

FIFTH JUDICIAL DISTRICT
OF PENNSYLVANIA

County of Allegheny
Pittsburgh, Pennsylvania

CONSTABLE HANDBOOK

Version February 29, 2016

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

ADMINISTRATIVE ORDER

IN RE: CONSTABLE ADVISORY BOARD FOR)
FIFTH JUDICIAL DISTRICT)
)
)

CRIMINAL DIVISION

MISC NO.: 10-131-CR.

ORDER OF COURT

AND NOW, this 12th day of April 2010, pursuant to the Court's authority to supervise the "performance of constable duties for the courts" 42 Pa.C.S. 7102, it is Ordered that effective June 1, 2010, there shall be a Constable Advisory Board for the Fifth Judicial District to recommend policies on duties, requirements, organization, training, responsibilities, ethics and discipline of all persons performing Constable duties.

The Board shall consist of nine (9) members appointed to two (2) year terms as follows:

- Magisterial District Judge Richard Opiela (chairperson);
- Sheriff Mullen or his designee;
- Warden Ramon Rustin or his designee;
- District Attorney Stephen A. Zappala or his designee;
- Department of Court Records Administrator Kate Barkman or her designee;
- County Controller Mark Flaherty or his designee;
- Court Administrator Raymond Billotte or his designee;

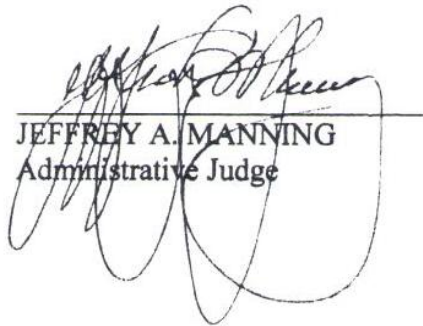
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- Elected Constable David Allison, President, Allegheny County Constables Association, Inc.; and
- Elected Constable William N. Leiber.

The Board shall meet at least quarterly and at the call of the Chair or the Court.

BY THE COURT:



JEFFREY A. MANNING
Administrative Judge

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Acknowledgement of Receipt of Constable Handbook

SECTION ONE

DEFINITIONS

Constable Advisory Board for the Fifth Judicial District (Board):

The nine (9) member Board consisting of a Magisterial District Judge, the Allegheny County Sheriff, the Warden of the Allegheny County Jail, the Allegheny County District Attorney, The Fifth Judicial District of Pennsylvania Court Administrator, the Director of the Allegheny County Department of Court Records ("DCR"), the County Controller and two (2) elected Constables certified by Pennsylvania Commission on Crime and Delinquency/Constable Education Training Board including the President of the Allegheny County Constable's Association, Inc. and one (1) other Constable. The following Board members may have a designee sit on the Board in place of the Board member: the Allegheny County Sheriff; the Warden of the Allegheny County Jail; the Allegheny County District Attorney; the Director of the DCR; the County Controller; and the Fifth Judicial District of Pennsylvania Court Administrator. The Board's address is: c/o Court Administrator, 437 Grant Street #300, Pittsburgh, Pennsylvania 15219. Phone: 412-350-5410

Controller:

As the chief fiscal officer of Allegheny County, the Controller is responsible for all activities having to do with the processing of payments to vendors. These duties include ensuring all vendors possess the proper credentials, verifying the accuracy of bills presented, accounting functions and software support, establishing procedures for payment, and auditing payments.

In the Controller's payment system, each Constable is considered to be a vendor. Prior to payment, the Controller must first ensure that each Constable submitting a request for payment has met all credentialing requirements. Furthermore, the controller must determine that bills submitted for payment are for work that has been authorized by a magisterial district judge, a family court representative or district attorney and are in accordance with the governing Pennsylvania statutes and the procedures included in this Constable Handbook. The Controller's Office address is: Allegheny County Controller's Office, 104 Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania 15219. Phone: 412-350-4660

Constable:

As used herein, "Constable" shall include elected, court appointed constables, and/or deputy constables certified by CETB. "Constable" does not include Election Day deputy constables.

Court:

The courts of the Fifth Judicial District of Pennsylvania.

Department of Court Records (DCR), Criminal Division:

The DCR, Criminal Division was formerly known as the Clerk of Courts. The DCR, Criminal Division is the filing office for all documents and Orders of Court for Fifth Judicial District, Criminal Division cases. The DCR, Criminal Division is located in Room 114 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, 15219.

Order:

Criminal Division Misc. No. 10-131-CR of April 12, 2010 (incorporated herein), is the Order and Amended Order of Court signed by the Honorable Jeffrey A. Manning, Administrative Judge of the Criminal Division of the Fifth Judicial District, Court of Common Pleas of Allegheny County creating the Constable Advisory Board for the Fifth Judicial District to "recommend policies on duties, requirements, organization, training, responsibilities, ethics and discipline of all persons performing Constable duties."

Pennsylvania Commission on Crime and Delinquency (PCCD):

The Pennsylvania Commission on Crime and Delinquency strives to be a state and national leader by providing innovative services and programs that promote justice for all citizens and communities of Pennsylvania

PCCD Constables' Education and Training Board (CETB):

The Constables' Education and Training Board trains and certifies the Commonwealth's elected and appointed Constables and deputy Constables, pursuant to Act 49 of 2009 *et seq.* Training consists of basic and firearms education, which leads to certification to perform duties for the Court and receive payment. Annual in-service training is required to maintain certification. Training consists of basic training and continuing yearly education and certification which is required to perform services for the Courts of the Fifth Judicial District in consideration for payment. Firearms certification and yearly certification is also mandatory for Constables who carry a firearm in the performance of their duties for the Fifth Judicial District Courts.

Prisoner

Any individual who is arrested and transported (restrained or unrestrained) in the interest of public safety; an individual transported in conjunction with an involuntary or voluntary commitment; an individual taken into custody for violating the provisions of a court order; and any prisoner of any correctional facility taken into custody for a summary, misdemeanor or felony violation(s) or who must be transported anywhere. In summary: a person being transported by law enforcement for any reason who is in lawful custody and is not free to leave.

SECTION TWO

ADMINISTRATIVE INFORMATION

I. PROCEDURES TO TAKE OATH OF OFFICE

It is the responsibility of a constable to obtain a current instruction packet from the DCR, Criminal Division, because procedures may be updated from the date of issue of this Manual.

A. Elected Constables

Constables are elected for a six (6)-year term and must take the official oath or affirmation as provided for in the Commonwealth of Pennsylvania Constitution and administered by the DCR, Criminal Division. An elected constable must be certified by the CETB in order to appoint deputy constables. Instructions for elected constables to follow in order to take the official oath or affirmation are available at the DCR, Criminal Division or its website. The *Instructions for Elected Constables*, as of the date of issue of this Manual, are attached hereto and labeled "Appendix A".

B. Deputy Constables

Deputy constables are appointed by elected constables, who must be certified by CETB in order to appoint, and the appointment must be affirmed by Order of Court by the Administrative Judge of the Criminal Division of the Fifth Judicial District or a Judge designated by the Administrative Judge of the Criminal Division. Instructions how to obtain Court approval for appointment of a deputy constable are available at the DCR, Criminal Division or its website. The *Instructions in order to Obtain Court Approval of Appointment of Deputy Constable*, as of the date of issue of this Manual, is attached hereto and labeled "Appendix B". Notification of appointment of deputy constables shall be satisfied by completion of form attached hereto and labeled "Appendix C".

C. Court Appointed Constables

Instructions how to petition the Court for appointment to a vacant constable position are available at the DCR, Criminal Division or its website. The *Instructions for Obtaining Court Approval to Fill Constable Vacancy*, as of the date of issue of this Manual, is attached hereto and labeled "Appendix D".

II. REQUIREMENTS OF CONSTABLES TO WORK FOR THE COURT

A. Constables must:

1. Be certified by the Pennsylvania Commission on Crime and Delinquency/Constable Education Training Board (PCCD/CETB.)
2. File a \$2,000 bond in the DCR, Criminal Division if work in a second or third class city (Pittsburgh, Clairton, Duquesne, and McKeesport).
3. File a \$1,000 bond in the DCR, Criminal Division, if do not work in a city.
4. Maintain liability insurance of \$250,000/per incident; minimum aggregate of \$500,000/year and must submit proof of that insurance coverage to the DCR, Criminal Division.
5. Maintain a valid and current Pennsylvania driver's license and business automobile insurance on any vehicle used for Court work. The absence of a driver's license does not preclude a deputy constable from working with a certified constable or deputy constable as a partner, so long as the unlicensed deputy constable does not operate a motor vehicle.
6. Maintain at all times standard communication equipment such as a cell phone, land line phone, fax machine, e-mail address and/or pager and provide pertinent notification information to any Court from which s/he works so that the Court may contact the constable.
7. Maintain current address information with the DCR, Criminal Division; Controller; and Magisterial District courts from which s/he works.
8. Maintain current vehicle information as required by the Allegheny County Jail. A logbook will be kept at the ACJ Intake Area. Attached hereto and labeled "Appendix E".
9. Maintain all required and ongoing certifications, including firearm training, if carrying a firearm.

III. RECOMMENDATION

It is recommended that when constables work in a pair or group for the Court, a minimum of one (1) constable should be firearm certified.

SECTION THREE

CONSTABLE CODE OF CONDUCT

I. REPRESENTATIVE OF COURT

A constable acting on behalf of the Courts is required to work within the law. A constable shall not engage directly or indirectly in any activity or act incompatible with the expeditious, proper and impartial exercise of the constable's duties and shall not exploit the constable's official position for financial gain or for any business or professional advantage. Constables conduct themselves with a high degree of professionalism in demeanor, language, appearance and dress. Impropriety and the appearance of impropriety shall be avoided.

II. PERFORMANCE OF DUTIES

A constable shall perform all duties impartially, without favor or affection or ill will, and without regard to status, sex, race, religion, political belief or aspiration. All citizens of Allegheny County and the Commonwealth of Pennsylvania shall be treated equally with courtesy, consideration, and dignity. Constables shall not allow personal feelings, animosity, or friendships to influence official conduct. Laws shall be enforced appropriately and courteously and, in carrying out their responsibilities, constables shall strive to obtain maximum cooperation from the public.

III. EXERCISE OF DISCRETION

A constable will responsibly use the discretion vested in the position. The principle of reasonableness shall guide the constable's official actions and the constable should consider all surrounding circumstances in determining whether any official action should be taken. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public.

IV. USE OF FORCE

A constable's use of force shall be consistent with Pennsylvania law on use of force and with the training and education provided by the CETB. A constable shall never employ unnecessary force or violence, and shall use only such force in the discharge of duty as is reasonable in all circumstances. While the use of force is occasionally unavoidable, every constable shall refrain from applying the unnecessary infliction of pain or suffering and shall never engage in cruel, degrading, or inhuman treatment of any person.

V. CONFIDENTIALITY

Whatever a constable sees, hears, or learns of, which is of a confidential nature shall be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

VI. INTEGRITY

Constables shall behave in a manner that does not bring discredit to their office or themselves. The public demands that the integrity of constables be above reproach. Therefore, constables shall avoid any conduct that might compromise integrity and thus undercut the public confidence in this elected position. Constables shall refuse to accept any gifts, presents, subscription, favors, gratuities, or promises that could be interpreted as seeking to cause the constable to refrain from performing official responsibilities honestly and within the law. Constables shall not receive private or special advantage from their official duty.

VII. COOPERATION WITH OTHER CONSTABLES AND LAW ENFORCEMENT AGENCIES

Constables shall cooperate with all legally authorized police agencies and their representatives in the pursuit of justice. A constable's own association may be one among many organizations that provide services to the County of Allegheny and Commonwealth of Pennsylvania. It is imperative that constables assist colleagues fully and completely with respect and consideration at all times.

VIII. PERSONAL/PROFESSIONAL CAPABILITIES

Constables are responsible for their own standard of professional performance and should take every reasonable opportunity to enhance and improve their level of knowledge and competence. Constables performing duties for the Court must meet the standards set forth by Act 49 of 2009 which is further delineated by the CETB. Through study and experience, a constable can acquire the high level of knowledge and competence essential for the efficient and effective performance of duty.

IX. DRESS

All constables shall be in uniform (appropriate law enforcement) when performing services for the Court. That uniform shall include but not be limited to: a Pennsylvania State Constable patch or writing on the shirt or outermost clothing that identifies him or her as a constable or deputy constable along with a badge pinned or sewn onto the belt, around the neck or on an outer garment and have on his or her person at all

times a Constable Certification Card issued by CETB indicating certification number and expiration date.

X. DUTY TO REPORT CRIMINAL CHARGES AGAINST CONSTABLE

A constable must report any personal conduct which may constitute a felony, misdemeanor or non-traffic summary violation of a state criminal statute (Pennsylvania or otherwise) or federal law within 48 hours of receipt of any summons, warrant, indictment, information, or other notice of criminal charges in which the constable is a defendant. This report must be made to the Allegheny County District Attorney's Chief of Detectives at 412.388.5300.

XI. UNPROFESSIONAL CONDUCT

A. Unprofessional conduct is defined as conduct that reflects poorly upon the image of constables and the Court.

Examples of unprofessional conduct include, but are not limited to: failure to timely complete work; failure to timely and properly complete fee bills (constable payment form); failure to perform work consistent with training provided by the Constable Education Training Board; failure to have proper insurance; failure to have proper identification when serving court documents, pleadings and subpoenas and warrants; false statements to MDJs, judges, or other Allegheny County officials; refusal to cooperate with investigations; committing criminal offenses while acting as a constable; being impaired by alcohol, drugs, medications or other intoxicating substances while on duty; failure to respect the rights of their fellow constables, judges, staff, and citizens; harassing or discriminating against an individual or group by reason of race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability.

B. Constables must not engage in any kind of harassment of others.

1. Physical Harassment/Abuse means unwanted physical contact including touching, fondling, patting, pinching, kissing and all legal classifications of assault.
2. Verbal Harassment/Abuse includes but is not limited to name calling, innuendoes, insults, threats, requests or demands for sexual favors, propositions, questions about a person's sexual practices, lewd comments, "wolf whistles," racial, religious, ethnic, or explicit sexual jokes.
3. Visual Harassment/Abuse includes obscene, explicit or insulting gestures, leering or displays, pictures, objects, materials or crude cartoons.
4. Sexual Harassment is further defined, to include unwanted sexual advances, requests for sexual favors and other verbal or physical conduct such as that described above when it is of a sexual nature and when such

conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

XII. DISCIPLINARY ACTION

Failure to act consistent with the Code of Conduct may subject a constable to disciplinary action up to and including a ban on a constable from performing work for the Fifth Judicial District or removal from office by a judge of the Fifth Judicial District, Court of Common Pleas of Allegheny County.

Disciplinary action is at the discretion of the President Judge or his/her designee.

XIII. REVIEW BY COURT ADMINISTRATOR

A constable may request review of any discipline or restriction placed upon any condition of work that is imposed by a Magisterial District Judge. That review shall be through the Court Administrator of the Fifth Judicial District or his/her designee. See attached hereto form labeled "Appendix F".

SECTION FOUR

WARRANT SERVICE

I. SERVICE OF ARREST/BENCH WARRANTS

A. A constable executing arrest/bench warrants at residences shall exercise the following procedure:

1. A constable shall have warrant and a copy of complaint for defendant.
2. Constables shall not serve summary arrest/bench warrants at a residence during night time hours between the hours of 11 PM and 6 AM.
3. Constables shall not serve misdemeanor and/or felony arrest/bench warrants at a residence during night time hours between 11PM and 6AM unless:
 - i. Exigent circumstances exist such that the need for an immediate arrest outweighs the enhanced danger of effecting a nighttime arrest; and
 - ii. The proper issuing authority authorizes night time service of the warrant, and completion of Exception to Normal Constable Procedure, form which is attached hereto and labeled "Exhibit G"; and/or,
 - iii. The local police agency having primary jurisdiction where the warrant is to be served actively assists the constable with service of warrant.

II. SUMMARY ARREST WARRANTS PROCEDURES

Summary warrants, accompanied by a signed copy of the citation or complaint, shall be assigned to constables at the discretion of the Magisterial District Judge as set forth in the Pennsylvania Rules of Criminal Procedure. It is advisable that judges issue warrants to constables who have proven themselves to be diligent in accomplishing the court's work and diligent in returning unserved warrants within 60 days. Any constable or deputy constable expecting payment for the warrant return shall attach to his or her fee sheet a *Summary Due and Diligent Search for Current Whereabouts Form*. See Appendix H. Warrants returned within 60 days may then be reissued to either the same or a different constable for an additional 60-day period.

A. Issuance Procedures

If the defendant is able to pay:

1. Warrant is issued to a particular constable.

2. When the constable makes contact with the defendant, the constable must accept from the defendant a signed guilty plea and the full amount of the fine and costs if stated on the warrant; or
3. Accept from the defendant a not guilty plea and the full amount of collateral if stated on the warrant.
4. The constable issues a copy of the warrant, which serves as a receipt, to the defendant for any monies taken. The constable and defendant both sign the receipt.
 - i. The constable must return the funds collected and a copy of the receipt, signed by the defendant and the constable, to the magisterial district judge on the next business day. He or she should call the court at the start of the following business day to notify the Court to cancel the warrant.
 - ii. Complete the "Return" portion of the Warrant of Arrest and return it to the court.
 - iii. In all cases where the constable who has been issued a warrant by the court makes contact with the defendant, the constable shall so note the date, time, address and phone number (if possible) of each contact.
 - iv. In all cases where the constable who has been issued a warrant by the court does not make contact with the defendant, after three attempts to locate the defendant, the constable may, at the time of the return of the warrant, complete the "Service of Process Not Found" portion of the warrant as well as a *Summary Due and Diligent Search for Current Whereabouts* Form which is attached hereto and labeled "Appendix H."

B. When Constable Should Bring Defendant in Custody to PMC

Pursuant to Local Rule 117.1 the Pittsburgh Municipal Court provides continuous coverage for the issuance of search and arrest warrants, acceptance of criminal complaints, conduct of preliminary arraignments, setting and acceptance of bail, holding of summary trials or setting collateral thereof.

1. When a constable serves a summary arrest warrant and has a person in custody that is not able to pay pursuant to Pa.R.Crim.P. 431 (B)(1)(c) and the original issuing authority is unavailable the constable may bring the defendant to PMC.
2. The constable should bring the person to Arraignment Courtroom #1 and notify a staff member.
3. The constable must have a copy of the arrest warrant and if possible accompanying paperwork such as a signed copy of a citation or criminal complaint.

4. The Magisterial District Judge will proceed according to Pa.R.Crim.P. 431(3)(a) – (c).
5. If the defendant pleads not guilty and it is not possible to conduct an immediate trial, the defendant will be given an opportunity to post collateral for appearance on a new date and hour fixed for trial.
6. The constable and the defendant will receive notice of the new date.
7. The Pittsburgh Municipal Court will thereafter notify the issuing authority of the new date and hour fixed for trial.

C. Summary Bench Warrants

When a constable serves a summary bench warrant and has a person in custody that is not able to pay pursuant to Pa.R.Crim.P. 431 (C)(1)(d) and the issuing authority is unavailable the constable may bring the defendant to PMC.

1. The constable should bring the person to Arraignment Courtroom #1 and notify a staff member.
2. The constable must have a copy of the bench warrant and if possible accompanying paperwork such as a signed copy of the citation or complaint.
3. The Magisterial District Judge will proceed according to Pa.R.Crim.P. 431(C)(3) and conduct a bench warrant hearing.

III. MISDEMEANOR/FELONY ARREST WARRANTS PROCEDURES

A. Misdemeanor and Felony Search for Current Whereabouts

1. Need for a Due and Diligent Search:

In any criminal case in which a misdemeanor or felony is charged, Rule 600 of the Pennsylvania Rules of Criminal Procedure (related to prompt trial) requires that the case be tried within 365 days of the filing of the criminal complaint. Failure to bring a defendant to trial within this time period results in the dismissal of the case and the discharge of the defendant.

A due and diligent search is needed in every case where a criminal complaint is filed against a defendant and he cannot be located and thus is never given a subpoena or notice to appear. This would also include cases in which criminal complaint is filed, the defendant does not respond to a summons and an arrest warrant is issued. In such instances, if a diligent search is not completed, the time period under Rule 600 will continue to run and the case will be dismissed after 365 days. Therefore it is essential

that regular and periodic due and diligent searches be conducted and documented by the police/constables in order to avoid Rule 600 problems.

A constable may conduct a search for a defendant on either a criminal complaint filed by a police officer or on a private criminal complaint. The efforts made by the constable to find the fugitive count toward a due and diligent search in the same way that the same efforts by the police officer would count.

2. Nature of a Due and Diligent Search:

A cursory check as to the defendant's whereabouts will not constitute a due and diligent search. It is important to exhaust all conventional methods for locating the suspect, such as looking for him at work and at home, talking to relatives, neighbors, co-workers, friends, probation officers etc.

In addition to conventional sources of information, a number of web-based applications can be of assistance in making this determination. Making use of that information, officers or constables must follow up and make an effort to locate the defendant at such locations.

It is recommended that continuous efforts to locate the defendant are made, but in any event, the due and diligent search should be repeated at least every three to six months. While, not a hard and fast period of time under the law, if a thorough search is conducted every three to six months, this should be sufficient to prevent the Rule 600 clock from continuing to run. The more frequently efforts are made to find the suspect; the better the argument will be that the search was due and diligent.

3. Documentation of the Due and Diligent Search:

When a constable conducts a search, the constable should personally document all of his or her efforts to locate the suspect on the *Misdemeanor and Felony Search for Current Whereabouts Form* in the same way that a police officer would. See attached hereto and labeled "Appendix I". When the defendant is finally arrested, the defense attorney may raise a Pa.R.Crim. P. 600 objection at that time and the constable will have to testify about the search he conducted. He needs to personally document the efforts made so that he will remember them (possibly years later) when called to testify after the defendant is arrested.

4. Retention of Documentation:

The constable should retain a copy of the *Misdemeanor and Felony Search for Current Whereabouts Form* for his or her records, in the event they are asked to testify about their search at some time in the future. Although the constable should personally document his or her efforts to find the suspect on the *Misdemeanor and Felony Search for Current Whereabouts Form*, the original signed forms should be submitted to the police department that filed the criminal complaint and retained by the department along with other reports related to the case. This will ensure that the documentation is all in one place and can be found even if the suspect is not arrested until years later. In addition, by collecting the forms, the police can ensure that a due and diligent search has actually been conducted. In the case of a private complaint, the original signed forms should be submitted to the Magisterial District Judge before whom the complaint was filed.

B. Pittsburgh Municipal Court Procedures

When a constable serves a warrant on a court case (cases initiated by the filing of a criminal complaint) and the issuing authority is unavailable the constable shall bring the defendant to the Allegheny County Jail.

1. The constable must have copies of the warrant and of the signed criminal complaint.
2. The constable shall leave a copy of the warrant and a copy of the signed criminal complaint at the intake desk of the Allegheny County Jail.
3. After the defendant is lodged in the Allegheny County Jail, the constable shall proceed to the Arraignment Court window in the Pittsburgh Municipal Court Building.
4. The constable must see a clerk and give them the copy of the warrant and signed criminal complaint. The constable must fill out the return of service on the back of the warrant. If the case is a City of Pittsburgh Police Department case, the constable does not need a signed copy of the criminal complaint.
5. The Arraignment Clerk will mark the warrant as served in the Magisterial District Judge System and accept the complaint.

C. Misdemeanor and Felony Warrants from Magisterial District Courts

The primary responsibility for the search for a defendant on a misdemeanor or felony warrant on a police complaint always remains with the police department filing the complaint. It is that department's responsibility to ensure that a due and diligent search is conducted and that the defendant is apprehended. A police department may also seek the assistance of other police departments in the due and diligent search.

There may, however, be situations where the police request the assistance of a constable in conducting the search. These situations may include:

- When it appears that the defendant is located outside of the police department's primary jurisdiction
- When the defendant has not been apprehended after the police have conducted and documented a due and diligent search
- When manpower limitations of the police department preclude it from apprehending the defendant or conducting the diligent search
- When other circumstances exist such that the assistance of a constable is reasonably necessary

In such situations, constables can be assigned a misdemeanor or felony warrant if:

1. The police department requests that a particular warrant be assigned to the constable, and;
2. The Magisterial District Judge agrees that the warrant should be assigned to the constable.

When these two requirements are met, the Magisterial District Court will provide a copy of the warrant to the constable so that the constable may search for the defendant in conjunction with the police department. The warrant must remain issued in the affiant's (police officer's) name rather than in the constable's name. The constable must receive a copy of the warrant from the Magisterial District Court.

The warrant should not be changed into the constable's name, even after it is executed. Issuance of the Server Fee Notice to the constable will serve as evidence to the Controller that the police department requested, and the Magisterial District Judge approved, the assignment of the warrant to the Constable.

Since the primary responsibility for apprehending defendants remains with the police department, the police department should not routinely or automatically request that every warrant be copied to the constable. The Magisterial District Judge, however, may approve any reasonable police request for constable assistance after considering the factors listed above.

While the court can authorize a constable to work on a warrant, the court will not direct or supervise the constable in that work and the search for the defendant must be coordinated directly between the police department and the constable. When a constable makes an arrest on a misdemeanor or felony warrant, they must notify the police department and the issuing authority of the arrest as soon as practicable.

While a constable may only search for defendants on misdemeanor or felony warrants in accordance with the procedures above, there may be instances when a constable, while conducting other business, comes into contact with a defendant with an outstanding misdemeanor or felony warrant. In such a case, the constable may detain the defendant, but must immediately and prior to transport, verify that the warrant is active and notify the affiant's agency and the issuing authority of the arrest. The constable must obtain a copy of the warrant to allow for processing of the defendant into the jail.

Constables may also make arrests on misdemeanor or felony warrants issued on private complaints. In these cases the warrants will be issued directly to the constable.

A constable will be paid for execution of misdemeanor or felony warrants provided that they comply with this section and the other sections of this Handbook regarding payment for execution of warrants.

IV. FAMILY DIVISION WARRANTS

- A. Family Division (ACFD) warrants are served both by Deputy Sheriffs and by constables. The Allegheny County Sheriff's Department is the official repository of all Family Division Warrants.
- B. Information on Allegheny County Family Division (ACFD) warrants can be found on the Allegheny County Jail (ACJ) intranet website at <http://10.200.0.30:8083/FamilyReports.aspx>. The page shown below will appear. Authorized users may select to view and/or print a report of all Active Family

Division Warrants; Active Family Division Warrants by Issued Date; Family Division Warrants Cleared; Active Family Division Warrants by Selected Zip Code; Active Family Division Warrants by Last Name and/or Date of Birth; and Active Family Division Warrant by selected Social Security Number. The information on this site is refreshed nightly.

Active Family Warrants Active Family Warrants
Active Family Warrants By Issued Date Issue Date: <input type="text" value="12/20/2010"/> Active Family Warrants by Date
Family Warrants Cleared Active Family Cleared Warrants
Active Family Warrants By Selected Zip Code ZipCode: <input type="text" value="15205"/> Active Family Warrants by Selected Zip Code
Active Family Warrants By LastName and/or DOB LastName: <input type="text"/> DOB: <input type="text" value="/ /"/> Active Family Warrants by Last Name and/or DOB
Active Family Warrants By Selected SSN SSN: <input type="text" value="- - -"/> Active Family Warrants by Selected SSN

- C. Initially, constables working in ACFD are issued no more than 100 warrants for defendants believed to be in the geographic area served individually by the constables. More warrants are issued as warrants are served.
- D. ACFD will prepare and maintain a "Constable list" for each constable, indicating which warrants have been given to that particular constable, the date the constable received the warrant, the current status of the warrant (whether the warrant was executed or remains in the possession of the constable). The "Constable lists" will be emailed to both the Sheriff's office and the individual constables weekly on Mondays.

1. All constable warrants must be served or returned within 60 days.
2. No constable shall have in excess of 100 warrants at any time.
3. Constables will utilize the FD form 'Constable's Report' to provide any updated information on a bench warrant/defendant, which the constable will return to Family Division either after execution of the bench warrant or when they determine not to proceed further with execution of the warrant.
4. As unexecuted warrants are returned by constables, the Constable list will be updated by removing the warrant from the constable's 'active' tab and placing it on the 'returned' tab. Any information the constable can provide about the defendant will be entered in a note field on the 'returned' tab.
5. If a constable makes contact with a defendant and effectuates each warrant of arrest or effectuates the payment of fines and costs by attempting to execute each warrant, the constable must notify ACFD in advance of the defendant's surrender by contacting the Manager of the Enforcement Department, the ACFD Bench Warrant Unit Supervisor or the Senior Bench Warrant Clerk, who will note on the fee voucher form "constable arranged walk-in" in the block titled 'Location of Service'. This should be done after the defendant appears so that the constable can receive reimbursement.
6. All constable payments will be processed in accordance with the Constable Payment Form located in this handbook.

SECTION FIVE

PRISONER CUSTODY AND TRANSPORTATION

I. MAIN OBJECTIVE

Constables should control and secure all prisoners during all transport activities to ensure the safe and efficient transportation of prisoners and to ensure the safety of prisoners, all constables conducting the transports, and the public.

II. VEHICLE REQUIREMENTS

All constables are responsible for ensuring their vehicles are safe and properly equipped for service.

Vehicles used by constables shall have valid inspection, registration and financial responsibility in accordance with the Pennsylvania Motor Vehicle Code.

A. Constable vehicle(s) shall:

1. Be equipped with a passenger compartment security screen. A security screen is a metal structure with clear fiberglass panels located between the driver's compartment and rear passenger compartment that spans from floor to ceiling with or without a sliding window. If a slider exists, it must be operable from front passenger side with lock that is controlled from the front seat compartment only. The security screen shall also have side panels to prevent contact from rear compartment to front seat. The security screen shall not interfere with the constable's ability to maintain visual contact of the prisoner, nor shall it impede any verbal communications.
2. Be modified to prevent unassisted exits from the rear of the vehicle.
3. Be modified so that rear door handles and window cranks are removed or made inoperable.
4. Be modified so that power windows are locked.

B. All constable vehicles, when possible, shall be rated for the number of prisoners being transported. If equipped, prisoners should be seat belted in the transporting vehicle. All juveniles must be seat belted during transport.

C. All constable vehicles must be equipped with a two-way communication device; i.e. mobile, handheld or cellular phone.

III. SEARCHES

A. Pre-Transportation Search Responsibilities

1. All constables shall search transportation vehicles for contraband, evidence, or weapons prior to placing any prisoners in the transporting vehicle. This search shall be documented every time whether or not items are discovered. If items are discovered, all items shall be treated as evidence.
2. All prisoners shall be searched for contraband, evidence, or weapons prior to placing the prisoner in the transporting vehicle. It is the responsibility of the transporting constable to search the prisoner. If items are discovered, constables shall notify the proper authority for further criminal charges or discipline procedures.
3. After completion of the transportation of any prisoner the constable shall search the transporting vehicle for any contraband, evidence, or weapons. All post transport vehicles searches shall be documented every time whether or not items are discovered. If contraband, evidence, or weapons are discovered, constables shall notify proper authorities in order for an investigation and the possible filing of criminal charges.
4. Other Vehicle Searches. Should it become necessary for a prisoner to be transported in a non-constable vehicle e.g. ambulances, vehicles or other law enforcement agencies etc. in constable custody those vehicles shall be searched for contraband, evidence or weapons prior to, and immediately after the transport. This search shall be limited to those areas immediately accessible to the prisoner. Prior to the initiating the search, the constable shall obtain permission from the individual in charge of the vehicle. Should the individual in charge of the vehicle deny the search, written documentation of the refusal must be documented.
5. Juvenile prisoners must be secured in seatbelts at all times during transport, including instances in which transports are being facilitated with vans.

B. Standard Search Guidelines

1. Constables should conduct a search of all prisoners in custody before transport. Constables should never assume a thorough search for contraband, evidence of weapons was conducted by another law enforcement officer on any prisoner prior to accepting custody. Each time a constable takes a prisoner into custody for transport, a search should be conducted before securing the prisoner in the transport vehicle. This applies to all transports.

2. A standard search should consist of the removal or rearrangement of a person's outer garments such as the coat, jacket, sweater, vest, wig, shoes, socks, hat and handbag or wallet etc., as well, as the grabbing and squeezing or sliding by hands or instrument over the remaining clothing to detect a weapon or contraband. The standard search does not preclude the touching of any part of a person's body, through their clothing, in an attempt to ensure that the person does not possess a weapon or contraband.
3. The mouth (oral cavity) search is part of the standard search and should be completed when this type of search is to be utilized.
4. Prisoner searches should be conducted by constables of the same sex. Whenever a constable or law enforcement officer of the same sex is not available, constables may search members of the opposite sex. Whenever a search of a prisoner of the opposite sex is conducted, the constable shall have an additional law enforcement officer as witness. Constables shall conduct opposite sex searches in a professional manner utilizing the back of the hand. Should the constable locate what is immediately recognizable as contraband, evidence or a weapon on a member of the opposite sex, the constable may retrieve that item in a professional manner.
5. The searching of any juvenile prisoners by constables should be conducted in the same manner as adults. All searches of juveniles require the witness of an additional law enforcement official.
6. On juveniles and members of the opposite sex, constables may conduct a pat down search for weapons for officer safety purposes.
7. When a prisoner needs to use the restroom, constables are to conduct a search of the bathroom facilities for potential contraband and for safety purposes. Constables are to utilize discretion and common sense while monitoring prisoners utilizing the restroom.
8. Constable should prohibit third party direct/indirect contact with a prisoner with the exception of the prisoner's attorney or for medical treatment.

C. Strip and Body Cavity Search of Prisoners

1. Constables shall not conduct strip searches. Only Allegheny County Jail staff should conduct strip searches pursuant to Allegheny County Jail policy and procedures. Constables should notify the Allegheny County Jail in the event a strip search is warranted. Constables should complete form located at the Allegheny County Jail regarding the facts and circumstances regarding the probable cause for the need for a strip search.
2. Constables shall not conduct body cavity searches. Only Allegheny County Jail staff should conduct body cavity pursuant to Allegheny County Jail policy and procedures. Constables should notify the Allegheny County Jail

in the event probable cause for a body cavity search is warranted. Constables should complete form located at the Allegheny County Jail regarding facts and circumstances warranting the body cavity search.

IV. TRANSPORTING BY VEHICLE

- A. Prisoners shall be transported only in a vehicle with a security screen.
- B. All prisoners transported by constables shall be restrained. The preferred method of restraint is handcuffs, double locked, waist belt and shackles. If a prisoner must be transported with the absence of a transportation belt, the prisoner should be handcuffed with the hands placed behind the prisoner's back.
- C. Constables may handcuff the prisoner with their hands behind their back and palms facing outward or utilize other appropriate restraining devices under the following circumstances: the prisoner is in an obvious state of pregnancy, has a physical handicap, or had injuries that could be aggravated by standard handcuffing procedures. Restraint belts shall not be utilized on prisoners in an obvious state of pregnancy.
- D. Prisoners shall not be handcuffed to any part of the vehicle during transportation.
- E. Constables may elect to seat-belt prisoners during transport when the vehicle is so equipped, with the exception of juvenile prisoners, who must be wearing a seat belt at all times during all transports.
- F. Constable should not lose sight of or be separated from their prisoner at any time, except when the prisoner is in the rear of a prisoner transport van or truck.
- G. Constables shall not transport more than three prisoners in a car. It is permissible to transport more than three prisoners in a vehicle equipped to transport multiple prisoners, e.g. van or box truck modified to transport prisoners.
- H. When only one constable is transporting a prisoner, the prisoner shall be placed in the back seat on the passenger side of the vehicle and must be properly restrained and seat belted. Constables must consider the prisoner's criminal history and reputation for violence prior to transporting the prisoner without a second constable.
- I. Prisoners that are transported in multiple vehicles shall be done successively and in direct procession, with other constable transport vehicle(s) from the site of commitment to site of release and return. Constables in multiple transport vehicles must have positive communication with the other constable vehicle, via

cell phone or radio, and maintain positive visual contact with each constable transport vehicle throughout transport.

- J. When transporting prisoners that need to be fingerprinted, the constable must have the complaint along with the fingerprint order (particularly in charges of retail thefts) and a commitment sheet from the MDJ stating the bond.
- K. When the constable takes a prisoner out of the ACJ for a hearing and the bond has changed by being either reduced or increased they must have a Re-Commitment stating the new bond. This also goes for bonds that stay the same; it should state what the bond was. The Re-Commitment should also state the disposition of the case (was it held for court, dismissed, withdrawn, continued, etc.).

V. SPECIAL TRANSPORT SITUATIONS

A. Transporting prisoners of the opposite sex

- 1. Upon transport, the constable will advise Allegheny County 911 of the starting location and destination if possible. Upon arrival, the constable will advise Allegheny County 911 of the ending mileage and location and have the body receipt time stamped if possible.
- 2. No miscellaneous stops are to be made while transporting prisoners.

B. Transporting Sick, Injured and Disabled Prisoners

- 1. Physically and mentally disabled prisoners present special conditions for transport that dictate due care and attention. For example, the type of vehicle to be used would be a consideration when transporting non-ambulatory prisoners or those requiring wheelchairs, crutches or prosthetic appliance. It may be necessary to contact assistance from an outside agency with the capabilities of transporting a prisoner with special needs. Constables must also be aware of the need and arrange for transport of medicine, insulin, or other special items. The safety, comfort and care of the prisoner and the constable require thorough and planned action when preparing to transport handicapped prisoners.
- 2. A person's immediate/emergency medical needs take precedence over legal processing procedures. Any prisoner injured before, or during an arrest or transport, will be transported to and offered treatment at a medical facility prior to processing, initial appearance and/or incarceration. If necessary, an ambulance will be dispatched to provide emergency transport to the hospital. A constable will ride with the prisoner in the ambulance.

3. If the prisoner refuses treatment while at the medical facility, the constable will obtain a copy of the refusal of treatment form prior to transporting the prisoner to another location. If the prisoner is to be incarcerated, the form will be initialed by the constable and given to the detention facility as part of the prisoner's intake records. The constable shall request a copy of the release for official records.
4. Should the prisoner be admitted to a hospital or medical facility, the constable shall maintain guard over that prisoner until properly relieved by law enforcement personnel. The constable should notify the court from which the warrant was issued and, if non-court hours, should notify the Court Arraignment Office at 412-350-3240. The Sheriff's Warrant Office should also be notified at 412-350-4714. Constable may also contact municipal authority police department which filed the complaint/charges resulting in warrant. Constables may also contact the municipal authority police department responsible for the warrant for assistance.
5. No prisoner shall be permitted to retain medication on his or her person. All medications requiring transport with the prisoner shall be kept in a separate vehicle compartment from the prisoner. No constable shall administer medication to a prisoner. Should it become emergent and necessary for a prisoner to take any form of medication at a prescribed time, the constable shall immediately contact medical personnel and may at his/her discretion provide that prisoner with the proper dosage and the prisoner shall self-administer the medication.
6. Constables shall utilize some form of physical restraint when transporting handicapped prisoners. The safety of both the prisoner and transporting constable requires due care when transporting handicapped prisoners. It should not be assumed that restraining devices are not required on handicapped prisoners.

VI. Juveniles

- A. Constables will only transport delinquent offenders under proper court order, arrest situation, custody order or detention order.
 1. Non-Offenders and status offender juveniles may be transported in the course of an on-going investigation only. Juveniles in these categories are never to be held in secure custody or held by restraining devices.
 2. Juveniles will not be transported with adults.
 3. Juvenile offenders will not be secured to an adult by restraining device.
 4. Male and Female Juvenile offenders shall be transported separately.
 5. Meals. During transports of extended length, locations for rest stops and meals will be selected by the constable at random. Never will the prisoner be permitted outside the view of the constable. Drive thru restaurants will

be given priority for meal stops. Food shall be of the type not requiring utensils, and only cool beverages are authorized.

VII. Assistance to Others

The primary duty of the transporting constable is the safe delivery of the prisoner. Constables should not stop to render law enforcement assistance to third parties along the route except under extreme emergency conditions where the risk to the third party is clear and present and the risk to custody of the prisoner is minimal. If the constable stops, local authorities will be immediately notified of the following: identity of the constable, constable's status (prisoner in transit), nature and location of the incident.

The transporting constable will only consider stopping when arriving first on the scene, and will remain only until other emergency assistance arrives. The transporting constable will not become involved in a pursuit, roadblock, or other situations which might create a risk of harm to the prisoner.

VIII. Escape

A. In the event of a prisoner escape, the transporting constable shall immediately notify Allegheny County 911 of the following information by radio or cellular phone:

1. Location of escape.
2. Description of suspect, accomplices.
3. Direction of travel.
4. Criminal charges/background of suspect.
5. Area of residence of actor, if known.
6. Status of other prisoners, if any.
7. Injuries to any persons on scene.
8. Constables shall request assistance of additional law enforcement.

IX. Accident or Disabled During Transport

A. When involved in an accident during prisoner transport, the constable is responsible for:

1. Notifying Allegheny County 911 of the accident or disabled vehicle;
2. Verbally inquiring as to prisoner injuries and observing the seating arrangements for later reporting;
3. Informing Allegheny County 911 as to the location, number of persons involved, injuries and the need for additional law enforcement resources and ambulance personnel;

4. Providing emergency care to injured persons, if capable;
 5. Securing and safeguarding the scene as needed;
 6. Controlling the scene and directing responding resources.
- B. If radio is not operable, attempt to contact via cellular phone or summon citizen assistance for notification to Allegheny County 911. At no time should prisoners be left unattended.
- C. If a vehicle becomes disabled during prisoner transport, the constable will contact Allegheny County 911 to advise of the situation, request law enforcement be dispatched to complete the transport and request a tow service.

X. Exceptions for Pregnant Prisoner Transportation

- A. Exceptions to this policy shall be made only in cases involving transportation of a prisoner who is pregnant and/or where medical personnel have advised that restraints shall not be used.
- B. Restraints shall be used to transport pregnant prisoners and applied to pregnant prisoners while in court however, all constables shall modify the application of restraints to appropriately less restrictive methods to accommodate the later stages of maternity, e.g. refrain from using waist belts and chains of cuffing in the front instead of the rear.
- C. Restraints shall not be used on a prisoner known to be pregnant after the first trimester, while being transported to or from a medical facility, who is in any pregnancy related medical distress, or who is in labor or who is postpartum unless the constable makes a determination based upon observation or reliable information that the prisoner presents a substantial flight risk or some other extraordinary medical or security circumstance dictates that the prisoner be restrained to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, court personnel or the public.
- D. The type of restraint applied and the application of the restraint shall be done in the least restrictive manner possible and the constable applying the restraints on a pregnant prisoner shall articulate his/her reasons for the type of restraints used in a report. The constable shall submit all reports and a cover report of the application of restraints to a pregnant prisoner to the Allegheny County Jail. The report shall specifically identify and enumerate the circumstances that led to the determination that the prisoner represented a substantial flight risk or to the determination that other extraordinary medical or security circumstances dictated the prisoner be restrained to ensure the safety and security of the prisoner, the staff of the medical facility, other prisoners, court personnel or the public. The constable is to retain a copy of the report for future reference.
- E. Leg or waist restraints shall never be used on any prisoner who is in labor.

- F. The constable accompanying the prisoner or detainee may, at his/her discretion, remove restraints upon request of the doctor, nurse or other health care professional.

XI. Allegheny County Jail (ACJ) Requirements

- A. On all arrests on court cases including City of Pittsburgh warrants the constable must have a copy of the warrant and a copy of the signed criminal complaint to deliver to the intake desk of the Allegheny County Jail so that the defendant can be logged into the ASAP system. (On-view arrests must have a copy of the signed criminal complaint)
- B. On all other warrant arrests, such as bench, family, etc., the constable must have a copy of the warrant. JNET PRINTOUTS WILL NOT BE ACCEPTED.
- C. City of Pittsburgh Warrant Arrests – when a constable makes an arrest on a warrant issued to the City of Pittsburgh Police Department the constable must also complete an arrest report, detailing how he had knowledge of the warrant, the address where the arrest occurred, and the time of arrest. The constable shall use the form that has been approved by the City of Pittsburgh Police Department.
- D. Any constable transporting a defendant for fingerprinting in the Allegheny County Jail, because the defendant failed to keep his/her fingerprint appointment, must have a copy of the criminal complaint, the fingerprint order and a commitment from the Magisterial District Judge stating the bond.
- E. When a constable returns a prisoner to the ACJ from a District Court, the constable must present a Recommitment. The Recommitment form must set forth the bond amount, whether bond has changed or is the same. The Recommitment should also state the disposition of the case.

SECTION SIX

CONSTABLE PAYMENT

I. CONSTABLE PAYMENT - MAGISTERIAL DISTRICT COURTS

This section of the Handbook outlines policies and procedures for paying constables for services provided to the Magisterial District Courts which are paid directly thru the Magisterial District Courts.

Constables shall submit payment requests to Magisterial District Courts via *Constable Payment Form* attached hereto and labeled "Appendix J". All payment form submissions to Magisterial District Courts shall be in accordance and consistent with procedures and policies set forth in Article II of this Section "Constable Payment-Allegheny County Controller Office". NOTE: Do not submit form(s) to the Controller's Office.

Magisterial District Courts shall make payment for constable fees remitted to the Court in accordance with 44 Pa.C.S.A. §7161 as hereinafter summarized:

A. Civil Cases

1. Advertise (For serving complaint, summons or notice on suitor or tenant, either personally or by leaving a copy, \$13, plus \$5 for each additional defendant at the same address, \$2.50 for each return of service, plus mileage.
2. Courtroom Security \$13.00 per hour assessed against one or more parties as determined by the court.
3. Ejectment \$90, \$2.50 for each return of service, plus mileage.
4. Execute Order of Possession \$13, plus \$5 for each additional defendant at the same address, \$2.50 for each return of service, plus mileage.
5. Levying Goods, \$75. (including schedule of property levied upon and set aside, notice of levy and return of service), plus mileage.
6. Mileage, (Actual mileage for travel by motor vehicle shall be reimbursed at the rate equal to the highest rate allowed by the Internal Revenue Service. If travel is by other than motor vehicle, reimbursement shall be for vouchered travel expenses).
7. Return of Service (Not Found), \$13, plus mileage. (payment shall be limited to three (3) returns of not found.
8. Return of Service (Found), \$2.50 each.
9. Sale of Goods Levied, \$85 (receipts and returns to court), plus mileage.

10. Serve Complaint, Summons \$13, plus \$5 for each additional defendant at the same address, \$2.50 for each return of service, plus mileage.
11. Serve Subpoenas \$13 for first witness, plus \$5 for each additional witness at the same address, \$2.50 return of service for each subpoena, plus mileage. The same fee shall be payable for attempting to serve a subpoena at a wrong address supplied by the party requesting the service.

B. Criminal cases

1. Attending Arraignment or Hearing \$13

This fee can only be charged if the constable physically attends a preliminary arraignment, bail hearing, collateral hearing for summary trial purposes or payment determination hearing. It is a flat \$13 fee and not an hourly charge. In the event that two constables are charging for this fee on one case, both constables must be physically present at the arraignment or hearing and have custody of defendant.

The fee for attending a bail hearing cannot be charged together with the fee for attending an arraignment as setting bail is a necessary part of an arraignment hearing. Only one \$13 fee per constable per defendant may be charged for a single attendance in front of an MDJ regardless of the type of hearings conducted. The beginning and ending time of the hearing must be included on the Constable Payment Form.

This fee cannot be charged if the \$38 fee for transporting an incarcerated prisoner applies. An "incarcerated prisoner" includes any incarcerated prisoner whether or not they are incarcerated on the particular charge pursuant to which the constable is transporting them.

In the case of a hearing done by video-conferencing, the constable may charge this fee if requested to attend the hearing by the court. In such a case, the constable must complete an "Exception to Normal Constable Procedure Form" which must be signed by the MDJ and submitted by the constable to the controller with their payment form.

2. Convey Defendant to Court \$5

This fee is paid for the service of physical transport of the defendant in a vehicle to court and can only be charged if the constable physically transports the defendant to court. In the event that two constables are

charging this fee on a single case, both constables must physically participate in the transport of the defendant to court.

This fee cannot be charged in situations where the constable arranges to meet the defendant at a location near the court and then walks the defendant into court. However, in such situations, the constable may be able to charge the fee for Attending Arraignment or Hearing if the constable physically attends an arraignment, payment determination hearing or bail/collateral hearing of a defendant who has an active warrant. This fee cannot be charged where the defendant appears or walks into court on their own. A constable shall not unreasonably create artificial situations for the sole purpose of charging this fee.

This fee cannot be charged when conveying a defendant directly to jail who is then subsequently arraigned at PMC. This fee can be charged when a defendant on a summary warrant is conveyed directly to PMC (rather than to the jail) where a hearing is held.

This fee cannot be charged if the \$38 fee for transporting an incarcerated prisoner applies. An "incarcerated prisoner" includes any incarcerated prisoner whether or not they are incarcerated on the particular charge pursuant to which the constable is transporting them.

Only one \$5 fee can be charged by each constable per defendant.

3. Convey Defendant from Court \$5

This fee is paid for the service of physical transport of the defendant in a vehicle from court and can only be charged if the constable physically transports the defendant in a vehicle from the court at the direction of the court.

If a defendant is discharged from custody by the court, the fee cannot be charged unless the court directs the constable to transport the defendant to another location. In such a case, the constable must complete an "Exception to Normal Constable Procedure Form" which must be signed by the MDJ and submitted by the constable to the controller with their payment form.

In the event that two constables are charging for this fee on one case, both constables must physically participate in the transport of the defendant.

This fee cannot be charged if the \$38 fee for transporting an incarcerated prisoner applies. An "incarcerated prisoner" includes any incarcerated prisoner whether or not they are incarcerated on the particular charge pursuant to which the constable is transporting them.

Only one \$5 fee can be charged by each constable per defendant.

4. Transporting Incarcerated Prisoner (Convey Defendant to Prison) \$38

This fee is being paid for the service of physical transport of an incarcerated defendant in a vehicle and can only be charged if the constable physically transports an incarcerated prisoner. An incarcerated prisoner is a prisoner who is committed to a county jail or state prison and is being transported from there. This fee applies in all situations where an incarcerated prisoner is being transported to court.

In the event that two constables are charging this fee on a single case, both constables must physically participate in the transport of the defendant to court. In such a case, a constable may charge this fee for the transport of defendants physically present in the vehicle in which the constable is riding. Any exception allowing a constable to charge this transport fee for a prisoner in a vehicle in which the constable is not riding must be authorized in writing by the MDJ via the Exception to Normal Constable Procedure form.

When applicable, the "Body Slip" (Allegheny County Jail Inmate Release Form for Constables Transporting to MDJ's Office) shall be submitted with the Constable Payment Form. In the case of a defendant who is incarcerated in an alternative housing facility, the constable shall submit equivalent documentation from the alternative housing facility in lieu of the Body Slip.

Only one \$38 fee can be charged by each constable per incarcerated prisoner. This single fee includes both the transport of the prisoner from the jail and the transport of the prisoner back to the jail. This fee cannot be charged in conjunction with any of the following fees:

- \$13 fee for Attending Arraignment or Hearing
- \$5 fee for Conveying the Defendant to Court
- \$5 fee for Conveying the Defendant from Court
- \$5 fee for Executing a Release
- \$5 fee for Taking Custody of Defendant

The constable may however, charge mileage and the fee for Holding the Defendant in accordance with the instructions for that fee.

5. Transporting Nonincarcerated Defendant to Jail \$17

This fee is being paid for the service of physical transport of the defendant in a vehicle to jail and can only be charged if the constable physically transports a nonincarcerated defendant to jail. In the event that two constables are charging for this fee on one case, both constables must physically participate in the transport of the defendant to jail.

Only one \$17 fee can be charged by each constable per defendant.

6. Conveying to Fingerprinting \$17

This fee is being paid for the service of physical transport of the defendant in a vehicle to a location for fingerprinting and can only be charged if the constable physically transports a defendant to a location *other than the jail* for fingerprinting pursuant to an order by a MDJ.

This fee cannot be charged unless the constable has a separate fingerprint order for the defendant and is taking them to a location for fingerprinting and not subsequently taking them to jail. In the event that two constables are charging for this fee on one case, both constables must physically participate in the transport of the defendant to fingerprinting location.

Only one \$17 fee can be charged by each constable per defendant.

Constables may not charge for transporting defendants for fingerprinting at the request of a police department.

7. Courtroom Security

This fee is \$13 per hour, rounded to the nearest half hour. It only can be charged if the security is requested and approved by the judge. This fee cannot be charged simultaneously with any other fee. This fee can also be charged for guarding a prisoner at a hospital in accordance with the procedures outlined in this handbook.

In order for more than one constable to bill for this item, each constable must be physically present at the exact location of the court ordered security

of a hospitalized defendant. This fee can only be charged for the time during which a particular constable is physically present and guarding a prisoner at a hospital or in a courtroom.

The beginning and ending time of the courtroom security must be included on the Constable Payment Form.

A server fee notice for this fee is not required to be submitted with the Constable Payment form.

8. Executing Commitment to Jail \$5

This fee is for the constable's role in processing a defendant into the jail. It may be charged in any case in which a defendant is being transported to the jail whether or not the defendant was already incarcerated. Only one commitment fee can be charged per defendant regardless of the number of warrants outstanding on that defendant.

The "Body Slip," (Allegheny County Jail Inmate Received From Constables Form) must be submitted with the Constable Payment Form.

In the event that two constables are charging for this fee on one defendant, both constables must be physically present to participate in the commitment of the defendant.

When a constable transports an incarcerated prisoner who is housed in an alternative housing facility, this fee can be charged when the constable returns the person to the facility.

9. Executing Discharge \$5

This fee may be charged in situations where a defendant is freed from the constable's physical and legal custody. It cannot be charged when a defendant is committed to the jail rather than freed. In such a situation, the constable can charge the fee for executing commitment to jail.

In the event that two constables are charging this fee on a single case, both constables must physically be present at the time of discharge.

10. Executing Release (to the Constable) \$5

The fee only applies when the defendant is in the custody of police, sheriff and released to the custody of the constable. Release may not be charged if

execution of warrant is charged (i.e. if the police are holding the defendant for the constable who has the warrant).

This fee cannot be charged when the \$38 fee for Transporting an Incarcerated Prisoner is charged.

In the event that two constables are charging for this fee on one defendant, both constables must be physically present to participate in the release of the defendant to the constables.

11. Executing Warrant \$25

A constable may charge the \$25.00 fee for executing each warrant of arrest or bench warrant for each docket number.

Constables may not charge for warrants executed by other authorities (i.e. police, sheriffs) unless the constable fully participated in the actual arrest. Constables may not charge for the execution of a warrant where no warrant existed but a law enforcement authority has made an arrest and the constable subsequently transports the defendant. If as a result of another matter (traffic stop, etc.), the law enforcement agency detains a defendant pending arrival of the constable who holds a warrant, the constables may charge for execution.

If there are multiple warrants on a single defendant, the constable may charge \$25.00 for each warrant and \$2.50 for each Return of Service for all warrants known to exist by the constable. However, Custody, Conveyance, Attend Arraignment/Hearing, Discharge or Commitment fees may only be charged once for the combined transaction in accordance with the definition of those fees.

In the event that two constables are charging for this fee on one case, both constables must have physically participated in the full process leading to the clearance of the warrant. Only the constable or constables who actually participated in the full process leading to the clearance of the warrant may charge the fees associated with that warrant regardless of in whose name the warrant was issued.

Constables shall only be paid for warrants of which they have physical possession.

Constables may be paid for service of criminal warrants which are private criminal complaints or for agencies without arrest powers. However, in such

cases where the case is resolved at the Magisterial District Court, the Court may assess the constable fee to the [affiant] or defendant but, in any event, the constable will not be paid by the County. Any constable fees collected by the Magisterial District Court will be paid to the constable.

12. Holding the Defendant

This fee can be charged when holding a defendant at a Magisterial District Court beyond one half hour. The one half hour deduction applies to each defendant being held. Time may then be charged at \$13.00 per hour, rounded to the nearest half hour, for each defendant in custody.

Except in the case of an Incarcerated prisoner, holding time cannot be charged for the time during which the actual hearing occurs as the constable receives a flat fee of \$13 for attending the hearing.

The beginning and ending times as well as the total holding time must be included on the Constable Payment Form.

In the event that two constables are charging this fee, both constables must physically be present during the time of the holding and performing no other constable work. If the constable leaves the defendant at Magisterial District Court for any reason, this fee is not permissible.

13. Mileage

Mileage for travel by motor vehicle shall be reimbursed at the rate equal to the prevailing standard mileage rate set by the Internal Revenue Service.

When multiple stops are involved, each leg of the trip must be listed on page 2 of the Constable Payment Form. Verification (such as mileage from Google Maps, for example) may be requested by Controller's Office prior to authorizing payment. If tolls are claimed they must be listed on page 2 of the Constable Payment Form; copies of receipts must be attached to the Form.

A constable would normally be expected to incur mileage costs for travel within Allegheny County and its neighboring counties. Neighboring counties are Butler County, Armstrong County, Westmoreland County, Washington County, Beaver County and Fayette County. If a constable intends to charge mileage for travel outside Allegheny County and its neighboring counties, the constable must get prior approval from the issuing authority using an *Exception to Normal Constable Procedure* form (See attached "Appendix G" attached hereto). The constable shall set forth the circumstances requiring

such travel as completely as possible. The constable shall submit the signed *Exception to Normal Constable Procedure* form along with the fee sheet for payment.

Similarly, if a constable is going to travel a distance exceeding 200 miles total, when searching for or executing a warrant on a particular defendant, the constable must obtain and submit an *Exception to Normal Constable Procedure* form along with the fee sheet for payment.

Only one constable may charge for mileage for a vehicle on any particular trip.

14. Oversee Fingerprinting

This fee may be charged in situations where the constable is physically present and oversees the fingerprinting process. It cannot be charged in situations where the defendant is taken to jail as the constable does not oversee the fingerprinting process in the jail.

To claim charges for this item, the constable must be physically present during the fingerprinting process. To receive payment for fingerprinting it must be at the direction of the MDJ with a specific and appropriate fingerprint order issued from the MDJ.

In the event that two constables are charging this fee, both constables must physically be present during the entire time of the fingerprinting. A constable who must circle the block in his vehicle while waiting for the completion of the fingerprinting under the supervision of the other constable is permitted to charge this fee.

Fingerprinting charges are permitted one time per defendant per location. Charge is \$13.00 per hour beyond the first hour per defendant (person) not to exceed \$26.00 per constable per defendant (person). The time charged includes the travel time while transporting the defendant.

Constables may not charge for transporting defendants for fingerprinting at the request of a police department.

15. Return of Warrants not Found

Making Return of Due Diligence - This charge is \$13.00 per defendant for criminal (Misdemeanor or Felony) docketed cases. A completed

Misdemeanor and Felony Search for Current Whereabouts Form, Appendix I, must be included with the Constable Payment Form.

Only one constable may charge this fee per defendant per warrant.

Returns to Court \$2.50

This fee is to be charged only when a constable actually returns completed paperwork in a timely manner to a court. The fee is for the service of completing the paperwork and returning it to the court.

If this fee is being charged for an unsuccessful search for a defendant on a summary warrant then the Summary Due and Diligent Search for Current Whereabouts Form, Appendix H must be included with the Constable Payment Form.

In the event that two constables are charging this fee, both constables must physically participate and be eligible to charge for the underlying work for which the return was made to court.

16. Subpoenas

District Court Subpoenas

For serving district court-issued subpoenas for civil, landlord-tenant or criminal matters, \$13 for first witness, plus \$5 for each additional witness at the same address, \$2.50 return of service for each subpoena, plus mileage. The same fee shall be payable for attempting to serve a subpoena at a wrong address supplied by the party requesting the service.

District Attorney Subpoenas

Constables may be asked to serve criminal court subpoenas issued by the District Attorney's Office. The subpoenas may be provided to the constable either by the police department who filed the criminal complaint or by the District Attorney's Office directly.

Criminal court subpoenas issued by the District Attorney's Office will normally be sent to the police department which filed the criminal complaint. That police department shall be responsible for distributing subpoenas to its own department's officers, provided that those officers are still working for that police department. Constables shall not be reimbursed for the service of the subpoenas to the police department's own officers.

Constables shall be reimbursed for the service of all other criminal court subpoenas according to the following procedures:

Constables must attempt to first serve subpoenas for witnesses issued by the District Attorney's Office in criminal matters in person to the witness. A constable shall retain a record of all attempts to serve and where and when the subpoena is served. If, after two attempts, service cannot be made in person, service may be attempted by certified mail, return receipt requested. In the case of certified mail, the completed return receipt shall be retained by the constable.

The following, must be included with the Payment Form: certified mail receipt copies (if applicable), a copy of the master sheet and a copy of the subpoena(s) served initialed by the police chief or officer-in-command. If criminal court subpoena(s) issued by the District Attorney's Office is/are the only items submitted for payment, the MDJ's signature is not required on the Constable Payment Form.

The charge is \$13.00 per subpoena per separate address. The charge is \$5.00 for each additional subpoena at the same address. Mail receipts will be reimbursed at face value.

17. Take Custody of Defendant \$5

This fee is to be charged when a Constable takes custody of a defendant. A defendant would be in custody if the constable has the legal authority and present physical ability to place handcuffs on the defendant regardless of whether or not handcuffs are used. Methods such as phone calls, postings, letters and talking to family members would not constitute custody under this definition.

The beginning and ending time of custody must be documented and submitted with the Constable Payment Form. In the event that two constables are charging for this fee on one case, both constables must physically participate in taking custody of the defendant.

C. Examples of Application of Fee Definitions in Criminal/Summary Cases

See Appendix Q for example scenarios applying the definitions in section B above to situations commonly encountered by constables.

D. Exceptions

It is recognized that there may be exceptional circumstances that fall outside of constable duties and responsibilities as set forth above. In such cases, a Magisterial District Judge shall approve an *Exception to Normal Constable Procedure*; see *attached hereto and labeled "Appendix G"* setting forth the circumstances as completely as possible. The constable(s) involved shall submit a fee sheet requesting payment along with the signed *Exception to Normal Constable Procedure form*.

II. CONSTABLE PAYMENT - ALLEGHENY COUNTY CONTROLLER'S OFFICE

This section of the Handbook outlines the Controller's Office policies and procedures for paying constables for services provided for criminal cases to magisterial district courts, for all criminal court subpoenas issued by the District Attorney's Office and for bench warrants issued to a constable by the Court of Common Pleas. The County will pay the fees to the constable as specified in the Payment Procedures sub-section of this Handbook (II. B., below), in accordance with 44 Pa.C.S.A. §7161.

All criminal fee bills and supporting documentation shall be submitted to the Controller of Allegheny County, Room 211 Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania 15219 on forms designated by the Controller and attached hereto and labeled "Appendix M, N, O, and P".

A. Payment Procedures - Controller's Office:

1. When payment documents are received and time-stamped by the Controller's Office, the required data will be entered into an electronic spreadsheet program. This program will create unique, identifiable numbers for each submission by date of service using a combination of information entered from the *Constable Payment Form*. "Appendix J" After all payment requests have been entered, the data will be examined by the system for duplicate identification numbers.
2. If the system identifies a duplicate, a stop will be placed on the payment and the Controller's Office will "pull" that payment from the "batch" so it may be researched as to its validity. If the record is a duplicate payment, the document will be deleted out of the system and the document will be sent with an attached notification of duplicate to the constable. The *Summary Invoice form attached hereto and labeled "Appendix K"* will also be adjusted accordingly.
3. If there are any errors in the documentation submitted by the constable, a

Constable Return Form, attached hereto and labeled "Appendix L" will be sent to the constable along with the *Constable Payment Form* and *Summary Invoice*. The reason for the return will be explained on the *Constable Return Form*. The process for payment will continue once the constable has made the corrections and returned the *Constable Payment Form* and *Summary Invoice* to the Controller's Office.

4. The Controller's Office will scan all *Payment Forms* and *Summary Invoices* to be kept on electronic file, while all original *Constable Payment Forms* and the accompanying support will be sent to the Department of Court Records office to be kept in the case file for retention purposes. Approved *Summary Invoices* will be assigned a unique invoice number which will be included with the payment issued by Allegheny County to serve as support for the constable's payment.
5. The completion of this process will culminate in the timely production of checks with appropriate support for the payments in the form of a copy of each paid *Summary Invoice* to be included with the check. In order to make payments as quickly and efficiently as possible, the Controller's Office recommends that constables submit Invoices for payment as soon as all required documentation has been prepared. No payments will be made for services older than 90 days. The 90 day period will begin from the date the *Constable Payment Form* was signed by the MDJ /FCR (or the DA issued subpoena was initialed by the police chief /officer-in-charge).
6. *Constable Payment Forms* which have been returned for correction must be resubmitted within 45 days of the date of return in order to be paid.

B. Payment Procedures - Magisterial District Judge (MDJ)

In order for the payment to be processed the Magisterial District Judge's signature must be on each *Constable Payment Form*. The signature must be an original, in blue ink. Signature stamps, photocopies or facsimiles will not be accepted. By signing the form the MDJ will be acknowledging that the activity performed by the constable(s) was authorized.

C. Payment Procedures - Family Court Representative

For bench warrant(s) issued to a constable by the Family Division of the Court of Common Pleas a separate *Constable Payment Form* must be completed. In order for the payment to be processed, the Family Court Representative's signature

must be on each *Constable Payment Form*. The signature must be an original, in blue ink. Signature stamps, photocopies or facsimiles will not be accepted. By signing the form the FCA will be acknowledging that the activity performed by the constable(s) regarding the issued bench warrant was authorized.

D. Payment Procedures -Pittsburgh Municipal Court

In order for the payment to be processed for the execution of criminal warrants and supporting activities handled at Pittsburgh Municipal Court, the *Constable Payment Form* must be signed by the Administrator, Pittsburgh Municipal Court (PMC). The signature must be an original, in blue ink. Signature stamps, photocopies or facsimiles will not be accepted.

E. Payment Procedures - Constables

When a constable requests payment for services from the Allegheny County Controller, the following procedures must be used:

1. Once a constable is certified by the Pennsylvania Commission on Crime and Delinquency (PCCD), a *W-9 form* attached hereto and labeled "Appendix M" and Allegheny County *Vendor Creation Form-Constable Services form* attached hereto and labeled "Appendix N" and a copy of the Constable's Insurance policy must be submitted to the Allegheny County Controller's Office for proper remittance of payments. Constables are required to have on file with the Controller's Office a current mailing address and phone number to which all correspondence and payment can be directed.
2. The constable must complete and sign a *Constable Payment Form* for each performed service that he/she is seeking payment, and submit the form(s) to the Magisterial District Judge (MDJ), representative of the Family Division of the Court of Common Pleas (see #3, below) or the Administrator, Pittsburgh Municipal Court (see #4, below) for signature (the signature verifies only that the work was requested by the court of that constable).
3. For bench warrant(s) issued to a constable by the Family Division of the Court of Common Pleas a separate *Constable Payment Form* must be completed, and signed by the Family Court Representative (FCR); an MDJ's signature is not required.
4. For criminal warrants handled at Pittsburgh Municipal Court, a separate *Constable Payment Form* must be completed, and signed by the

Administrator, Pittsburgh Municipal Court; an MDJ's signature is not required.

5. For Criminal Court subpoena(s) issued to a constable by the District Attorney's Office a separate *Constable Payment Form* must be completed. The only signature required is the constable's; however, additional documentation is required, as specified in section G, paragraph 17 (pages 36 & 37), Payment Policies and Procedures for Completing the Constable Payment Form.
6. All of the highlighted boxes on the left side of the *Constable Payment Form* must be completed legibly.
7. In addition to the *Constable Payment Form(s)* and supporting documentation, the constable must complete and attach a *Summary Invoice*. The MDJ/FCR is not required to sign the *Summary Invoice*. The *Summary Invoice* for each constable must be used to summarize up to 20 *Constable Payment Forms*.
8. Constables working together as partners, thereby charging the costs for the same defendants, must submit the applicable *Constable Payment Forms* to the Controller's Office for payment during the same 14-day period. Constable #1 is required to submit all originals while Constable #2 will be permitted to submit a copy of the original *Payment Form* and *Summary Invoice* without documentation attached.
9. Documents for constable payment must be submitted as follows. Failure to comply with these procedures will result in the forms being returned for correction.

i. Order for Submission

- a. Original *Summary Invoice(s)*.
- b. Photocopy of each *Constable Payment Form* in the order in which it is reflected on the *Summary Invoice*.
- c. Each original approved *Constable Payment Form* stapled to the front of its supporting documents.

ii. Format

- a. All *Payment Forms* must be legible and complete.
- b. Constables must sign their own *Constable Payment Forms*.

- c. The signature on each *Constable Payment Form* must be an original, in blue ink; signature stamps, photocopies or facsimiles will not be accepted.

iii. Summary Invoice

- a. *Summary Invoices* are to be grouped by date, including all documentation associated with the amounts to be reimbursed. Failure to do so will result in the return of the *Constable Payment Form(s)*, *Summary Invoice* and all additional documentation.
- b. The constable must complete all information at the top of the *Summary Invoice* with his/her full name, address, date of submission, and then sign the invoice at the bottom. The Invoice must be signed by the constable requesting payment. The signature must be an original, in blue ink. The *Summary Invoice* does not require the MDJ's /FCR's signature.

iv. Additional Guidelines

- a. The constable must obtain the signature on the *Constable Payment Form* from the MDJ /FCR for whom the service was performed. The MDJ's /FCR's signature signifies they have requested the service. Signatures must be in blue ink. Constable Payment Forms must be summarized on the *Summary Invoice*. Each *Constable Payment Form* should be numbered sequentially to correspond with its listed order on the *Summary Invoice*.
- b. For prompt payment, all *Payment Forms* should be submitted within fourteen (14) days of the date of service. *Payment Forms* more than 90 days past the date of service will not be paid. The 90 day period will begin from the date the *Constable Payment Form* was signed by the MDJ /FCR (or the DA issued subpoena was initialed by the police chief /officer-in-charge). *Payment Forms* that have been returned for correction may be resubmitted for payment within 45 days of the date of return, unless otherwise permitted by the Controller's Office.
- c. If a duplicate payment is discovered by the Controller's Office it will be marked "duplicate" and deleted from the *Summary Invoice*. The duplicate *Payment Form* will be returned to the constable. A check will still be issued to

the constable for all *Constable Payment Forms* that are accurate – ONLY accurate *Constable Payment Forms* will be processed.

- d. If there are any errors in the documentation submitted by the constable, a *Constable Return Form* will be sent to the constable along with the *Constable Payment Form* and *Summary Invoice*. The reason for the return will be explained on the *Constable Return Form*. The constable should correct the *Constable Payment Form* and *Summary Invoice* and return to the Controller's Office at the address indicated on the *Constable Return Form*. *Constable Payment Forms* which have been returned for correction must be resubmitted within 45 days of the date of return in order to be paid.
- e. The Controller's Office processes payments on a regular basis. The checks are then mailed via the United States Postal Service to the address on file.
- f. Once all processing is complete, the original *Constable Payment Forms* and attachments will be sent to the Department of Court Records within 30 days.

F. Payment Procedures - Exceptions

1. It is recognized that there may be exceptional circumstances that fall outside of constable duties and responsibilities as set forth above. In such cases, a Magisterial District Judge shall approve a *Exception to Normal Constable Procedure* setting forth the circumstances as completely as possible. The constable(s) involved shall submit a *Constable Payment Form* requesting payment along with the signed *Exception to Normal Constable Procedure form*.
2. Constables will not be paid by Allegheny County for performing municipal, state or federal (e.g., Homeland Security) services. The constable should bill the governmental entity for which the service was performed. The only exception is the serving of an arrest warrant at the request of municipal law enforcement.
3. Constables should not deny medical treatment to a defendant who states that he or she needs such medical treatment or who appears to the constable to be in need of emergency medical treatment. In these cases,

the constable shall be paid in accordance with the hourly rate specified in Section II. F. 19., below.

G. Payment Policies and Procedures for Completing the Constable Payment Form

See subsection I.B. beginning on page 26 above for the definitions which apply to the fees charged on the Constable Payment Form.

APPENDICES

INSTRUCTIONS FOR ELECTED CONSTABLES

TO BE SWORN IN THE FOLLOWING MUST BE DONE:

1. If elected from a second or third class city (Pittsburgh, Clairton, McKeesport, Duquesne) the constable must obtain and maintain a \$2,000 bond for length of the term. A bond of \$1,000 must be maintained for the length of term by constable elected in a municipality other than a second or third class city in Allegheny County
2. Bring "Election Certificate" from Allegheny County Board of Elections to the DCR (DCR), Criminal Division, Room 114, Allegheny County Courthouse.
3. Bring original bond or certified copy of bond to the DCR, Criminal Division.
4. Sign and have an authorized representative of surety company that wrote bond complete DCR, Crim Form #12 (a 2 sided form)
5. Bring government issued photo ID to the DCR, Criminal Division. The DCR, Criminal Division will make and retain a copy of the photo ID.
6. When in DCR, Criminal Division, elected constable will sign Oath (DCR, Crim Form #25A which will be completed by the DCR, Criminal Division) and will state oath out loud to the Director of the DCR; Deputy Director of the DCR; Division Manager, DCR, Criminal Division; Assistant Manager, DCR, Criminal Division; or other persons authorized by the Director of the DCR to administer the Oath.
7. The elected constable must complete a "Certification of Mailing Address" while in DCR, Criminal Division.
8. The elected constable will receive a completed DCR, Crim Form #25 from the DCR, Criminal Division.
9. Pay filing fee of \$20. The DCR, Criminal Division will create a Misc. Docket (MD) case file for each elected constable that will contain copies of all paperwork and forms.

In order to work for the Fifth Judicial District, an elected constable must maintain constable liability insurance with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year. This must be obtained after the constable has completed training through the Pennsylvania Commission on Crime and Delinquency (PCCD) Constables Education and Training Program.

"Appendix A"

Once constable liability insurance is obtained, the constable must forward or have an insurance company forward a "Certification of Liability Insurance" to the DCR, Criminal Division. The form can be faxed to the DCR, Criminal Division at 412-350-6061 or the form can be mailed to the DCR, Criminal Division at Room 115, Allegheny County Courthouse, 436 Grant Street, Pittsburgh, PA 15219. The DCR, Criminal Division forwards the "Certification of Liability Insurance" to the PCCD. The PCCD will NOT accept an "Insurance Binder" or any form other than a "Certification of Liability Insurance."

If constables have any questions related to the DCR, Criminal Division, please call 412-350- 6607 or 412-350-5321. For information on how to register with the Office of Controller for payment for Constable work performed for the Fifth Judicial District, please call 412-350-4660.

INSTRUCTIONS TO OBTAIN COURT APPROVAL OF APPOINTMENT OF DEPUTY CONSTABLE

THE FOLLOWING MUST BE DONE:

1. Elected constable and deputy constable must obtain Petitions, a Personal Information Sheet and fingerprint cards from the DCR (DCR), Criminal Division, Room 114 Allegheny County Courthouse, 436 Grant Street, Pittsburgh, PA 15219.
1. Deputy constable must take fingerprint cards to a police agency to be fingerprinted.
2. Elected constable and deputy constables must complete the Petitions. The deputy constable completes the Personal Information Sheet. The deputy constable's Petition must be signed by five (5) registered voters from the district. The elected constables Petition must include "Attachment A" completed by the surety Company that issued the elected constable's bond.
3. The completed Petitions, Personal Information Form and fingerprint cards must be returned to the DCR, Criminal Division along with payment of a filing fee of \$20. The DCR, Criminal Division will create a Misc. Docket (MD) case file for each deputy constable that will contain copies of all paperwork and forms.
4. Deputy constable must bring government issued photo ID to DCR, Criminal Division. The DCR, Criminal Division will make and retain a copy of the photo ID.
5. The DCR, Criminal Division will forward the Personal Information Sheet and fingerprint cards to the Office of District Attorney. The Office of District Attorney will complete a background check. Once completed, the Office of District Attorney will report the findings to the DCR, Criminal Division.
6. The DCR, Criminal Division will forward the Petitions to the President Judge or Judge designated by the President Judge to handle constable matters. The Judge will review the Petitions and decide whether to sign an Order of Court approving the appointment. If an Order of Court is signed, the Judge's office will mail the deputy constable a copy of the Order of Court.
7. If the constable who appoints a deputy constable is from a second or third class city (Pittsburgh, Clairton, McKeesport, Duquesne) the deputy constable must obtain and maintain a \$2,000 bond for the length of the term of the elected constable. If the constable is from a municipality other than a second or third class city in Allegheny County, a bond of \$1,000 must be maintained by the deputy constable for the length of the term of the constable.

"Appendix B"

8. The deputy constable must file the original bond or certified copy of bond to DCR, Criminal Division.
9. The deputy constable must sign and have an authorized representative of the surety company that wrote bond sign DCR, Crim Form #12 (a 2 sided form).
10. Once bond and Form #12 is received, the DCR, Criminal Division will contact the President Judge or Judge designated to handle Constable matters to schedule the swearing in of deputy constable.
11. Once sworn in, the deputy constable must go to the DCR, Criminal Division to get a completed DCR, Crim Form #25 from the DCR, Criminal Division.
12. When in DCR, Criminal Division, the deputy constable must sign an Oath (DCR, Crim Form #25A which will be completed by the DCR, Crim Division.)

In order to work for the Fifth Judicial District, a deputy constable must maintain constable liability insurance with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year. This must be obtained after deputy constable has completed training through the Pennsylvania Commission on Crime and Delinquency (PCCD) Constables Education and Training Program.

Once constable liability insurance is obtained, the deputy constable must forward or have an insurance company forward a "Certification of Liability Insurance" to the DCR, Criminal Division. The form can be faxed to the DCR, Criminal Division at 412-350-6061 or the form can be mailed to the DCR, Criminal Division at Room 115, Allegheny County Courthouse, 436 Grant Street, Pittsburgh, PA 15219. The DCR, Criminal Division forwards the "Certification of Liability Insurance" to the PCCD. PCCD will NOT accept an "Insurance Binder" or any form other than a "Certification of Liability Insurance."

If deputy constables have any questions related to the DCR, Criminal Division, please call 412-350- 6607 or 412-350-5321. For information on how to register with the Office of Controller for payment for constable work performed for the Fifth Judicial District, please call 412-350-4660.

Notification of Appointment of Deputies

MAGISTERIAL DISTRICT NUMBER: _____ ELECTED
CONSTABLE: _____

DEPUTIES TO BE APPOINTED: INDICATE IN THE FIRST COLUMN WHETHER THIS
IS A NEW APPOINTMENT BY ENTERING “N” OR A REAPPOINTMENT BY
ENTERING “R”

R/N	NAME	ADDRESS	PHONE NUMBER

COMMENTS TO BE COMPLETED BY MAGISTERIAL DISTRICT JUDGE:

Magisterial District Judge

Date

“Appendix C”

APPOINTMENT TO FILL CONSTABLE VACANCY

1. Petitioner must obtain Petition to Fill constable Vacancy, a Personal Information Sheet and fingerprint cards from the DCR (DCR), Criminal Division, Room 114 Allegheny County Courthouse, 436 Grant Street, Pittsburgh, PA 15219.
2. Petitioner must take fingerprint cards to a police agency to be fingerprinted.
3. Petitioner must complete the Petition to Fill Constable Vacancy including Exhibit A which must be signed by not less than 10 qualified electors residing in the Constable district where the Constable vacancy exists. Petitioner must also complete the Personal Information Sheet.
4. The completed Petition to Fill Constable Vacancy, Personal Information Form and fingerprint cards must be returned to the DCR, Criminal Division along with payment of a filing fee of \$20. The DCR, Criminal Division will create a Misc. Docket (MD) case file for each Petition to Fill Constable Vacancy that will contain copies of all paperwork and forms.
5. Petitioner must bring government issued photo ID to DCR, Criminal Division. The DCR, Criminal Division will make and retain a copy of the photo ID in the MD case file.
6. The DCR, Criminal Division will forward the Personal Information Sheet and fingerprint cards to the Office of District Attorney. The Office of District Attorney will complete a background check.
7. The DCR, Criminal Division will forward the Petition to Fill Constable Vacancy to the President Judge or Judge designated by the President Judge to handle Constable matters. The Judge will review the Petition to Fill Constable Vacancy and decide whether to sign an Order Nisi which is a temporary appointment for 30 days. If an Order Nisi of Court is signed, the Judge's office will mail the Appointed Constable a copy of the Order Nisi.
8. The Appointed Constable must publish the Notice of the Order Nisi within 10 days of the date the Order is signed in a newspaper of general circulation covering the affected Constable district.
9. No sooner than 31 days after the Order Nisi was signed, the Appointed Constable must bring proof of advertisement to the DCR, Criminal Division.
10. The DCR, Criminal Division will file the proof of advertisement and if no exceptions have been filed, issue a letter to the Appointed Constable and for the file stating that no exceptions have been filed in the DCR, Criminal Division.
11. The DCR, Criminal Division will forward the MD file to the President Judge or Judge designated by the President Judge to handle Constable matters. If a final order of
"Appendix D"

court is signed, the Judge's office will mail the Appointed Constable a copy of the Order.

12. If appointed from a second or third class city (Pittsburgh, Clairton, McKeesport, Duquesne) the Constable must obtain and maintain a \$2,000 bond for length of the term. A bond of \$1,000 must be maintained for length of term by Constable appointed from a municipality other than a second or third class city in Allegheny County.
13. The constable must file the original bond or certified copy of bond to DCR, Criminal Division.
14. The deputy constable must sign and have an authorized representative of the surety company that wrote the bond sign DCR, Crim Form #12 (a 2 sided form).
15. When in DCR, Criminal Division, Constable will sign Oath (DCR, Crim Form #25A which will be completed by the DCR, Crim Division) and will state oath out loud to the Director of the DCR; Deputy Director of the DCR; Division Manager, DCR, Criminal Division; Assistant Manager, DCR, Criminal Division; or other persons authorized by the Director of the DCR to administer the Oath.
16. The constable must complete a "Certification of Mailing Address" while in DCR, Criminal Division.
17. The constable will receive a completed DCR, Crim Form #25 from the DCR, Criminal Division.

In order to work for the Fifth Judicial District, a constable must maintain Constable Liability Insurance with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year. This must be obtained after the constable has completed training through the Pennsylvania Commission on Crime and Delinquency (PCCD) Constables Education and Training Program. Once constable liability insurance is obtained, the constable must forward or have an insurance company forward a "Certification of Liability Insurance" to the DCR, Criminal Division. The form can be faxed to the DCR, Criminal Division at 412-350-6061 or the form can be mailed to the DCR, Criminal Division at Room 115, Allegheny County Courthouse, 436 Grant Street, Pittsburgh, PA 15219. The DCR, Criminal Division forwards the "Certification of Liability Insurance" to the PCCD. PCCD will NOT accept an "Insurance Binder" or any form other than a "Certification of Liability Insurance."

If constables have any questions related to the DCR, Criminal Division, please call 412-350-6607 or 412-350-5321. For information on how to register with the Office of Controller for payment for Constable work performed for the Fifth Judicial District, please call 412-350-4660.

"Appendix D"

CONSTABLE VEHICLE IDENTIFICATION FORM

Constable's Name _____

Constable's Phone Number _____

Magisterial District Office(s) _____

Make of Vehicle _____

Model of Vehicle _____

Color of Vehicle _____

License Plate Number _____

Date form Completed _____

This form is to be completed annually and turned into the Intake Supervisor at the Allegheny County Jail. If any of the above information changes, you are required to complete a new form immediately and submit it to the Intake Supervisor.

FIFTH JUDICIAL DISTRICT
CONSTABLE REQUEST FOR REVIEW BY COURT ADMINISTRATOR FORM

TO: Court Administrator
Fifth Judicial District
437 Grant Street #300
Pittsburgh, PA 15219

Name of Constable: _____ Badge Number: _____

Address: _____

Phone Number: _____ Fax Number: _____

Cell Phone Number: _____ E-mail Address: _____

I hereby request that the Fifth Judicial District's Court Administrative Office investigate the propriety of the following action:

By: _____

Date: _____

EXCEPTION TO NORMAL CONSTABLE PROCEDURE

To Be Completed by Constable

Court Number: _____

Date: _____

Docket Number: _____

Constable Name: _____ Certification Number _____

Defendant Name: _____

Defendant Address: _____

Defendant Telephone Number: _____

I am requesting an exception to normal practices for the following reason:

The above service was provided to the court by me.

Constable Signature

Date

The above service was provided to the court under my direction.

Magisterial District Judge Signature
(PMC/Family Division Administrator Signature)

Date

"Appendix G"

SUMMARY DUE AND DILIGENT SEARCH FOR CURRENT WHEREABOUTS

NAME OF DEFENDANT: _____ DOCKET NUMBER: _____

HOME ADDRESS: _____

WORK ADDRESS: _____

OTHER ADDRESS: _____

PHONE NOS: _____
HOME
WORK
OTHER

DATES AND MANNER OF CONTACT:

- | | |
|---------------------------------------|---------------------------|
| A. RELATIVES (SPECIFY WHO) | F. PROBATION OFFICE |
| B. NEIGHBORS (SPECIFY NAME & ADDRESS) | G. SCI PITTSBURGH |
| C. TELEPHONE COMPANY | H. INTERNET |
| D. BUREAU OF MOTOR VEHICLES | I. ALLEGHENY COUNTY JAIL |
| E. POST OFFICE | J. OTHER (SPECIFY) |
| | K. SOCIAL NETWORKING SITE |

DATE	A-L ABOVE	HOW CONTACTED	RESULT

(If more contacts made, use separate sheet of paper)

Sworn to and subscribed before me this
the
named actor
____ day of _____, 20____.

The above is a true and correct summary of
search I conducted for the above-

MAGISTERIAL DISTRICT JUDGE
NOTARY PUBLIC
(SEAL)

CONSTABLE

**MISDEMEANOR AND FELONY
SEARCH FOR CURRENT WHEREABOUTS FORM**

Defendant: _____ OTN: _____

Date: ____/____/____

Officer/Constable Name: _____

Address Checked: _____

Action Taken: _____

Result: _____

Date: ____/____/____

Officer/Constable Name: _____

Address Checked: _____

Action Taken: _____

Result: _____

Date: ____/____/____

Officer/Constable Name: _____

Address Checked: _____

Action Taken: _____

Result: _____

I, _____, the undersigned, do hereby declare that the statements of fact set forth in the foregoing are true and correct to the best of my knowledge, information and belief and are made subject to the penalties related to unsworn falsification to authorities under Section 4904 of the Pennsylvania Crimes Code, 18 Pa. C.S. §4904.

Signature

Date

COUNTY OF ALLEGHENY CONSTABLE PAYMENT FORM

I, Magisterial District Judge/Family Court Representative/PMC Representative, hereby acknowledge request for Constable service(s) in the following matter (signature)_____:

COURT NUMBER:

CONSTABLE ISSUED TO
(print):

DOCKET #'s:

OTN #'s:

DEFENDANTS NAME
(print):

SERVICE DATE:

ARREST DATE:

TIME OF SERVICE:

ADDRESS OF SERVICE
(print):

I/WE REQUEST PAYMENT IN ACCORDANCE WITH 44 PA.C.S.A. SEC. 7161 ET.SEQ FOR:

CONSTABLE #1

CONSTABLE #2

1	ATTEND ARRAIGNMENT/HEARING.....Time From: To:	\$13.00	\$	\$
2	CONVEY DEFENDANT TO COURT	\$5.00	\$	\$
3	CONVEY DEFENDANT FROM COURT	\$5.00	\$	\$
4	CONVEY DEFENDANT TO PRISON (TRANSPORTING AN INCARCERATED PRISONER - ROUND TRIP) MAY NOT Charge These Line Item(s) in Conjunction: 1, 2, 3, 10 & 18.	\$38.00	\$	\$
5	CONVEY DEFENDANT TO PRISON (NON INCARCERATED)	\$17.00	\$	\$
6	CONVEY FOR FINGERPRINTING (Appropriate Order Required)	\$17.00	\$	\$
7	COURTROOM SECURITY/ORDERED SECURITY.....\$13.00 per Hour prorated to the nearest half hour (Includes Hospital) Time From: To:		\$	\$
8	EXECUTE COMMITMENT TO JAIL (Must Obtain Body Slip)	\$5.00	\$	\$
9	EXECUTE DISCHARGE	\$5.00	\$	\$
10	EXECUTE RELEASE (From Law Enforcement to Constable) MAY NOT Charge if Constable is Charging for Executing Warrants on Defendant	\$5.00	\$	\$
11	EXECUTE WARRANT(S) #_____	\$25.00	\$	\$
12	HOLD DEFENDANT - at Magisterial District Judge's Office Time From: To: \$13.00 per Hour Per Defendant- Must Deduct First 1/2 Hour		\$	\$
13	MILEAGE....Total Miles:_____at \$0._____per mile/plus tolls \$_____ (Detail Each Leg of Trip on Reverse Side of This Form)		\$	\$
14	OVERSEE FINGERPRINTING.....Time From: To: \$13.00 per hour per defendant per hour, not to exceed \$26.00 per Constable - Must Deduct First Hour		\$	\$
15	RETURN OF WARRANT (NOT FOUND) Must Complete due diligence search form, exhibit "H", for misdemeanor and felony warrants only.	\$13.00	\$	\$
16	RETURNS TO COURT	\$2.50	\$	\$
17	SERVE SUBPOENA #_____ per separate address #_____ additional if at same address Mail Receipt.....#_____ (Listed each on reverse side of this form and include copy) (\$2.50 Return of service for each subpoena, Plus Mileage.)	\$13.00 \$5.00	\$ \$	\$ \$
18	TAKE CUSTODY OF DEFENDANT.....Time From: To:	\$5.00	\$	\$

TOTAL FEES

\$

\$

VERIFICATION: I verify that the facts set forth on this invoice are true and stated to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to penalties of 18 Pa C.S.A., § 4904, relating to unsworn falsification to authorities.

CONSTABLE #1 (PRINT NAME): _____

CONSTABLE #2 (PRINT NAME): _____

CONSTABLE #1 VENDOR #: _____

CONSTABLE #2 VENDOR #: _____

CONSTABLE #1 SIGNATURE: _____

CONSTABLE #2 SIGNATURE: _____

MILEAGE DETAIL (Associated with Line 13)

Date of Trip

Street Address or Prominent Destination (i.e., Allegheny County Courthouse, etc.)

Miles Driven

[illegible]

--

CERTIFIED MAIL DETAIL (Associated with Line 17)

Name Sent to

Mailing Address

Receipt Number

Date Sent

Postage & Fee

--

County of Allegheny
Constable Summary Invoice

Name _____ Date of Submission _____

Address _____

City _____ State _____ Zip _____

Invoice
Voucher #
Vendor #
For Controller's Use
Only

Payment Sheet #	Docket #	OTN#	Service Date	Defendant's Name	Other	Total(\$)

Total Claimed
By Constable
(\$)

I, the undersigned Constable/deputy Constable certify I performed the services listed above. I verify that these statements follow County policy and are true and correct to the best of my knowledge, information and belief. I understand that false statements are subject to penalties under Pennsylvania law.

Less Any
Adjustments
(\$)
TOTAL DUE
(\$)

Constable/Deputy

Date

Please not any change in mailing
address

Street

City/St/Zip

Date Received

Date Received

Controller's Office

"Appendix K"

County of Allegheny Constable Return Form

Controller's

Office

Allegheny County
Controller's Office
Mark Patrick Flaherty,
Controller
Room 104 Courthouse

Name

Amount

Return To: Jeanne Manski
 Allegheny County Controller's
 Office
 Room 211 Courthouse
 436 Grant Street
 Pittsburgh, PA 15219
 (412) 350-4688

Reason for
Return:

- ☐ Required information has not been completed correctly and legibly.
- ☐ Duplicate payment.
- ☐ Constable Payment Forms do not match Summary Invoice.
- ☐ Appropriate support documentation is not attached
Missing items: _____
- ☐ Constable Payment Forms and/or Summary Invoices were not submitted in the proper
format and order.
- ☐ No W-9 and/or proof of insurance.
- ☐ Calculations are inaccurate.
- ☐ Authorizing signatures have not been obtained.
- ☐ Constable Payment Forms are not within the allotted time period.
- ☐ Other

Controller's Office Signature

“Appendix L”

Date

**Request for Taxpayer
Identification Number and Certification**

Give form to the
requester. Do not send to the
IRS.

Print or type
See Specific Instructions on page 2

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box for federal tax

classification (required): ☐ individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership
☐ Trust/estate

☐ Exempt payee

☐ Limited liability company. Enter the tax classification (C= Corporation, S=S corporation, P=partnership)

☐ Other (see instructions)

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social Security number

- -

Employer identification number

-

Part 2 Certification

Under penalties of perjury, I certify that:

- the number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below)

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contribution to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

SIGN
HERE Signature of
U.S. person 

Date 

Allegheny County

Vendor Creation Form - Constable Services

Controller's use only:

Supplier No. _____

1099 Eligibility: ☐ Yes ☐ No

☐ Add ☐ Change Supplier No. _____

Company Information

Federal Tax ID (TIN)

Company Name (please print or type) _____

W-9 must be submitted

(Required Information)

Type of Service Provided

Type of Commodity Provided

(Please Describe)

☐ Independent Contractor

☐ Legal

Constable Services

(Required Information)

Supplier/Remit To Information (Search Type "V") - (Where check will be mailed for payment. Check must be made payable to exact name listed under TIN provided or check cannot be processed)

Constable Name _____

(Please type or print)

Address Line 1 _____

Address Line 2 _____

Address Line 3 _____

City _____ State _____

Zip Code _____

Telephone Number _____

Fax Number _____

*If the "remit to information provided on form does not match invoices submitted for payment, the Controller's Office **must** contact supplier to verify address information before payments are processed. thank you for your cooperation

"Appendix N"

ALLEGHENY COUNTY JAIL
INMATE RELEASE FORM FOR CONSTABLES
TRANSPORTING TO MDJ's OFFICE

TIME OUT _____

TIME IN _____

The Allegheny County Jail is to release

(Defendant)

MDJ's Office

For Court Proceeding. At the conclusion of the court proceeding,

The Defendant **MUST** be returned to the custody of the Warden of the Allegheny County Jail

TRANSPORTING AUTHORITY

PRINT NAME _____

Signature Constable _____ **PCCD** _____
One

PRINT NAME _____

Signature Constable _____ **PCCD** _____
Two

NUMBER OF
DEFENDANT _____

SIGNATURE OF OFFICER WITNESSING CONSTABLES' SIGNATURE:

ALLEGHENY COUNTY JAIL
INMATE RECEIVED FROM CONSTABLES

RECEIVED FROM CONSTABLES

PRINT NAME _____

Signature Constable One _____ **PCCD** _____

PRINT NAME _____

Signature Constable Two _____ **PCCD** _____

Name of Defendant _____

Docket#/OTN _____

SIGNATURE OF OFFICER WITNESSING CONSTABLES' SIGNATURE

ORIGINAL Inmate file

YELLOW COPY: Transporting
Authority

Appendix Q

Constable Fee Examples in Criminal/Summary Cases

Scenario 1

Constables Smith and Charles are issued 2 warrants by District Court – one at TR 15-001 and one at TR 15-002 for the Defendant for failure to respond to traffic citations for a red light violation and driving with a suspended license (1543(a)). Both constables travel 13 miles from District Court to the Defendant's home, serve the Defendant and obtain guilty plea agreements for each of the cases and pays \$500. The constables make a prompt return of the \$500 and the guilty pleas. The Court schedules a payment determination hearing for the balance of money due the Court.

The constables may submit fees for the following:

- Warrant 1
 - Mileage @ applicable IRS rate (one constable can charge)
 - \$5 Custody (each constable)
 - \$25 Executing Warrant (each constable)
 - \$5 Discharge (each constable)
 - \$2.50 Returns to Court (each constable)
- Warrant 2
 - \$25 Executing Warrant (each constable)
 - \$2.50 Return of Service (each constable)

Scenario 2

Constables Smith and Charles are issued 2 warrants by District Court – one at TR 15-001 and one at TR 15-002 for the Defendant for failure to respond to traffic citations for a red light violation and driving with a suspended license (1543(a)). Both constables travel 13 miles from District Court to the Defendant's home, find that the Defendant is not home and post notice on the Defendant's door. Later that day, the Defendant telephones Constable Smith and agrees to meet at District Court. Both constables meet the Defendant at Court, the Defendant turns himself in and the Court accepts the guilty pleas and \$500. The Court conducts a brief hearing which the constables attend and the Court schedules a payment plan. The Defendant is free to go home 25 minutes after arrival at court. The constables make returns of the warrants to court immediately after the Defendant leaves Court.

The constables may submit fees for the following:

- Warrant 1
 - Mileage @ applicable IRS rate (one constable can charge)
 - \$5 Custody (each constable)
 - \$25 Executing Warrant (each constable)
 - \$13 Attending Hearing (each constable)
 - \$5 Discharge (each constable)
 - \$2.50 Returns to Court (each constable)
- Warrant 2
 - \$25 Executing Warrant (each constable)
 - \$2.50-Return of Service (each constable)

Scenario 3

Same scenario as #2 above except the constables and the Defendant agree on the telephone to meet at a gas station directly across from District Court and walk the Defendant to District Court.

The constables may submit fees for the following:

- Same Fees as in Scenario 2 above.

Scenario 4

Same scenario as #2 above except the Defendant requests that the constables meet him at the McDonalds near the Defendant's home and transport him in their car to District Court which is 3 miles away. The Defendant doesn't have a way to get to court and wants to avoid the embarrassment with his family of a constable coming to his home. The constables agree to transport him and both constables are present in the car during the transport.

The constables may submit fees for the following:

- Same Fees as in Scenario 2 above plus the following additional charges.
 - \$5 Convey Defendant to Court (each constable) (because the constable didn't create an artificial situation to collect this fee)
 - Mileage @ applicable IRS rate (one constable can charge)

Scenario 5

Constables Smith and Charles are issued 2 warrants by District Court – one at TR 15-001 and one at TR 15-002 for the Defendant for failure to respond to traffic citations for a red light violation and driving with a suspended license (1543(a)). The Defendant is at Family Division for a child support hearing when a Deputy Sheriff discovers the warrant, detains the Defendant and calls District Court which notifies the constables of the Defendant's detention. Prior to the Sheriff's detention, both constables had traveled 13 miles from District Court to the Defendant's home and were unable to serve the Defendant. After notification by the Court, the constables travel 20 miles (round trip) to Family Division, secure the Defendant and return him to District Court. The Defendant then makes a call to his family and receives \$500.00. The Court conducts a brief hearing and schedules a payment determination hearing for the balance of money due the Court. The Defendant is free to leave within 30 minutes from arrival at District Court. Constables make return of the warrants after the Defendant leaves.

The constables may submit fees for the following:

- Warrant 1
 - Mileage@ applicable IRS rate (one constable can charge)
 - \$5 Convey to Court (each constable)
 - \$5 Custody (each constable)
 - \$25 Executing Warrant (each constable)
 - \$13 Attending Hearing (each constable)
 - \$5 Discharge (each constable)
 - \$2.50 Returns to Court (each constable)
- Warrant 2.
 - \$25 Executing Warrant (each constable)
 - \$2.50 Return of Service (each constable)

Scenario 6a

Constables Smith and Charles are issued 2 warrants by District Court - one at TR 15-001 and one at TR 15-002 for the Defendant for failure to respond to traffic citations for a red light violation and driving with a suspended license (1543(a)). The Defendant turns himself in to the Court before the constables perform any service.

The Constables may submit fees for the following:

- No fees may be charged in this case.

Scenario 6b

The Defendant enters a guilty plea and signs a payment plan on a summary traffic violation. Later, however, he fails to make timely payment, so the Court issues a warrant to Constables Smith and Charles for Failure to Pay. Constable Smith calls the Defendant who, as a direct result, comes to Court on own where warrant is cleared without further participation by constables. The Court schedules a payment determination hearing and the Defendant is free to leave.

The constables may submit fees for the following:

- \$25 Executing Warrant (only Constable Smith may charge)
- \$2.50 Return of Service (only Constable Smith may charge)

Scenario 6c

The Defendant fails to show for a payment determination hearing the 2nd time on two summary cases and the court reissues 2 warrants (one on each case). Constables Smith and Charles serve the warrants and pick Defendant up at his home 13 miles from the Court and transport Defendant to District Court 13 additional miles. Both constables attend the District Court payment determination hearing which results in determination that the Defendant has/had sufficient ability to pay and Defendant willfully and without cause has failed to pay. Defendant signs waiver of counsel and waiver of stay. Within 30 minutes of Defendant's arrival, the Court issues a commitment to the constables after which the constables both transport the Defendant to the Allegheny County Jail. The constables travel 10 miles from District Court to commit the Defendant to the ACJ and subsequently makes return of service.

The constables may submit fees for the following:

- Warrant 1
 - Mileage @ applicable IRS rate (one constable can charge)
 - \$5 Convey to Court (each constable)
 - \$5 Custody (each constable)
 - \$25 Executing Warrant (each constable)
 - \$13 Attending Hearing (each constable)
 - \$5 Convey from Court (each constable)
 - \$17 Transporting Non Incarcerated to Prison (each constable)
 - \$5 Commitment (each constable)
 - \$2.50 Returns to Court (each constable)
- Warrant 2
 - \$25 Executing Warrant (each constable)
 - \$2.50 Return of Service (each constable)

Scenario 7

Same as Scenario 6c, except that the Defendant after issuance and service of the warrants, the Defendant pays in full at District Court after both constables hold him there for one and one half hours not counting the hearing time.

The constables may submit fees for the following:

- Warrant 1
 - Mileage @ applicable IRS rate (one constable can charge)
 - \$5 Convey to Court (each constable)
 - \$5 Custody (need not handcuff but had legal authority) (each constable)
 - \$25 Executing Warrant (each constable)
 - \$13 Attending Hearing (each constable)
 - \$13 Holding (each constable) 1 and one half hour less first half hour=1 hour holding) (each constable)
 - \$5 Discharge (each constable)
 - \$2.50 Returns to Court (each constable)
- Warrant 2
 - \$25 Executing Warrant (each constable)
 - \$2.50 Return of Service (each constable)

Scenario 8

The Defendant is at Family Division for a child support hearing when a Deputy Sheriff discovers an outstanding failure to pay warrant for the Defendant. The Deputy detains the Defendant and calls District Court which notifies the constables. Prior to the Deputy's detention of the Defendant, both Constables had traveled 13 miles from District Court to the Defendant's home and were unable to serve the Defendant. After notification by District Court, both constables travel 10 miles to Family Division, take custody of the Defendant and return him to District Court (an additional 10 mile trip). The Defendant then makes a call to a family member who arrives and pays \$500. No hearing occurs but court staff receipts payment and schedules a hearing in two weeks regarding balance of the money due the Court and the Defendant is free to leave. The constables held the defendant at District Court for a total of 2 hours. The constables make return of service.

The constables may submit fees for the following:

- Mileage @ applicable IRS rate (one constable can charge)
- \$5 Custody (each constable)
- \$5 Convey to Court (each constable)

- \$25 Executing Warrant (each constable)
- \$19.50 Holding Time (each constable) (2 hours less one half hour =1.5 hours x \$13)
- \$5 Discharge(each constable)
- \$2.50 Returns to Court (each constable)

Scenario 9

District Court has preliminary hearings scheduled and issues Releases to constables Smith and Charles to secure and transport 3 Defendants to Court. ACJ is ten miles from District Court. The constables execute the Releases at the Allegheny County Jail at 8 AM for 2 of the 3 Defendants as one Defendant has been released to the Sheriffs for a matter before the Court of Common Pleas. The constables arrive at District Court at 8:30 AM with the 2 Defendants. Defendant 1 is detained and in "Reds" has misdemeanor charges of Retail Theft, which result in a plea agreement to Summary Retail Theft with time served. Defendant 2, while incarcerated, is not detained and not in "Reds". He is charged with 2 misdemeanor offenses and a plea agreement is reached to resolve the case as 2 summary offenses. Defendant 2 is sentenced to time served plus fines. The Court completes paperwork for both Defendants at 11:30 AM. Defendant 2 signs a payment plan and is permitted to leave from the District Court. Defendant 1 must be transported and recommitted to the Allegheny County Jail. Both constables transport Defendant 1 back to the Allegheny County Jail and arrive at 12 PM. The constables make return of service to Court.

The constables may submit fees for the following:

- Defendant 1
 - Mileage @ applicable IRS rate (one constable can charge)
 - \$38 Transporting Incarcerated Prisoner (each constable)
 - \$32.50 Holding at District Court 8:30 AM to 11:30 AM less ½ hour=2.5 hours x \$13 (each constable)
 - \$5 Commitment (each constable)
 - \$2.50 Returns to Court (each constable)
- Defendant 2.
 - \$38 Transporting Incarcerated Prisoner (each constable)
 - \$32.50 Holding at District Court 8:30 AM-11:30 AM less ½ hour=2.5 hours x \$13 (each constable)
 - \$5 Discharge (each constable)
 - \$2.50 Returns to Court (each constable)

Scenario 10

District Court requests Constable Security for traffic and civil hearings. The Court opens at 8 AM and traffic hearings start at 8:15 AM. The Court requests that the constable starts at 7:45 AM so that he is present when litigants begin to arrive. Traffic hearings are completed at 11:30 AM. The Court is in recess from 11:30 AM until 1 PM. Civil hearings begin at 1PM and the Court requests the security detail to begin at 12:45 PM. Civil hearings conclude at 1:55 PM.

The constables may submit fees for the following:

- Courtroom Security
 - \$52 7:45 AM-11:30 AM 3 hours and 45 minutes (round to nearest half hour 4 x \$13 = \$52)
 - \$13 12:45 PM-1:55 PM=1 hour 10 minutes (round to nearest half hour)

ACKNOWLEDGEMENT

I, _____, HAVE RECEIVED A COPY OF THE FIFTH JUDICIAL DISTRICT CONSTABLE HANDBOOK. I UNDERSTAND THAT IN ORDER TO BE PAID FOR WORK PERFORMED FOR THE FIFTH JUDICIAL DISTRICT, I MUST ABIDE BY THE PROVISIONS AND TERMS SET FORTH IN THE HANDBOOK.

I AGREE TO ABIDE BY THE PROVISIONS AND TERMS SET FORTH IN THE HANDBOOK.

Print Name

Signature

Date

Please return completed Acknowledgement to:

5th Judicial District
340 Frick Building
437 Grant Street
Pittsburgh, PA 15219

Department of Court Records
Allegheny County Courthouse, Room 114
436 Grant Street
Pittsburgh, PA 15219