatch offices for process throughout the county with mixed results. In some cases they increase the effectiveness of services and the Constable's income, but in others they merely concentrate the available work into the hands of a selected few.

The Allegheny County Traffic Court has been discussed elsewhere in this report. A similar situation exists in the City of Chester Central Court and for traffic warrants issued by the City of Philadelphia to out-of-county Constables where certain Constables are unable to acquire a share of the work or have acquired a monopoly on the available work.

Lehigh County (not surveyed by the team) has established a central office, but the survey team has been advised that even though it was allegedly established with the assistance of the Court, the prior office manager resigned following monetary shortages, and the present office manager is a "volunteer". This office is supported by a percentage of the business it distributes.

Delaware County's Court Administrator has established a central office, initially for the distribution of bench warrants. It is supported by a levy on each piece of business, but is staffed by county employees under the control of the Deputy Court Administrator. It is intended to require all process to be served outside of the initiating magisterial district to be processed through the Central Office for geographic distribution. Because Delaware County has effective administration, this project may succeed, but not if the state-wide experience is an indicator.

Erie County has a "Central Office" established as a private enterprise of three Constables, but allegedly in the name of the State Association. They also propose to distribute geographically and fund the office by a percentage of the fees. But in their case, the office is privately owned, and while open to all Association members, it primarily benefits its proprietors.

The state-wide experience then is essentially negative to central distribution of process. The questionnaire indicates that most Courts favor closer control, but not utilization of independent contractors. It may be an impossible task to control Constables whose income is derived from fees for piece work.

Salaried Process Servers

Compare the results of salaried process servers such as deputy Sheriffs. Every County has them and they do precisely the same work as Constables for the Court of Common Pleas, but they work for a salary. The state-wide experience is mixed. Depending on local conditions including politics and the personality of the Sheriff, they either do a good job or a poor one. In some counties they serve all process, in others they cannot get their work done. But generally, they are better trained and better supervised than Constables. The counties and Courts have better control over their daily work than they do of Constables. In the traditional legal sense they are employees, who are hired, fired, directed, and paid by and through the Sheriff.

SUMMARY OF THE SURVEYS

Allegheny County

The survey of Allegheny County, the metropolitan area of the City of Pittsburgh, with a population of 1,605,016 was conducted on March 16, 17, and 18, 1977. Allegheny County is situated in the western end of the state and has 232 elected Constables and 180 Deputy Constables, for a total of 412 Constables. There were 159,220 cases filed in the District Justice Courts in 1975, excluding the Pittsburgh Police Magistrate's Court. This included over 90,000 traffic citations; 24,373 non-traffic citations; 15,332 summary cases; 16,776 civil cases; and 12,598 felonies and misdemeanors. Allegheny County has 116 municipal police departments, including the City of Pittsburgh.

There is virtually no administration of the Constables in Allegheny County either by the Court, the County, or even the Allegheny County Constables Association. None of these groups offers training or other initiatives which would improve the Constables in the County. Neither the Controller, the Clerk of Courts, nor the Treasurer make any verification of the authenticity of the Constables return of service.

It was found that most of the Constables earn approximately \$2,000 per year, primarily because of the lack of organization or support which they receive from the judiciary and also because the large number of deputies which have been appointed and consequently spread the available work too broadly. In addition, certain easy work has been concentrated in the hands of a very select group of Constables.

There are approximately twelve Constables in the County who earn their primary living as a Constable. Several of these are among the select group who have been chosen to serve traffic warrants from the Pittsburgh Traffic Court. The data indicates that 300,000 warrants per year are issued to five Constables, the average gross income would be about \$75,000 a year. It should be observed that these Constables need not make the physical arrest, but for many years have been permitted to serve these warrants by a letter to the defendant threatening an arrest if the payment was not made. As one of them stated, "I never arrested nobody, and never hurt nobody."

Several Constables make approximately \$25,000 to \$35,000 a year serving civil process for District Justices. One of them has a wide reputation among the landlords of the city for providing excellent eviction and debt collection services. However,

by his own admission he collects both from the landlord in advance and then again the statutory fee from the defendant when it is recoverable--far in excess of the fee bill.

The Constables Association on behalf of all of the Constables in the County recommended that the Constables be on a full-time salary of approximately \$18,000 a year. In addition, they requested training and administrative support from the local judiciary.

Beaver County

The survey of Beaver County was conducted on October 19 and 20, 1976. Beaver County is located in the western end of the state and has a population of 208,000 and has 88 elected Constables. There were 18,015 traffic citations filed in 1975; 5,019 non-traffic citations; 3,157 summary cases; 2,397 civil cases; and 2,739 misdemeanors and felonies; for a total of 31,297 cases.

Approximately 25 of the 80 Constables in the County are active, with a reported average income of \$786 per year. It was observed, however, that only approximately five of the Constables earn a sufficient income to be considered full-time.

There were substantial difficulties in the accounting procedures of the County and the audit functions performed by the Controller's Office. Particularly, we found examples of excessive fees, multiple charges, and improper mileage fees.

The District Justices complain that they could not get adequate service from the Constables who serve the County. As a result of that complaint, the Court has taken some interest in the problem to the extent of assigning Constables to particular District Justices. However, basically, the Court has taken a "hands off" attitude toward the Constable/District Justice relationship.

Centre County

The Centre County survey was performed on December 8 and 9, 1976. Centre County, located in the center of the state is the home of the Pennsylvania State University, has a population of 102,771. In 1975, the total number of cases filed in the District Justice's offices was 42,000; of these, 25,500 were traffic citations; 8,490 were non-traffic citations; 4,840 were summary matters; 2,111 were civil matters; and 1,080 were misdemeanors and felonies.

There are 37 Constables authorized for the County, but only 16 have been elected and qualify by filing a bond with the Clerk of Courts. It may be fairly stated that these 16 Constables do not perform any fundamental Constable duties in the County, except to collect the bounty on dog ears.

The Sheriff's office serves most of the civil and criminal process for the District Justices. In addition, it was apparent that the judiciary in Centre County was actively opposed to any additional work being granted to the Constables.

Clarion County

The Clarion County survey was performed February 22 and 23, 1977. Clarion County is located in the northwest portion of Pennsylvania and has a population of approximately 39,000 people. It is authorized 34 Constables, but only 14 have filed bond and qualified. In 1975 there were filed: 6,416 traffic citations; 614 non-traffic citations; 572 summary cases; 635 civil cases; and 361 felonies and misdemeanors; for a total of 8,598 cases.

Those 14 elected Constables do virtually no work in the County, primarily because they are either untrained or have other full-time occupations.

To remedy the situation, the Court has appointed two Court Constables who serve all of the process for the District Justices as well as other needed Constable work. One is paid a salary of \$10,290.00 per year, and the second is paid \$7,200 per year. Any fees received from the service of process are retained by the County. It was the consensus of opinion that there was no need for elected Constables in Clarion County since the Court Constable was adequately serving the needs of the judiciary.

Delaware County

The Delaware County survey was performed February 8, 9, and 10, 1977. Delaware County is located in the eastern part of the State, adjacent to the City of Philadelphia, with a population of 600,000. In 1975 there were 109,661 cases filed in the Minor Judiciary of which 72,461 were traffic citations; 14,735 were non-traffic citations; 5,214 were summary matters; 9,779 were civil actions; and 7,472 were felonies and misdemeanor cases.

Delaware County has 81 authorized Constables and 34 Deputy Constables. Of these 115 Constables, only 26 are active. Of the 26 active, seven are full-time Constables with no other occupation. These Constables serve 32 magisterial districts.

Delaware County has the most advanced and forward looking administrative structure for Constables, but even here the usual Constable problems prevail. District Justices complained of unserved warrants and civil process, there is a general complaint of lack of training and professionalism in the ranks, and a general complaint from the Constables that the level of income leaves much to be desired.

It is interesting, that even in as advanced a County as Delaware, there is a wide disparity of income from well over \$50,000 at the high to under \$1,000 at the low. Obviously, this is partly due to a variance in activity. But even for those Constables with the same level of activity there is a large disparity. In this County there are, as in apparently all large counties, a core of professional Constables who make a sole living from this work and earn a good living from it. At the same time in rural parts of the County and among those who wish to only work part-time, there is a low level of income.

Delaware County has instituted a central distribution office for Constables under the direction of the Deputy Court Administrator. Initially, this office distributed bench warrants for Common Pleas Court and it is the intention to distribute other process around the County from this office. For example, District Justices with process to be served outside of their own

magisterial district will be instructed to forward it to the central office which will pass it along to the Constables for the district in which the defendant lives.

Delaware County provides the best accounting and administrative control over the Constables of the counties visited. For example, the mileage is determined by a mileage map, which has concentric circles radiating from the office of each of the District Justices so that the mileage is predetermined. In addition, there is a general control over the level of fees as well as conscious effort on the part of the Court to increase the Constables fees by insuring that they are paid nulla bona fees, and all other proper fees for the service.

Delaware County is apparently the only County in the Commonwealth which has instituted a mandatory education program for Constables. This includes both weapons and legal training. Constables who do not attend the mandatory training sessions are not permitted to work within the judicial system.

Erie County

The Erie County survey was performed on April 20 and 21, 1977. Erie County is located in the northwest portion of the state and has a population of 263,654. There are 33 elected

Constables and 11 deputies who serve 17 District Justices and the Court of Common Pleas. In 1975 there were 54,660 cases filed before the Minor Judiciary, of these, 37,775 were traffic citations; 6,772 were non-traffic; 2,621 were summary matters, 3,934 were civil actions; and 4,258 were felonies and misdemeanors.

Of the 44 Constable in the County, at best, only 12 are active and only four of them are full-time. The full-time Constables earn between \$10,000 to \$30,000 per year for their services. One of them has developed a substantial civil and criminal practice and has a wide reputation in the county. The other three have recently established an office located in the downtown area from which they perform all of their Constable work as a partnership. They are aggressive and are developing their business in a variety of ways which will eventually lead to substantially all of the Constable work in the County of Erie being done from their central location.

Several years ago due to a shortage of available Constables who were willing to work for the District Attorney, the President Judge appointed a special Court Constable who was responsible to the Court of Common Pleas and to the District Attorney for his work. During this time he apparently did a good job for the District Attorney and his work was well received.

However, as a result of lobbying by the Erie County Constables Association, this Constable lost his position and has since continued to work for the District Attorney, but now as a private citizen. This is a continuing area of conflict.

Franklin/Fulton Counties

The survey of Franklin/Fulton Counties was performed on January 24 and 25, 1977. Franklin County is located in the south-central portion of the state and has a population of 100,833; Fulton County, adjacent to it, has a population of 10,776.

The combined 1975 caseload data for this Judicial District is: 17,542 traffic citations; 2,399 non-traffic citations; 1,094 summary cases; 1,665 civil cases; and 1,031 misdemeanors and felonies cases; for a total of 23,731 cases filed.

Franklin County has 28 authorized Constables, but only 24 of the positions are filled. However, only four of those Constables show any activity at all. As a result, some of the work for Franklin County is being done by a Constable from Adams County who apparently provides good service but charges mileage from his home in Adams County.

In order to alleviate the shortage of available Constables, the Court appointed a Constable pursuant to their general powers, but unfortunately, the experiment did not work.

Basically, the problem is that there is not enough work for all of the Constables in the County-- or even for the four active ones. The Adams County Constable reported an income from his Franklin County work of about \$2,000, and the most active Constable reported an income of \$1,000 gross or \$573.00 net.

In Fulton County although there are 12 Constables authorized, only six of the Constables have filed their bonds and only one of those is active, reporting an income last year from all services as a Constable of \$87.00. However, he apparently performs a number of services to his vicinage in the nature of general law enforcement for which he is not paid.

Huntingdon County

Huntingdon County is located in the central mountainous portion of the state and has approximately 40,000 inhabitants. There are four District Justices and 24 elected Constables, of which six are minimally active. In 1975, there were 3,745 traffic citations; 825 non-traffic citations; 254 summary cases; 234 civil cases, and 328 felony and misdemeanor cases, for a

total of 5,386 cases filed. The process from the District Justice Courts is handled exclusively by the Constables because the Sheriff has a lack of manpower. The State Police handle all of their own warrants, but the local police experienced a backlog until the President Judge appointed borough police officers as Constables.

Despite the availability of the work as described, the four Constables contacted claim an annual income ranging from \$80 to \$700. The Constables of the County would prefer to be on salary and work full-time for approximately \$8,000 to \$9,000 per year plus a car or mileage.

Potter County

The Potter County survey was performed November 18 and 19, 1976. Potter County has a population of approximately 17,200 and is served by five District Justices and 11 elected Constables. In 1975 there were 2,407 cases filed before the District Magistrates; of these, 1,160 were traffic citations; 449 were non-traffic citations; 133 were summary complaints; 463 were civil complaints; and 202 were misdemeanors or felony cases. There are 35 Constables authorized for Potter County, but only 11 of them filed bond and only four are active--of which two do most of the work. Of the four interviewed, they indicated an income range from \$84 to \$2,000 per year.

Schuylkill County

The Schuylkill County survey was performed on January 12 and 13, 1977. The County has a population of 168,745 and is located in the central part of the state. In 1975 the number of cases filed in the District Justices' offices was 16,130; which was composed of 11,381 traffic citations; 1,574 non-traffic citations; 1,119 summary matters; 752 civil actions; and 1,304 misdemeanor and felony cases.

There are 65 elected Constables in the County of which approximately five are active. They serve the 12 District Justices of the County. They earn between \$100 and \$800 a year. However, this survey team also interviewed a Constable from Carbon County who reported an income of \$8,600 last year and indicated that another Constable from Carbon County earned approximately \$20,000 last year.

Basically, the Court related offices, including the District Attorney, do not use Constables because they find that they are untrained and are not available. In addition, it appears that the District Justices are using the Constables only for private criminal complaints and limited civil work. Criminal warrants are being given to the State Police or the local police, and they use the Sheriff for the bulk of the civil process.

Recommendation Number 1

THERE SHOULD BE A DRAMATIC INCREASE IN THE REMUNERATION MADE TO CONSTABLES. THIS RECOMMENDATION IS PREDICATED UPON FULL-TIME CONSTABLES WHO WOULD RECEIVE A BASE SALARY WITH FEES.

Throughout the Commonwealth there is a diversity of opinion on the best way to obtain efficient service from Constables. All agree that Constables should be compensated for their full-time duty even when they do not have process to serve. These full-time duties would include security in the District Justice's office, investigative work on behalf of the District Justice, and similar matters.

Throughout the Commonwealth, however, there are many Constables who are presently full-time and are earning a substantial income on the fee basis. Apparently, for these Constables any recommendation that the office be a salary office would be an anathema. These Constables would be unwilling to work for perhaps \$15,000 salary when now they can earn upwards of \$30,000 to \$50,000 per year.

Therefore, as an accommodation to both those who believe that it is necessary to provide a base income to attract

competent people and to those who would be unwilling to work for that base income alone without an incentive, the survey team recommends a hybrid compensation based partly on a salary, perhaps computed on the same type of formula presently used for District Justices, such as a base rate plus per capita compensation, and in addition, fee for service of process.

Recommendation Number 2

IN ADDITION TO DRAMATICALLY INCREASING THE RATES UNDER THE CONSTABLES FEE BILL, IT IS IMPORTANT THAT THE FEE BILL BE EXPANDED TO EXPLICITLY DEFINE THE SERVICES AND THE MANNER OF PAYMENT.

This recommendation is important because throughout the Commonwealth there is a substantial diversity of opinion as to the proper fee for services. Some counties pay nulla bona fees, some counties do not. Some counties pay a fee for making a return to the Court (\$2.50), some counties do not. Some counties permit payment from multiple trips to locate the defendant, some counties do not. Some counties pay Constables for attempted services where the defendant is not contacted, some counties do not. And similarly throughout the Constable's system in Pennsylvania there is no uniform interpretation of the fee bill.

Recommendation Number 3

ALL CONSTABLES SHOULD BE FULL-TIME AND THE NUMBER SHOULD BE DETERMINED BY THE SUPREME COURT OF PENNSYLVANIA WITH THE RECOMMENDATION BY THE PRESIDENT JUDGE OF THE JUDICIAL DISTRICT, BUT THERE SHOULD BE AT LEAST ONE CONSTABLE PER COUNTY.

Perhaps the most universal agreement found in this survey was that there were too many Constables in Pennsylvania. In many counties, the number of Constables far exceeds the available work and as a result, few Constables can earn enough money to be considered full-time under any circumstances.

Therefore, it is important that this number be reduced, but the precise number for each county cannot be determined at this time. Rather, it should be left to the discretion of the Supreme Court, and more particularly to the President Judge of the County to determine the optimum number for that judicial district. Some counties may need only one Constable. Others need more. While the survey team has opinions about the number needed in the counties which we surveyed, this is not the purpose of this evaluation and therefore, no specific recommendation is made at this time.

Recommendation Number 4

CONSIDERATION MUST BE GIVEN TO THE MANNER OF SELECTION OF CONSTABLES. THERE ARE ESSENTIALLY TWO OPTIONS, AND THE SURVEY REVEALED SUPPORTERS OF EACH OPTION THROUGHOUT THE COMMONWEALTH. OPTION NO. 1 IS THE ELECTION OF CONSTABLES AS HAS BEEN THE PRACTICE FOR SEVERAL HUNDRED YEARS. OPTION NO. 2 IS THE APPOINTMENT BY THE PRESIDENT JUDGE WITH THE APPROVAL OF THE SUPREME COURT, PROBABLY UPON RECOMMENDATION OF THE DISTRICT JUSTICE WHO WOULD BE SERVED.

The problem is basically one of politics. And the question is obviously a legislative matter, but the considerations go both ways, as is pointed out elsewhere. Throughout the Commonwealth there are many Constables who are elected who have no intention of serving process for anyone. They wish the position only for political power or prestige. Similarly there are many people who want to be Constables and are willing to work, but because of the electoral process cannot be elected. Frequently, these people serve as Deputy Constables and frequently they are appointed as special Court deputies.

Recommendation Number 5

ALL COMPENSATION SHOULD BE PAID THROUGH THE COURT SYSTEM AND PROPERLY ACCOUNTED AND AUDITED. THIS SHOULD INCLUDE ALL FEES OBTAINED BY VIRTUE OF THE OFFICE OF CONSTABLE.

Some counties have adequate accounting systems for their District Justices and as a by-product have an adequate accounting system for their Constables. Almost without exception, Constables do not report or receive all their income from the judiciary. For example, many Constables make private arrangements with attorneys, with landlords, with plaintiffs, with defendants for separate remuneration. This practice cannot benefit the judicial system. Similarly, many counties do not even now have proper accounting or auditing systems either for their District Justices or for their Constables.

The District Justice system must include within its controls the Constables who are the arm of the District Justice and therefore, all monies received must be accounted for and properly audited.

Recommendation Number 6

ALL CONSTABLES' FEES SHOULD BE PAID FOR SERVICES AS RENDERED
AT LEAST MONTHLY.

Most of the counties surveyed and most of the District Justices do not have a standard practice for payment of Constables. The most common practice is to require the Constable to wait until the case is judicially closed before payment is due. If a Constable serves a felony warrant upon a defendant who does not come to trial immediately, the Constable is not paid until later. The present law is that the Constable will be paid either by the county if the defendant is acquitted, or by the defendant. There is no reason to have Constables financing the judicial system by waiting these lengthy periods of time. When he performs his work, he should be paid promptly. The statutory basis already exists placing the burden of payment of the costs upon the county. The county should sustain the burden of waiting for payment, not the Constable.

Recommendation Number 7

PRIOR TO ASSUMING OFFICE, A CONSTABLE SHOULD HAVE THE FOLLOWING QUALIFICATIONS:

1. HE SHOULD BE OVER EIGHTEEN YEARS OF AGE.
2. HE SHOULD PASS A TRAINING PROGRAM IN THE DUTIES AND RESPONSIBILITIES OF A CONSTABLE.
3. HE SHOULD QUALIFY IN WEAPONS HANDLING.
4. HE SHOULD SUCCESSFULLY COMPLETE A PHYSICAL AND MENTAL EXAMINATION.
5. HE SHOULD BE A RESIDENT OF THE COUNTY AND IF ELECTED, A RESIDENT OF THE DISTRICT FROM WHICH HE IS ELECTED.

Almost without exception, it was recommended that the Constables receive training and be qualified. The District Justices, the County officials, and the Constables themselves recognize that there must be adequate training.

The Constables generally agreed that before assuming the office, they should take a training program much like the District Justices or the municipal police officers are now required to take. Further, they should pass an examination on the fundamental skills of a Constable.

Recommendation Number 8

THE POWERS AND DUTIES OF CONSTABLES MUST BE EXPLICITLY DEFINED.

It was frequently apparent that many Constables do not know what their authority is, what their duties and obligations are, or how to perform certain of their required functions. Thus, there is a pressing need for a comprehensive review and consolidation of the rules and statutes relating to Constables, to reconsider their present scope and needs and to bring them into one authoritative treatise.

Recommendation Number 9

CONSTABLES SHALL HAVE A STANDARD UNIFORM, IDENTIFICATION, AND REGISTRATION.

It is important that Constables be recognized as such when they are on duty. For this reason there should be standard registration and identification available to Constables identifying them as members of the judiciary in Pennsylvania. In addition, the uniforms should be standardized so that there would be no doubt of the identity or authority of the wearer. However, it is important that there be no firm requirement that the uniform be worn. Many of the Constables prefer to work in civilian clothes because they know that if they come in uniform to certain areas, the object of their search will not be found. At the same time, many Constables say that if they wear the uniform, they immediately receive the respect of the defendant and it reduces difficulties. Therefore, the wearing of the uniform should be optional with the wearer, but the uniform should be standard.

Recommendation Number 10

THERE SHOULD BE BROAD STATE GUIDELINES AND DIRECTIVES, BUT SPECIFIC SUPERVISION SHOULD BE ON A LOCAL BASIS.

As stated above, there is a general lack of understanding of the powers, duties, and responsibilities of Constables, and is noted that this occurs because of lack of well defined fee bill, statutes, and rules. However, even if these faults are remedied, there will still be the general lack of administrative controls and guidelines. Pennsylvania Constables operate on a county by county and magisterial district by magisterial district basis with different rules in different places. Even when the statutes and rules are uniform, there will still be a need for supervision to insure that those statutes and rules are followed. This should occur under broad guidelines and directives issued by the Administrative Office of the Pennsylvania Courts, but the day to day supervision and control should be left in the hands of the appropriate local officials.

PERSONS INTERVIEWED

ALLEGHENY COUNTY

Regis C. Welsh - Coordinator of the Minor Judiciary
 Charles H. Starrett, Jr. - Court Administrator
 Dan Mellet - Chief Auditor - Controller's Office
 John Mlinac - Auditor, Controller's Office
 Leonard Boehm - Investigator for Controller
 Charles G. Brown - Constable
 John H. Salton - District Justice of the Peace
 David Rapoport - Constable
 Meyer J. Specter - Deputy Coordinator for the Minor Judiciary
 George Bickerton - Deputy Constable
 Stephan P. Laffey - Chief Magistrate, Pittsburgh City Court
 William W. McDevitt - Constable
 Joseph L. Zanello - President, Allegheny County Constables Assoc.
 Harry Pokora - Treasurer, Allegheny County Constables Assoc.
 William J. Dickson - Secretary, Allegheny County Constables Assoc.
 Nicholas Komernitski - Deputy Constable
 Edward Weaver - Deputy Constable
 William T. McMeekin - Deputy Constable
 George O. Fisher - Deputy Constable
 Robert L. Plata - Deputy Constable
 Edward Vinski - Constable
 Honorable Samuel Strauss - Presiding Judge, Criminal Division
 Raymond C. Thomas - District Justice of the Peace
 James H. Bowen - District Justice of the Peace
 Kennedy Smith - District Justice of the Peace
 Angela Marasco - Chief Clerk, Traffic Court
 Earl K. Grabenstein - Superintendent, Ross Township Police Dept.
 James E. Russo - District Justice of the Peace
 John J. Bradica - Constable
 Allan Schwartz - Deputy Constable
 Anthony Bazzone - Constable
 Robert Marietti - Probation Officer
 Chris G. Copetas - 2nd Assistant, District Attorney's Office
 James J. Lauria - Chief of McKees Rocks Police Department
 Matthew Butteri, Jr. - District Justice of the Peace
 William Franciscus - Constable
 John P. Joyce - Allegheny County Prothonotary
 Douglas R. Martin - Constable
 Henry Sica - Constable
 James Longmore - Administrator of Allegheny County Jail
 Gary T. Knotts, Sergeant at Allegheny County Jail
 Abe Fingold, Director of Family Court

BEAVER COUNTY:

Honorable John N. Sawyer, President Judge
 Honorable James E. Rowley, Judge
 Honorable J. Quint Salmon, Judge
 Honorable H. Beryl Klein, Judge
 Honorable Robert C. Reed, Judge
 John Clarke, Court Administrator
 Robert J. Taylor, Esquire, Administrative Legal Assistant

BEAVER (Cont'd.)

Daniel Radakovich, President, Constables' Association
Leroy Gibbs, Secretary of Constables' Association
Ronald Bozza, Constable
James Hardin, Constable
William Young, Constable
Donald Naugle, Constable
Lewis Kirschner, District Justice of the Peace
Arthur Schlemmer, District Justice of the Peace
Milton H. Richael, District Justice of the Peace
Joseph J. Liberati, Esquire, District Justice of the Peace
Micheal Jackson, Prothonotary
Judy Richner, Deputy Clerk of Courts
Frank Policaro, Sheriff
James Camp, County Controller
Elizabeth McCurdy, Chief Deputy Controller
Joseph Walko, District Attorney
Anthony Berosh, Full time Assistant District Attorney
Daniel Marovich, Chief County Detective
Edward Colonna, Director of Adult Probation
Joseph Cabraja, Director of Juvenile Probation
William Overberger, Director of Domestic Relations
Anthony Mastrofrancesco, Warden of Beaver County Jail
Robert Masters, Beaver County Solicitor
Charles Krepps, Chief of Police, Borough of Beaver
Jack Sidler, Bondsman

CENTRE:

Honorable R. Paul Campbell, President Judge
Gregg L. Cunningham, Court Administrator
Robert A. Shoff, District Justice
Clifford H. Yorks, District Justice
Michael Bresnahan, Keystone 1-1 Services
Gilbert Adams, Constable, 1-1 Township
Sterling S. Wees, Domestic Relations Officer
Robert Mix, Assistant District Attorney
Dean Beightol, Constable, Bellefonte Borough
Emmet Knepp, Constable, Spring Township
Wade Barber, Constable, Patton Township
Charles Fye, Constable, Potter Township
Byron Hall, 1st Deputy County Sheriff
Ruth C. Rudy, Centre County Prothonotary
Victor Bell, Warden, Centre County Jail
George Sim, Chief Probation Officer
Paul M. Dubbs, Centre County Treasurer
Donald Smith, Bellefonte Borough Chief of Police

CLARION:

Honorable Robert B. Filson, President Judge
Graham Garbarino, Work Release Officer
Fred Myers, Constable
Norm Heasley, District Justice

CLARION (cont'd)

Shirley Hager, Prothonotary
Richard W. Kooman, II, Esquire
Alta LaVerne Hamilton, Magistrate
Edwin L. Snyder, Judge, Jefferson County
Edward J. Lahr, Clarion Chief of Police
Paul Matson, Magistrate
Bernard Lahr, Sheriff
Russell Myers, Constable
Phillip L. Wein, District Attorney
Larry Brown, Constable
Benjamin Bish, Constable
Debra Zacherl, Domestic Relations Officer
Tony Linman, Court Security Officer, Appointed Constable
Lt. Elmer Barkay, Pennsylvania State Police
Virginia Briggs, Justice of the Peace

DELAWARE:

Honorable Francis J. Catania, President Judge
Donald S. Guthrie, Esquire - Deputy Administrator
Kenneth P. Barrows, Esquire - Assistant Deputy Administrator
Frank T. Hazel, Esquire - District Attorney
Dean Nance, Esquire, Acting Director - Delaware County Legal Assistance
Association, Incorporated
John Taylor, Sheriff
Frank Mitarotonda, Chief Deputy Sheriff
Joseph Palazzo, Chief Deputy - Clerk of Courts
Robert McGraw, Research Analyst
Victor Petaccio, Executive Director - Delaware County Council
Bruce Miller, Constable
Gerald T. Frey, Superintendent - Delaware County Prison
Sam Hart, Chief of Data Services - Delaware County Prison
John Bewley, Controller
Roger Dale Morris, Esquire
Herbert Wright, Chief of Police
Joseph V. Gessler, District Justice of the Peace
Sgt. Patrick VanRoy, Upper Darby Police Department
Dagmar VanLindt, Secretary - District Justice of the Peace Office
William J. Dittert, Jr., District Justice of the Peace
Supt. Charles W. McElwain, President - Delaware County Police
Chief's Association
Gerald C. Liberace, Esquire - District Justice of the Peace
Edwin Lynch, Constable
Fred Contino, Constable
Officers of the Delaware County Chapter of the Pennsylvania
Constable's Association, Incorporated:
Edwin A. Lynch, President
John Byrne, Vice-President
Larry Hunter, Financial Secretary
Fred Contino, Director
Bill DeGeorge, Director
Jim Willaims, Director
Bruce Miller, Director
Harold Hoeveler, Treasurer
Honorable Joseph W. deFuria, Administrative Judge
Richard L. Steinberg, Esquire - Public Defender's Office

DELAWARE (cont'd)

Anthony J. Voci, Chief Domestic Probation Officer
H. Lesley Philips, Constable
Joan A. Kravitz, Office Manager - Chester Central Courts
Paul E. Gesregan, Director of Juvenile Court Services
William Jones, Chief Probation Officer - ARD Division
Micheal F.X. Gillin, Director - Criminal Justice Planning Unit
Lawrence Todd, Deputy Constable

ERIE:

Honorable Edward H. Carney, President Judge
Richard D. Agresti, District Justice Administrator
Robert H. Chase, District Attorney
A.J. Gehrlein, County Controller
Cheryl Maloney, Deputy Controller
Andrew J. Hanisek, Sheriff
Robert Michel, Deputy Sheriff
Dale Loomis, Constable
William Hill, County Commissioner
Frank Loomis, Constable
Anna McCall, District Justice
DeWayne Gruber, President, Constables Association
Frank Abate, District Justice
John Seib, Secretary, Constables Association
Larry Fabrizi, District Justice
Micheal E. Dunlavey, Solicitor, Constables Association
Mary Wagner, Legal Services
Elizabeth Amy, Deputy Clerk of Courts
Barry Weir, Constable
Vedder J. White, Public Defender's Office
Sam Gemelli, Chief of Police
Armand Chimenti, County Detective
Richard Robinson, Patrolman, Traffic Court Manager
Al Natale, Desk Captain, Police Department
Ray Glass, Constable
Joseph Kolakowski, Constable
Al Skonieczka, Prison Warden
Joseph Antolik, Chief of Police
Charles D. Agresti, Member of the Minor Judiciary Rules Committee

FRANKLIN AND FULTON:

Honorable George C. Eppinger, President Judge
William A. Sheaffer, Court Administrator
Joseph W. Gotwals, District Justice
Kenneth E. Rife, Constable
Robert E. Eberly, District Justice
Joseph Waite, Constable
Esther L. Cordell, District Justice
Mabel Shoemaker, District Justice
J. Byers Schlichter, Constable
Terry L. Kennedy, Constable
Jay L. Benedict, Esq., Ass't County Solicitor
Frank Bender, Sheriff
Glenn Shadle, Clerk of Courts
John F. George, Prothonotary

FRANKLIN AND FULTON (cont'd)

Robert C. Holland, Warden
Ronald Sugden, Chief Probation Officer
Robert R. Shockey, Jr., Constable
Floyd C. Rock, Constable
John R. Walker, Esq., District Attorney
Blake E. Martin, Esq., Public Defender
William Johnston, Chambersburg Police Chief
Carol Diller, Deputy Controller
Mary Curfman, Treasurer
Harry B. Myers, Constable
Dorothy Brantner, District Justice
Charles Waters, Sheriff
Marlin C. Shimer, Prothonotary
Kathryn Bard, Chief of Domestic Relations

HUNTINGDON:

Honorable Morris M. Terrizzi, President Judge
Raymond Holland, Court Administrator
Robert E. Norris, Sheriff
Calvin T. Walker, Clerk of Courts
Stewart L. Kurtz, Esq., D.A.
R. Merle Heffner, Esq.
A. Lynn Corcelius, Esq.
William Myers, Esq.
Thomas Guisler, Chief Probation Officer
John R. Drolsbaugh, Constable
Donald Lowe, Constable
Ronald Snare, Constable
John E. Walls, Constable
Robert H. Jackson, Domestic Relations Officer
Daniel S. Davis, District Justice
James H. Kyper, District Justice
Grethchen A. Krouse, District Justice
N. Dale Wakefield, District Justice
Richard E. Kidd, Treasurer
Winston R. Chesney, Chairman, County Commissioners
Kenneth Brown, County Commissioner
James DiCosmo, County Commissioner

POTTER:

Honorable Perry S. Patterson, President Judge
Sheriff Donald L. Hinkley
Richard T. McCaugue, Treasurer
Pearl R. Young, Domestic Relations Officer
Donald Wilson, Coudersport Police Chief
Gary A. Buchanan, Chief Probation Officer
D. Bruce Cahilly, County Solicitor
Constable Robert Robinson, Roulette Township
Jeanne Cole, District Justice Ulynsses
George Bucksen, Constable, Coudersport, Boro 1st Ward
Edward Christie, Eulalia Township Constable
Jeffrey Lebre, Public Defender
Thur W. Young, Asst. Dist. Attorney

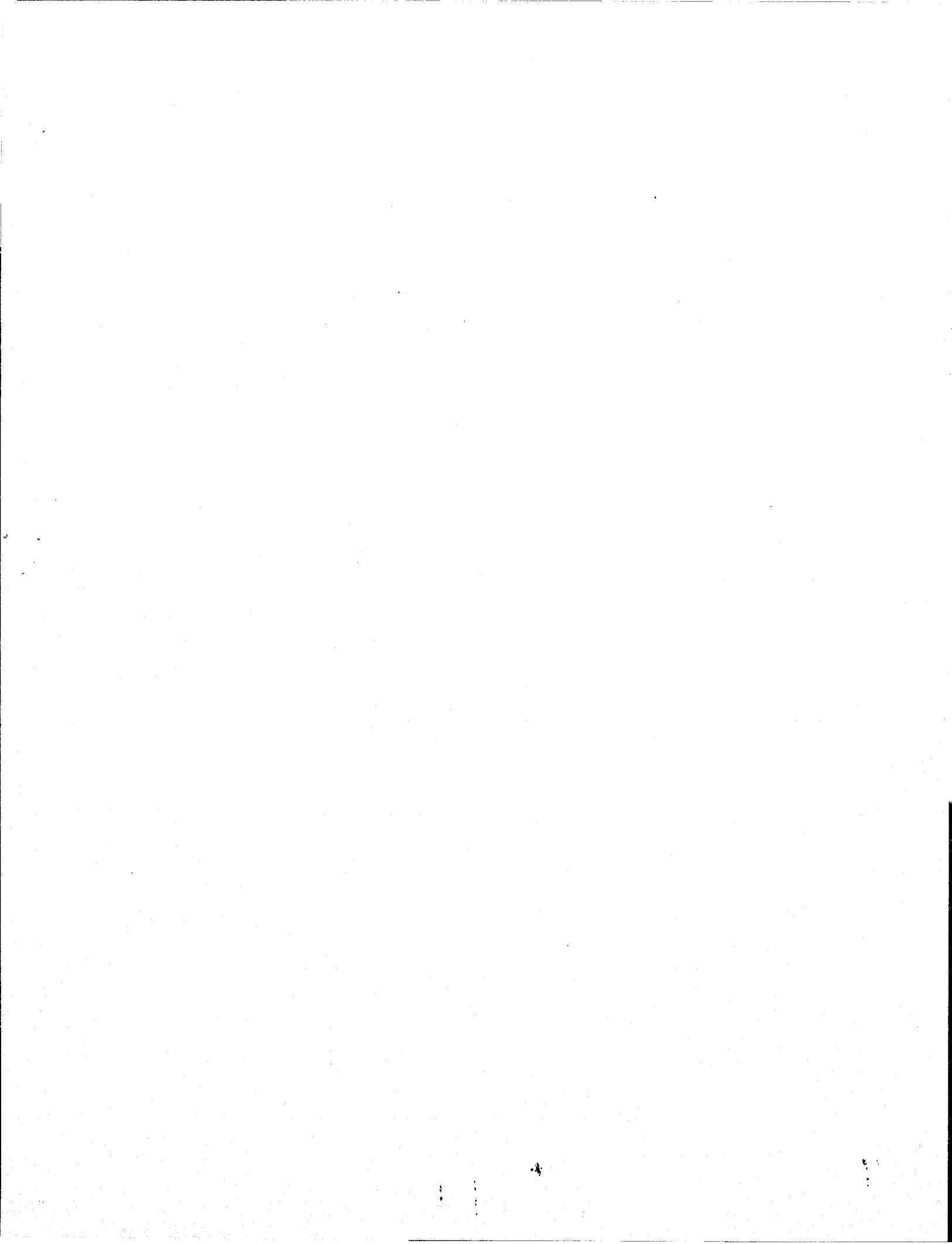
POTTER (cont'd)

Harold Howard, Prothonotary and Clerk of Courts
District Justice Edward Easton
Dexter Angood, Constable Ulysess Township and Police Chief
Honorable Richard M. Kemp, President Judge, Tioga County

SCHUYLKILL COUNTY:

Honorable James J. Curran, President Judge
Lawrence B. Murphy, Court Administrator
William Owens, Prothonotary
Mary Long, Clerk of Courts
Catherine Thompson, District Justice of the Peace
John Heffner, Constable
John Lurwick, District Justice of the Peace
John Cooch, Constable
Richard B. Russell, District Attorney
James Bergen, Chief Probation Officer
William E. Evans, Chief Deputy Sheriff
John Matukewicz, Constable
Norbert Moyer, Constable
Peggy Ulmer, Chief Domestic Relations Officer
Joseph Holochuk, Assistant County Solicitor
Francis J. Garenty, Warden
Harry Wiest, County Treasurer
Arthur Berrardi, Chief of Police, City of Pottsville
Thomas Jefferson, County Controller
James Kilker, Schuylkill County Legal Services
Honorable George Heffner, Judge of the Court of Common Pleas
Honorable John E. Lavelle, Judge of the Court of Common Pleas
Frederick B. Kresge, Constable, Carbon County



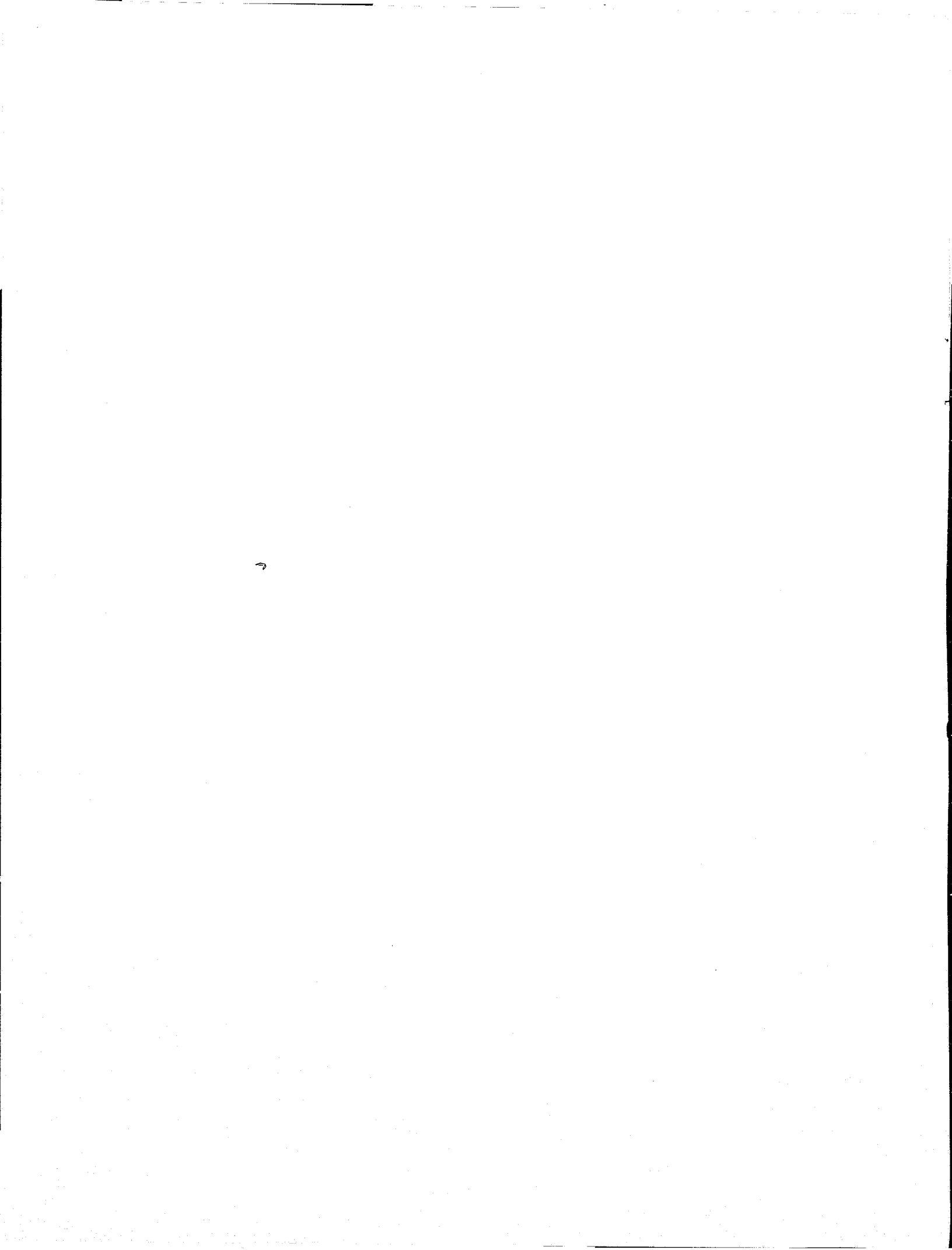


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1 OF 2

BREAKDOWN OF PERSONNEL INTERVIEWED BY POSITION AND COUNTY

	Allegheny	Beaver	Centre	Clarion	Delaware	Erie	Franklin-Fulton	Huntingdon	Potter	Schuylkill	Totals
POSITIONS:											
Court Administrator	1	1	1	-	2	-	1	1	-	1	(2.95) 8
Judges	1	5	1	2	2	1	1	1	2	3	(7.0) 19
Constables	19	6	5	5	13	8	7	4	4	5	(28.04) 76
Prothonotary	1	1	1	1	-	-	2	-	1	1	(2.95) 8
Controller	3	2	-	-	1	2	1	-	-	1	(3.60) 10
District Justice	6	4	2	2	4	3	5	4	2	2	(12.54) 34
District Attorney	1	2	1	1	1	1	1	1	1	1	(4.06) 11
Minor Judiciary Officers	2	-	-	-	-	1	-	-	-	-	(1.1) 3
District Justices	1	-	-	2	-	-	-	-	-	-	(1.1) 3
Traffic Court Officials	1	-	-	-	-	1	-	-	-	-	(.73) 2
Probation Officers	1	2	1	-	2	-	1	1	1	1	(3.69) 10
County Jail	2	1	1	-	2	1	1	-	-	1	(3.32) 9
Family Court Officers	1	-	-	-	-	-	-	-	-	-	(.37) 1
Police	2	1	1	1	3	3	1	-	1	1	(5.16) 14
Legal Attorney Services	-	1	1	1	2	1	-	3	-	1	(3.69) 10
Domestic Relations	-	1	1	1	-	-	1	1	1	1	(2.58) 7
Sheriff	-	1	1	1	2	2	2	1	1	1	(4.43) 12
County Detectives	-	1	-	-	-	1	-	-	-	-	(.73) 2
Bondsmen	-	1	-	-	-	-	-	-	-	-	(.37) 1
Solicitor	-	1	-	-	-	-	1	-	1	1	(1.47) 4
Clerk of Courts	-	1	-	-	1	1	1	1	-	1	(2.21) 6
Treasurer	-	-	1	-	-	-	1	1	1	1	(1.84) 5
Work Release Officer	-	-	-	1	-	-	-	-	-	-	(.37) 1
State Policeman	-	-	-	1	-	-	-	-	-	-	(.37) 1
County Council Official	-	-	-	-	1	-	-	-	-	-	(.37) 1
Research Analyst	-	-	-	-	1	-	-	-	-	-	(.37) 1
Public Defender	-	-	-	-	1	1	1	-	1	-	(1.47) 4
Criminal Justice Planner	-	-	-	-	1	-	-	-	-	-	(.37) 1
Juvenile Court Officer	-	-	-	-	1	-	-	-	-	-	(.37) 1
Court Manager	-	-	-	-	1	-	-	-	-	-	(.37) 1
D.J. Administrator	-	-	-	-	-	1	-	-	-	-	(.37) 1
County Commissioner	-	-	-	-	-	1	-	3	-	-	(1.47) 4
Total Interviewed	<u>42</u>	<u>32</u>	<u>18</u>	<u>19</u>	<u>41</u>	<u>29</u>	<u>28</u>	<u>22</u>	<u>17</u>	<u>23</u>	<u>271</u>



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTSConstable Evaluation Project Questionnaire

Name of County _____ Court Administrator _____

1. Number of elected constables in judicial district? _____
 a. Active _____ b. Inactive _____
2. Number of deputy constables. _____
3. Are constables bonded? Yes _____ No _____
4. How many constables including deputy constables are considered full-time? _____
5. Have any formal or informal rules concerning constables been established by the court? Yes _____ No _____. If yes, briefly explain and attach a copy of such rules. _____

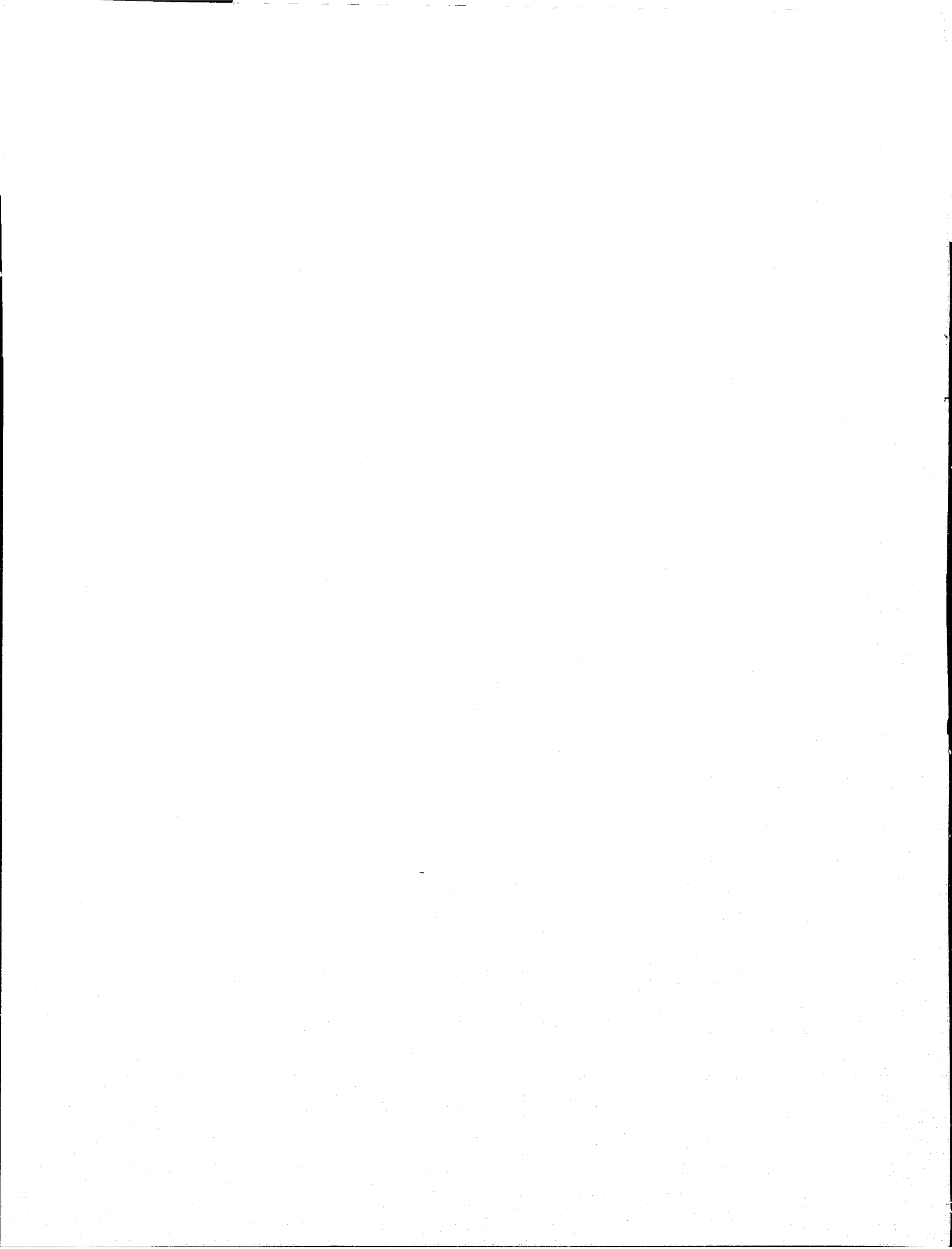
6. Are constables assigned to magisterial districts by the president judge or court administrator? Yes _____ No _____
7. Who processes complaints relating to constables? _____
8. Who investigates constables and/or deputies prior to court appointment?

9. Are regular meetings held with the constables as a group within the county? Yes _____ No _____. If yes, by whom? _____
 How often? _____
10. Have constables received any training? Local ____ State ____ Other _____
11. Does the Common Pleas Court use constables? Yes _____ No _____. If yes, in what capacities? _____
12. Is it feasible for the President Judge and court administrator to administer and supervise the constable system? Yes _____ No _____
13. Under whose direction do constables carry out their responsibilities?

14. Is there any accounting control on payments of constable costs? Yes _____ No _____. If yes, please explain _____
15. Have any problems with the constable system been specifically identified? Yes _____ No _____. If yes, please specify. _____

16. What offices are engaged in making direct payments to constables?

17. Do district justices have a tendency to use the services of certain constables? Yes _____ No _____.
18. Do district justices use deputy sheriffs to serve processes? Yes _____ No _____. If yes, how extensively? _____
19. How many constables are necessary to serve a district justice court? _____.
20. Have district justices indicated a problem in having processes served by constables? Yes _____ No _____. If yes, please explain. _____
21. Do your constables serve civil executions in your county? Yes _____ No _____.
22. Are constables performing the following duties in their official capacity? (Check, if applicable.): Security Guard _____ Patrolperson _____ Traffic Control _____ Collection Agent _____ Other (Specify) _____
23. What are the primary duties of constables in your county? _____
24. Do district justices, after receipt of partial payments in criminal actions, give priority to payment of constable costs? Yes _____ No _____
25. Do you know how much a constable(s) in your county earns in a calendar year? Yes _____ No _____. If yes, give estimated range. _____
26. Approximately what percent of duties are performed related to constables? _____.
27. What kind of compensation structure system do you feel would lead to attracting qualified people to work full-time? _____.
28. Are constables needed in your county? Yes _____ No _____. If no, why? _____
29. Are constables performing general police duties? Yes _____ No _____. If yes, are the duties performed at the request of law enforcement agencies? (Please check) _____. At the constables initiative? (Please check) _____. Other? (Specify) _____
30. Explain the nature and extent of police duties performed. _____
31. Briefly, how do you feel the constable system can be improved on either a local or statewide basis. _____



RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRECOUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Adams</u>	<u>Armstrong</u>	<u>Bedford</u>	<u>Blair</u>	<u>Bucks</u>	<u>Butler</u>	<u>Clarion</u>	<u>Clinton</u>	<u>Cumberland</u>	<u>Cambria</u>
1. Number of elected constables	28	50	35	No Response	47	38 (5 Appointed)	12	11	41	12
1a. Number active	9	10	3	14	6	14	0	1	10-12	3
1b. Number inactive	19	40	32	28	41	29	12	10	29-31	9
2. Number deputy constables	4	15	4	5	48	13	1	0	0	12
3. Are constables bonded?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. Number full-time constables	9	0	6	4	18	12	1	0	0	12
5. Have rules concerning constables been established by court?	Yes	No	No	No	No	No	Yes, serve civil papers only	No	No	No
6. Are constables assigned to district by President Judge or court admin.	No	No	No	No	No	No	Yes	No	No	Yes
7. Who processes complaints relating to constables?	P.J.	Referred to Con. Assoc.	Court Admin.	Court Admin.	Deputy Court Admin.	No Response	Magistrate	Deputy Sheriffs	D.J. Court Admin.	President Judge
8. Who investigates constables and/or deputies prior to appointment?	State Police & Crt. Admin.	Municipal Officials	Court Admin.	P.J.	D.A. & Deputy Court Admin.	St. Police/Sheriff/County Detective	P.J.	County Detective	No Investigation	Clerk of Courts
9. Are regular meetings held with constables as a group?	Yes	No	Yes	No	No	Yes	No	No	Yes	Yes
9a. Held by whom?	P.J.		Con. Assoc.			Con. Assoc.			Con. Assoc.	P.J.
9b. How often?	Annually		Monthly			Monthly			Monthly	Annually
10. Have constables received training?	Local	Local	No Training	No Training	Local	Local, State and Other	No Training	No Training	No Training	Local & State

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Adams</u>	<u>Armstrong</u>	<u>Bedford</u>	<u>Blair</u>	<u>Bucks</u>	<u>Butler</u>	<u>Clarion</u>	<u>Clinton</u>	<u>Cumberland</u>	<u>Cambridia</u>
11. Does Common Pleas Court use constables?	No	No	No	No	No	No	No	No	No	No
11a. How used?										
12. Feasible for P.J. or Crt. Admin. to administer and supervise constable system?	Yes	No	Yes	Yes	Yes	No	No	No	Yes	Yes
13. Under whose direction are responsibilities carried? D.J.	D.J.	D.J. or Sheriff	Crt. Admin.	D.J.	D.J. & Deputy Crt. Admin.	Magistrates	Magistrates	Magistrates	D.J.	Magistrates
14. Any accounting control on constable costs?	Yes	Yes	No	Yes	Yes-- Constable prepares request for payment form	Yes	Yes	No	Yes	Yes
14a. Explain	Bookkeeper	County Controller		D.J. Records		Fee Bill	County Audit		Approval by D.J. Crt. Admin.	Review by Clerk of Courts
15. Any problems with constable system?	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
15a. Specify	Unknown duties & qualifications	Lack of initiative and/or training	Lack of training	Not all constables are active	Underpaid-- lack of training--should be appointed		No Training		Lack of training	
16. Which offices make direct payment to constables?	County Commissioners	County Controller & D.J.'s	County Commissioners	D.J. & Sheriff	District Courts	Magistrate office	Magistrates	Magistrates	D.J. & County Controller	D.A. & Clerk of Courts
17. Do D.J.'s use constables?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18. Do D.J.'s use deputy sheriffs to serve processes?	No	Yes	Yes	No	No	No	Yes	Yes	Yes	Sometimes

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Adams</u>	<u>Armstrong</u>	<u>Bedford</u>	<u>Blair</u>	<u>Bucks</u>	<u>Butler</u>	<u>Clarion</u>	<u>Clinton</u>	<u>Cumberland</u>	<u>Cambria</u>
19. Number of Constables necessary to serve D.J. Court	1 or 2	1	2	1	Depends on caseload	1 or 2	2 or 3	unknown	2 or 3	2
20. Have D.J.'s indicated problems in having processes served by Constables? Explain.	Yes Fees	Yes Not willing to work	Yes Lack of service	No	Yes	No	No	No	Yes Lack of Experience	Yes, because they are only part-time.
21. Do Constables serve Civil executions?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
22. Other duties performed by Constables.	Collection Agent	Security Guard Patrol Person Traffic & Collections	None	Collection Agent Deputies	None	Security Guard Patrol Person Traffic Control	Security Guard	At Election Precincts		Miscellaneous Duties
23. Primary duties of Constables?	Serving D.J.'s needs & duties under Election Code	Serving D.J.'s processes & election day duties	Serving of writs	Serving Criminal & Civil processes, transport defendants & collect fines	Serve processes for District Courts	Serve, writs, papers & warrants of arrest	Serve Civil Papers	To Serve D.J. Papers	Serve Warrants, Summons, etc.	Serve Processes for J.P.'s
24. Do D.J.'s give priority to payment of Constable Costs?	Sometimes	No	Yes	No	No	Yes	No	Yes	Yes	Yes
25. Know Constable yearly earnings? How much?	No	Yes, \$700-\$2,000	No	No	Must Check District Court	No	Yes \$6,840	No	No	Yes-- \$4,000
26.										

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Adams</u>	<u>Armstrong</u>	<u>Bedford</u>	<u>Blair</u>	<u>Bucks</u>	<u>Butler</u>	<u>Clarion</u>	<u>Clinton</u>	<u>Cumberland</u>	<u>Cambria</u>
27. What compensation structure would attract qualified people to work full-time?	Salary	Salary \$8500 - \$10,000	Basic Salary	One full-time Constable per D.J.	Salary and Fee	Same as Deputy Sheriff	No Response	Salary	Salary	Basic Salary and mileage
28. Are Constables needed? If no, why?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No, D.J. uses Sheriff's Office	Yes	Yes
29. Are Constables performing general police duties?	No	Yes	No	No	No	No	No	No	No	Yes
29a. By request or on initiative		Both								Initiative
30. Nature of Police Duties	N/A	Crowd Control, Security & Traffic Control	N/A	None	N/A	None	None	None	None	-
31. How can system be improved on local or statewide basis?	Salaries-- Constables who are licensed after instruction and passing of a qualifying test; P.J. should have authority to discipline or remove from office for failure to perform	Should be re-organized and given direction toward necessary processes only. It should not be improved as presently constituted	Basic Training; Uniformity throughout state	Appoint Constables by Court on a full-time basis; most are used now either sparingly or not at all	Constables should be appointed; required to attend continuing education program. Rules should be established by Supreme Court defining duties and authority	Required to obtain certification under lethal weapons training act. Should be supervised Sheriff	Adequate training & salary	No problem in this county	Proper training & adequate compensation	Schooling and full-time salary

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Fayette</u>	<u>Greene</u>	<u>Indiana</u>	<u>Perry/Juniata</u>	<u>Lackawanna</u>	<u>Lancaster</u>	<u>Lawrence</u>	<u>Lehigh</u>	<u>Luzerne</u>	<u>Lycoming</u>	<u>Mercer</u>	<u>McKean</u>
1. 56	35	25	43	97	86	36	49	189	61	58	21	
1a. 20	3	18	42	40	34	18	22	66	25	26	21	
1b.	30	7	1	52	18	27	123	36	32	0		
2. 22	6	9	1	15	36	36	4	24	120	2	2	
3. Yes	Yes	Yes	Yes-some	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
4. 0	3	4	1	10	13	3	8-10	0	0	3	All	
5. No	No	No	No	No	Yes	No	Yes	No	No	No	No	
6. No	No	No	No	No	Yes	No	No	No	No	No	No	
7. Court Admin.	P.J.	P.J.	No Policy	Court Admin.	Deputy Court Admin.	Court Admin.	D.J. Court Admin.	P.J.	D.J.	P.J. refers to D.A.	Magistrates	
8. Sheriff Clerk of Courts	County Detective	P.J.	No Investigation	No Investigation	Deputy Court Admin.	Special Investigator	P.J.	P.J.	County Detective	Various Sources	Judge	
9. Yes	No	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	
9a. Con. Assoc.				Con. Assoc.	Deputy Court Admin.	Con. Assoc.		Con. Assoc.	Con. Assoc.	Con. Assoc.		
9b. Irregularly				Monthly	Monthly	Monthly		Monthly	Monthly	Seldom	Monthly	
10. No Training	No Training	Local	No Training	Local	Local	2 Cons. have State Training	No Training	No Training	No Training	Local	Half have received training	

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Fayette</u>	<u>Greene</u>	<u>Indiana</u>	<u>Perry/Juniata</u>	<u>Lackawanna</u>	<u>Lancaster</u>	<u>Lawrence</u>	<u>Lehigh</u>	<u>Luzerne</u>	<u>Lycoming</u>	<u>Mercer</u>	<u>McKean</u>
11.	Yes	No	Yes	No	No	Yes	No	Yes	No	No	No	No
11a.	Transport mental patients to hospitals		Subpoenas, Commonwealth's witnesses			Investigate backlog in collection of fines and costs.		Serve Subpoenas				
12.	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	No
13.	D.J.	D.J.	President Judge	D.J.	D.J.	D.J.; Court Administrator	Magistrates	D.J.	D.J.	Magistrates	D.J.; D.A.	Magistrates
14.	Yes. audited by Controller's solicitor	No	Yes. Commissioner office and Magistrate Records	No	Yes. County Auditor	Yes	Yes. Checked by Controller	Yes Audited by Controller	No	No	No	No
15.	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
15a.		Majority have full time employment		Lack of training	Lack of training	To much competition not recognized as peace officers	Lack of training	Administration problems. not willing to work		Low pay, should be full time	Fees	
16.	Controller, District Attorney, Clerk	Commissioners, Magis	Commissioners, Magistrates	D.J. Office	D.J.	D.J.	D.J.	D.J. & Controller	Magistrates Witness clerk	Magistrates Controller	D.J. & County	County Controller
17.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18.	No	No	No	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Fayette</u>	<u>Greene</u>	<u>Indiana</u>	<u>Perry/ Juniata</u>	<u>Lackawanna</u>	<u>Lancaster</u>	<u>Lawrence</u>	<u>Lehigh</u>	<u>Luzerne</u>	<u>Lycoming</u>	<u>Mercer</u>	<u>McKean</u>
19.	1	1	2-4	1	1-2	2-3	1	1-3	2	2-3	Depends on Caseload	No Response
20.	Yes-Avail-ability	Yes-lack of availability	No	No	No	Yes-lack of availability	Yes-lack of training	Yes-un-willing to serve	No	Yes-ir-regular hours	Yes-will not provide service	No
21.	No	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	No
22.	Security Guard	None	None	None	None	None	Security Guard; Patrol Person	Collection Agent	Security Guard; Patrol Person; Traffic Control	None	None	None
23.	Paper Servers	Serving warrants	Serving warrants & civil actions	Serving complaints & warrants; election duties	Service & Arrest	Serving D.J. Pro-cesses	Serving warrants & civil summons & execu-tions	Serving summons & complaints	Process Service	Serve warrants & Subpoenas; arrests	Serve papers	Work under Magistrates
24.	No	No	No	Unknown	Yes	Yes	No	Yes	No	No	No	No
25.	No	No	No	No	Yes- \$1,000 or higher for active con- stables	Yes- \$5,000 - \$15,000	No	No	\$200 - \$1,000	No	No	No
26.												

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Fayette</u>	<u>Greene</u>	<u>Indiana</u>	<u>Perry/ Juniata</u>	<u>Lackawanna</u>	<u>Lancaster</u>	<u>Lawrence</u>	<u>Lehigh</u>	<u>Luzerne</u>	<u>Lycoming</u>	<u>Mercer</u>	<u>McKean</u>
27.	Salary similar to Magistrate	Annual Salary	Similar to Magistrate	Salary similar to Magistrate	Salary	Annual Salary and Fee	\$7,500 - \$10,000	Chief Constable - \$10,000; Deputies - \$3,000 - \$7,500	\$10,000	Guaranteed Salary	Salary	No Response
28.	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No-Sheriff's Dept. used only.
29.	No	No	No	No	No	No	Yes	No	Yes	No	No	No
29a.							Initiative		Both			
30.	Serving Warrants	None	Traffic Control	None	N/A	Charging with disorderly conduct while serving.	Sporting events, parades, fairs, etc.	None	Traffic Control	None	None	No Response
31.	Full-time salary; centralized guidelines; training program.	Annual Salary, strong administrative authority over them.	Standard education program; removal of inactive constables & deputies from office, more adequate fee bill.	Continuing training programs; increased compensation.	Training & certification; place constables on a rotating basis.	Limit 2 constables to that # sufficient to serve D.J. processes.	Full-time; adequate salary; trained, appointed, not elected.	Authorize chief constable to recruit deputies & be appointed by court.	Full-time constables.	Have full-time constables guaranteed wage; appointed not elected.	Salaried & full-time position.	No Response

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Mifflin</u>	<u>Monroe/ Pike</u>	<u>Montgomery</u>	<u>Northumberland</u>	<u>Somerset</u>	<u>Susquehanna</u>	<u>Tioga</u>	<u>Washington</u>	<u>Venango</u>	<u>Westmoreland</u>	<u>Wyoming/ Sullivan</u>	<u>York</u>
1.	12-- 6 appointed	27	106	63	35	No response	41	79	19	103	26	82
1a.	1	8	40	10	10	40	9	20	15	No response	6	27
1b.	17	19	66	28	25	No response	32	59	4	No response	No response	55
2.	1	3	40	4	9	25	3	158	1	29	Unknown	Unknown
3.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4.	1	0	25	0	0	0	0	59	7	No response	0	Very few
5.	No	No	No	No	No	No	No	Yes	No	No	No	No
6.	No	No	No	No	No	No	No	No	No	No	No	No
7.	Judge	No one	Deputy Crt. Admin.	P.J. & D.J.	P.J.	No response	D.A.	Crt. Admin.	No pro- cedures	P.J.	No pro- cedures	Not clear
8.	Judge	P.J.	Deputy Crt. Admin.	No one	Sheriff or D.A.	No response	No response	No investi- gation	State Police	County Detectives	Sheriff	Not clear
9.	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
9a.			Constable Assoc.					Constable Assoc.		Constable Assoc.		
9b.			Monthly					Biannually		Monthly		
10.	State	None	Local	Other Training	None	None	Local & State	State	None	None	None	No training

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Mifflin</u>	<u>Monroe/ Pike</u>	<u>Montgomery</u>	<u>Northumberland</u>	<u>Somerset</u>	<u>Susquehanna</u>	<u>Tioga</u>	<u>Washington</u>	<u>Venango</u>	<u>Westmoreland</u>	<u>Wyoming/ Sullivan</u>	<u>York</u>
11.	Yes-- Serving processes in non- support	No	Yes--serve equity com- plaints	No	No	No	Yes--by court order	Yes--serve bench war- rants and subpoenas	No	Yes--serve subpoenas and war- rants	No	No
12.	Yes	No	Yes	Yes	Yes	No	No	Yes	No	Yes	No	Yes
13.	J.P.	D.J.	P.J.	D.J.	Their own	Magistrate	D.J.	The court	no one	No response	J.P.	D.J.
14.	Yes-- City soli- citor	No	Yes--Con- troller & financial admin. in D.J. office	Yes--dis- tributed by D.J. & collection of court costs	Yes--clerk & J.P. records	No	Yes--D.J. files	Yes--Con- troller audits	Yes-- county auditors	Yes-- controller	Yes-- through J.P.	No
14a.												
15.	Yes--fees	No	Yes--lack of uni- formity	Yes--too many meaning low in- come	Yes--train- ing, pay- ment, availability	No	Yes--lack of suffi- cient compensa- tion	Yes--inade- quate fees, lack of availability	Yes-- unreli- able	No	Yes--lack of train- ing	Yes--not available or no training
15a.												
16.	D.R & Treas. directed by commissioners	No std. pro- cedure	All D.J. offices	D.J. office	Commissioners and J.P.'s	None	D.J.'s	Controller	J.P.'s	Unknown	J.P.	D.J. and controller
17.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18.	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Mifflin</u>	<u>Monroe/ Pike</u>	<u>Montgomery</u>	<u>Northumberland</u>	<u>Somerset</u>	<u>Susquehanna</u>	<u>Tioga</u>	<u>Washington</u>	<u>Venango</u>	<u>Westmoreland</u>	<u>Wyoming/ Sullivan</u>	<u>York</u>
19.	1	2	2	2	2	3	2	5-7	0	1-3	2	1 or 2
20.	No	Yes--do not want to get involved in civil executions	No	Yes--low fees for multiple trips	Yes--lack of available trained constables	Yes	Yes--lack of active constables	Yes--poorly educated in procedures	Yes	Yes--slow service	Yes--lack of understanding duties	Yes--lack of availability
21.	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	Yes	No	Yes
22.	None	None	None	None	None	Election duties	None	Security Guard, Traffic Control, Patrol Person	Security Guard	None	None	Security Guard, Traffic Control
23.	Serving & executing processes	Election duties	Serves D.J. courts, divorce complaints, subpoenas	Serve CR & CV processes, transports defendants to prison	Process serving, election duties	Serving papers	Service of legal papers for D.J.'s	Serve warrants, subpoenas, civil executions	None	Serve warrants, subpoenas, civil complaints	Serves processes for J.P.'s	Civil work for D.J.
24.	Yes	No	Yes	Yes	Yes	No	Yes	Yes	N/A	Yes	No	No
25.	Yes--\$5,000 - \$6,000	No	Yes--\$10,000 - \$30,000	Yes--\$ 450 - \$2,000	No	Yes--\$200/yr.	No	Yes--\$4,000 - \$5,000	No	No	Yes--\$10 - \$150	No
26.												

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES NOT VISITED BY EVALUATION TEAM

	<u>Mifflin</u>	<u>Monroe/ Pike</u>	<u>Montgomery</u>	<u>Northumberland</u>	<u>Somerset</u>	<u>Susquehanna</u>	<u>Tioga</u>	<u>Washington</u>	<u>Venango</u>	<u>Westmoreland</u>	<u>Wyoming/ Sullivan</u>	<u>York</u>
27.	No change	Office should be abolished	Fee and mileage	Salary and mileage	Salary	N/A	Salaried position on state payroll	Salary and mileage	Unknown	Fee	Salary comparable to deputy sheriff	Salary
28.	No--only need one constable	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No--or training or organization Yes
29.	No	No	No	No	No	No	Yes	No	No	Yes	No	Initiative
29a.							Both			Both		
30.	None	None	N/A	None	N/A	None	Will assist law enforcement agencies on request	None	N/A	Assist Police Dept.	N/A	Some make arrests as police officers
31.	Presently, system is functioning satisfactorily	Sheriff's can perform constable tasks	Higher caliber personnel must be attracted	Training programs, salary structure	Create full-time positions under control of P.J. Appointment rather than elected	Leave unchanged	Should be full-time and considered state employees assigned to D.J. staffs. Should receive formal training	More pay & training. Reduce # of constables assigned to amount needed. Must become active after election.	System should be abolished	Should be directed by AOPC	Raise salary and include continuing education programs.	Be assigned to a district judge on a full-time basis with adequate training

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRECOUNTIES VISITED BY EVALUATION TEAM

<u>Question</u>	<u>Allegheny</u>	<u>Beaver</u>	<u>Centre</u>	<u>Clarion</u>	<u>Erie</u>	<u>Delaware</u>
1.	232	69	16	14	33	81
1a.	40	20	0	0	6	10
1b.	192	59	16	14	27	71
2.	180	10	0	2	11	34
3.	Yes	Yes	Yes	Yes	Yes	Yes
4.	15	3	0	2	4	3
5.	No	No	No	Yes	No	Yes
6.	No	Yes	No	Yes	No	Yes
7.	None	CtAdm	None	Ct	CtAdm	CtAdm
8.	DA	CtAdm	None	Ct	Const. Assoc.	Ct
9.	Yes	Yes	No	No	Yes	Yes
9a.	Assoc.	Assoc.	--	--	Assoc.	Assoc. & CtAdm
9b.	Monthly	Monthly	--	--	Monthly	Monthly
10.	No	Yes	No	No	Some	Yes
11.	No	Yes	No	Yes	No	Yes

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES VISITED BY EVALUATION TEAM

<u>Question</u>	<u>Allegheny</u>	<u>Beaver</u>	<u>Centre</u>	<u>Clarion</u>	<u>Erie</u>	<u>Delaware</u>
11a.	--	Depts.	--	Process & Security	--	Warrants
12.	No	Yes	No	Yes	Yes	Yes
13.	DJ	varies	None	Ct	CtAdm	DJ
14.	None	None	--	Some	Some	Some
15.	No	Yes	Yes	Yes	Yes	Yes
15a.	--	--	not used	not used	usual	usual
16.	DJ, Controller	DJ, Contr.	DJ	Contr.	DJ, Contr.	DJ, CtAdm
17.	Yes	Yes	Some	Yes	Yes	Yes
18.	Yes	No	Yes	No	No	No
19.	1-2	1-2	1	2	1-2/DJ	1-2
20.	Yes	Yes	No	Yes	Yes	Yes
21.	Some	Yes	No	Yes	Yes	Yes
22.	Usual	Usual	Traffic	Usual	Usual	Usual

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES VISITED BY EVALUATION TEAM

<u>Question</u>	<u>Allegheny</u>	<u>Beaver</u>	<u>Centre</u>	<u>Clarion</u>	<u>Erie</u>	<u>Delaware</u>
23.	usual	usual	--	DJ	DJ	DJ
24.	some	No	No	some	Yes	No
25.	0-\$60,000	0-\$15,000	<\$1,000	\$10,000 Salary	0-\$30,000	0-\$60,000
26.	--	--	--	--	--	--
27.	\$16-18,000	Salary	Salary	Salary	Salary \$12-15,000	<u>Fee</u>
28.	Yes	Yes	No	No	Yes	Yes
29.	No	No	Yes	No	No	No
30.	--	n/a	varies	--	--	--
31.	--	--	--	Abolish and have Court appoint its own.	--	--

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES VISITED BY EVALUATION TEAM

<u>Question</u>	<u>Franklin/ Fulton</u>	<u>Huntingdon</u>	<u>Potter</u>	<u>Schuykill</u>
1.	40	24	11	65
1a.	5	6	4	5
1b.	35	18	7	60
2.	0	0	0	0
3.	Some	Yes	Yes	Yes
4.	0	0	0	0
5.	No	No	No	No
6.	No	No	No	No
7.	Ct	CtAdm	None	D.J.
8.	Ct	--	None	None
9.	No	No	No	No
9a.	--	--	--	--
9b.	--	--	--	--
10.	No	No	No	No
11.	Yes	No	No	No

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

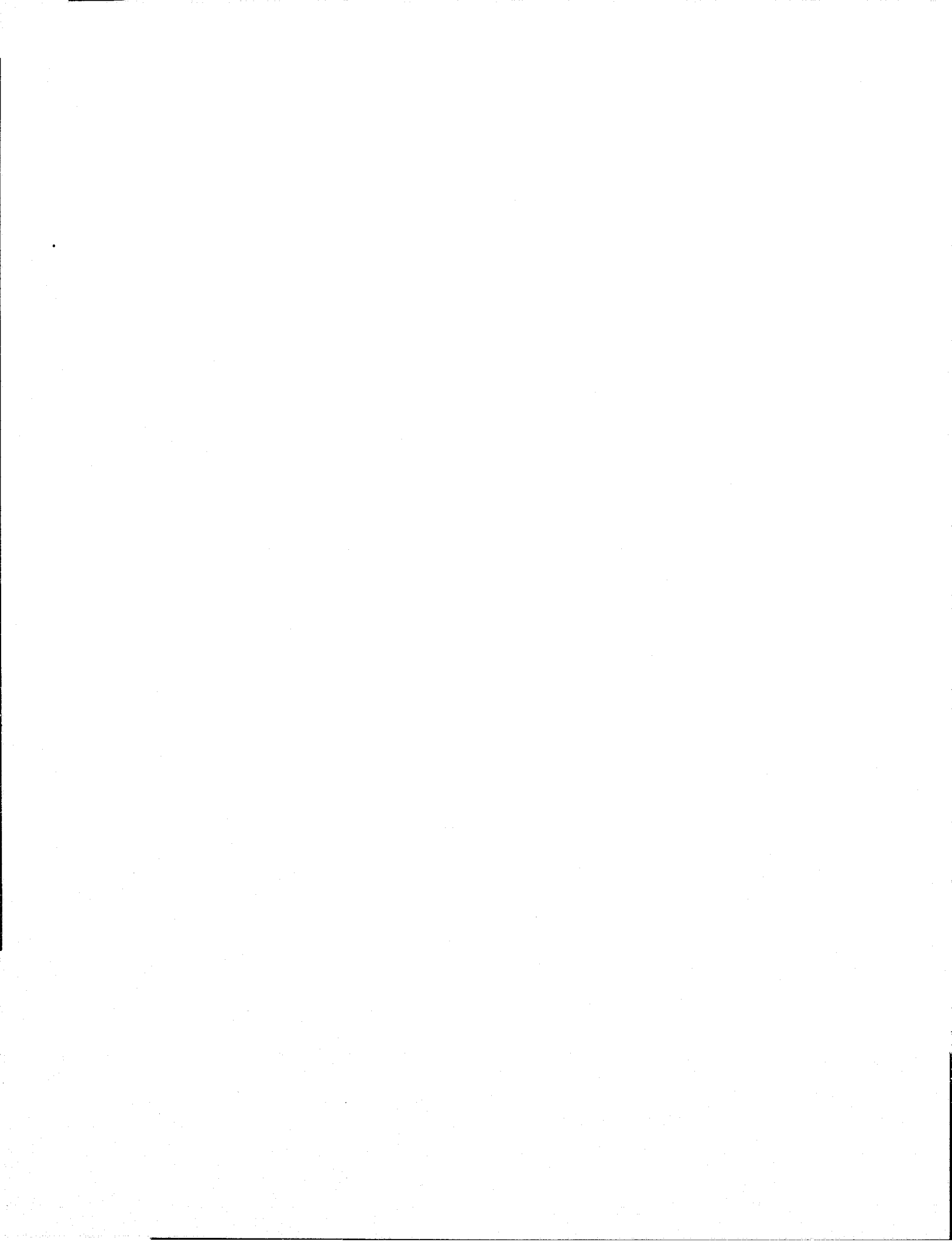
COUNTIES VISITED BY EVALUATION TEAM

<u>Question</u>	<u>Franklin, Fulton</u>	<u>Huntingdon</u>	<u>Potter</u>	<u>Schuylkill</u>
11a.	--	--	--	--
12.	No	Yes	No	No
13.	DJ	DJ	No	DJ
14.	No	No	No	No
15.	Yes	Yes	No	Yes
16.	DJ, Contr.	DJ	DJ	DJ, Contr.
17.	Yes	Yes	Some	Yes
18.	No	No	Yes	Yes
19.	2	3-4	1	1-2
20.	Yes	Yes	No	Yes
21.	Yes	Yes	No	Some
22.	usual	usual	--	usual

RESULTS OF CONSTABLES EVALUATION QUESTIONNAIRE

COUNTIES VISITED BY EVALUATION TEAM

<u>Question</u>	<u>Franklin, Fulton</u>	<u>Huntingdon</u>	<u>Potter</u>	<u>Schuylkill</u>
23.	DJ	DJ	DJ	DJ
24.	No	Some	No	No
25.	0-\$1,000	\$80-700	0-\$2,000	\$100-800
26.	--	--	--	--
27.	Salary	Salary \$8-9,000	Unknown	Salary
28.	Yes	Yes	Some	Yes
29.	Some	No	No	Some
30.	--	--	--	usual
31.	--	--	--	--



END