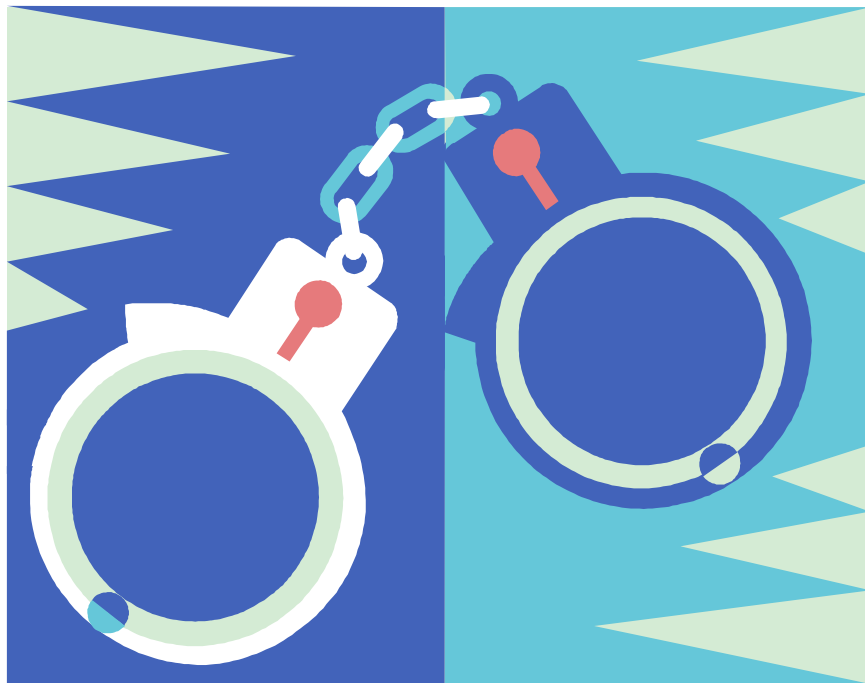


Westmoreland County Controller's Office



Constable Cost Policies & Procedures

Version 2.0

Effective August 28, 2006

Westmoreland County Constable Cost Procedures

I. Scope and Purpose

a. Scope

These procedures will govern the billing and submission of payment for constable costs relating to serving process in criminal and summary cases in Westmoreland County, Pennsylvania.

b. Purpose

It is the purpose of these procedures to ensure uniformity in the submission, review, timely approval and payment of constable fees for authorized judicial functions relating to criminal and summary cases.

c. Authority

The authority and framework for establishing and payment of fees for constable service is a matter of Pennsylvania Law (currently 42 Pa C.S. A. 2950).

II. Standard Forms

a. Payment Request voucher

There is established a standard form designated as a "Payment Request Voucher" hereinafter referred to as a "PRV". Any constable wishing to be compensated for performing qualified services for Westmoreland County or its courts must submit his or her allowable costs on the PRV. The submitted form must be an original, issued by the County, which includes a unique PRV number.

b. Running sheets

Mileage documentation is to be reported directly on the PRV in the space provided. When there is insufficient room to document mileage on the PRV the constable must complete a running sheet. This running sheet must be cross-referenced and attached to the PRV and also must be submitted to the Controller in order for the associated PRV(s) to be processed. The running sheet may be used to document other circumstances which may substantiate a PRV.

c. Recap forms

Constables must list PRV's submitted for payment in numerical order on a recap sheet(s). The recap sheets should accompany PRV's, any running sheets and a copy of the warrant which are submitted to the Special Courts Administrator for approval and will ultimately be forwarded to the County Controller for processing and payment. **Service for only one issuing authority is permitted on a recap. If work is performed for multiple issuing authorities during a billing period, a recap sheet must be completed for each issuing authority. Constables should also prepare separate recaps for summary and criminal service. This is intended to facilitate docketing by the Clerk of Courts Office.**

III. Billing/Payment Cycle

a. Forms submitted on a bi-weekly basis

The Special Courts Administrator will review and process all forms and forward them to the County Controller.

IV. PRV Form instructions and policies

- a. **Constable Name** – the constable’s full name should be printed legibly.
- b. **District Court** – the district court number should be printed legibly.
- c. **Defendant Name** – the name of the defendant should appear as printed on the warrant.
- d. **Docket Number** - the docket number should be printed as it appears on the warrant.
- e. **Defendant Address** – the defendant address should be printed as it appears on the warrant.
- f. **Date Served** – the date that the warrant was actually served should be printed on this line.
- g. **Place of Arrest** – the street address for the place that the arrest was made or the warrant was otherwise served.
- h. **Date of Arrest** – the date that the arrest (custody) took place.
- i. **Time of arrest** – the actual time that the arrest took place.
- j. **Time of service return** – the actual time that the successfully completed warrant was returned.
- k. **Warrant** – A charge of \$25 is permitted for a successfully served warrant. This charge is generally a per warrant charge. However, if more than one docket number is included on a warrant a charge of \$25 per docket number is permitted.
- l. **Custody** – A charge of \$5 is permitted for taking custody of a defendant. This charge is a per defendant charge and shall only be charged once for the initial docket number. **This charge may not be taken in connection with the transportation of an incarcerated defendant from jail or their return to jail.**
- m. **Convey to/from District Court** – A charge of \$5 is permitted for conveying a defendant to/from court. This charge is a per defendant charge and shall only be charged once for the initial docket number. A constable must physically transport a defendant to be justified in making this charge. **This charge may not be taken in connection with the transportation of an incarcerated defendant from jail or their return to jail.** Conveyance to court for preliminary hearings shall only be done in accordance with the Order of Court dated January 18, 2006 (or any superseding order).
- n. **Transporting non-incarcerated defendant to jail** – A charge of \$ 17 plus mileage is permitted when transporting a non-incarcerated defendant to jail. Taking this charge shall not preclude a constable from charging for commitment or return of service.

- o. Transporting an incarcerated prisoner – A charge of \$38 per prisoner, plus an hourly rate of \$13 per prisoner, per hour (after the expiration of the first hour per prisoner) not to exceed \$26 per hour, per constable. Transporting incarcerated prisoners precludes a constable from billing for Custody, Convey to/from, Attendance at arraignment, Release/Commit or Return of Service.**
- p. Holding at District Court – a charge of \$13 per hour, per defendant, beyond the first half hour is permitted. This is recorded as Court Time in the hourly charges section and requires the MDJ initials similar to other hourly charges**
- q. Arraignment or Hearing – a charge of \$13 is permitted for attendance at an arraignment or hearing. This charge is a per defendant charge and shall only be charged once for the initial docket number. The constable must maintain custody and/or physical presence at the court to justify this charge. **This charge may not be taken in connection with the transportation of an incarcerated defendant from jail or their return to jail.****
- r. Convey for fingerprinting (and fingerprinting or overseeing) – a charge of \$17 is permitted for conveying a defendant to be fingerprinted **at the direction of the magisterial district judge.** This charge is a per defendant charge and shall only be charged once for the initial docket number. A constable must physically transport a defendant to be justified in making this charge. A constable is permitted to charge \$13 dollars per hour, per defendant beyond the first hour per defendant not to exceed \$26 per hour, per constable, plus mileage . Any such hourly charges must be initialed by the MDJ in order for payment to be considered.**
- s. Release from custody or commit to jail – A charge of \$5 is permitted for either the defendant’s release from constable custody or the commitment of the defendant to jail. This charge is a per defendant charge and shall only be charged once for the initial docket number. Please circle release or commit on the PRV. **This charge may not be taken in connection with the transportation of an incarcerated defendant from jail or their return to jail.****
- t. Return of Service – a charge of \$2.50 is permitted for each successfully completed warrant. . **This charge may not be taken in connection with the transportation of an incarcerated defendant from jail or their return to jail. It may not be taken in conjunction with a return of not found.****
- u. Subpoena(s) – a charge of \$13 is permitted for serving a district court-issued subpoena. If more than one subpoena is served at the same address a charge of \$5.00 is permitted for each additional subpoena. A charge of 2.50 for return of service may be taken for a successfully issued subpoena.**
- v. Court Room Security – a constable is permitted to bill at a rate of \$13 per hour for rendering court room security **which has been ordered by the court.** This charge should be entered as “Hourly Charges” and documented as to start and stop times under “Security in the Documentation Section of the PRV.**

- w. **Hourly Charges** – a constable is permitted to bill at a rate of \$13 per hour for hourly charges. Hourly charges encompass Courtroom Security, Court Time with defendant in custody and Fingerprinting. In order for hourly charges to be paid the constable must document the actual hours by recording the beginning and ending time of day, then subtracting the first half hour (in the case of court time or fingerprinting) to arrive at the billable hours. **All hourly charges must be initialed by the MDJ in order for payment to be considered.**
- x. **Other** – Prisoner meals on out of county transports, turnpike fares (receipts are required for both). **Charges for postage, phone calls & hourly charges for transports will not be honored.** Hourly charges for out-of-county transports may be authorized by the Magisterial District Justice who shall provide a written order to that effect. Said order shall be attached to the PRV.
- y. **Return of Not Found** – a charge of \$13 is permitted where a constable attempted, but was not able to successfully serve a warrant. A maximum of three “not founds” will be honored for each defendant.
- z. **Actual Mileage** – constables are permitted to charge for mileage at the highest rate permitted by the Internal Revenue Service. A constable shall only charge actual mileage. If the District Court must collect fines and costs from a defendant before the constable has submitted a PRV, the court may collect mileage based on a pre-established distance (ten miles). This becomes the rate to be listed on the PRV and paid to the constable. Point-to-point documentation must be submitted on the PRV. Entries on the PRV or Running Sheet should be made at the same time that the travel miles are incurred. Odometer readings are required and may be subject to verification. The controller’s office will subject mileage charges to similar scrutiny given to county employee travel vouchers. The use of mileage charts and/or internet mileage calculators such as Mapquest or Yahoo! Maps may be used to resolve questions. There is no provision for a minimum mileage charge in this policy.
- aa. **Constable Education Fund Surcharge** – a charge of \$5 is permitted (only billable to the defendant) for education fund surcharge. This fee is never charged to the county.
- bb. **Documentation section** – detailed documentation is required for hourly charges. Information must be provided in its entirety for associated charges to be considered. Additional support may be provided on a running sheet.
- cc. **Mileage section** – complete documentation for mileage charges are required in order for reimbursement to be considered. If there is insufficient space to document trips a running sheet must be attached.
- dd. **Notes** – Explanation should be provided in this area to support any unusual charges or charges that might appear excessive. If additional space is needed, attach a running sheet.
- ee. **2nd Constable Reference** – constables shall cross reference the second constable who served the warrant. This cross reference shall include the name, PRV# submitted by the 2nd constable and a brief reason for the use of the 2nd constable.

- ff. **Constable Signature** - The constable shall sign each PRV certifying that the services indicated have been ordered, performed and billed in accordance with Pennsylvania Law and Westmoreland County Policy. By virtue of their signature, constables understand that false statements made on any PRV or accompanying supporting documents are subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities. Constables shall also include their county-issued vendor number on PRV's.
- gg. **Approval by issuing authority** – The issuing authority shall sign each PRV indicating that the service(s) was authorized to be performed and directed and that the cost sheet be submitted for payment subject to review, adjustment and final approval by the County Controller.
- hh. **Appropriation Number** – The issuing authority will complete the appropriation number to be charged if the constable costs are to be paid by the county.

V. **Running Sheet forms –use if additional space is needed for mileage documentation.**

- a. **Constable Name** – each running sheet shall include the name of the constable.
- b. **Year, Make & Model of Vehicle Used** – the vehicle for which mileage is being charged must be documented.
- c. **Defendant Name** – the defendants name shall be listed as indicated on the warrant
- d. **PRV#** - the running sheet shall include a reference to the PRV with which it is associated
- e. **Date** – the actual date of an action shall be listed.
- f. **Time In** – the starting time for a warrant/subpoena service attempt shall be listed.
- g. **Time Out** – the time corresponding to the end of an attempt or the successful return of service shall be listed.
- h. **Origin** – the starting point for a service related trip shall be listed. A street address is required. If Constable's home/office, District Court or Westmoreland County Jail, Juvenile or Courthouse the street address is not necessary.
- i. **Destination** – The street address for a service related destination is required.
- j. **Outcome** – a brief note indicating the purpose/outcome of the trip.
- k. **Odometer Start** – the beginning odometer reading for the trip (in whole miles)
- l. **Odometer Stop** – the ending odometer reading for the trip (in whole miles)
- m. **Miles Charged** – the number of miles to be charged and carried to the PRV.
- n. **Other** – the running sheet may be used to document other time-oriented activities which require explanation
- o. **Total Miles Carried to PRV** – enter the total miles charged and carried forward to the PRV.

NOTE: The County Controller reserves the right to verify odometer readings

VI. **Recap forms**

- a. Constables shall summarize all PRV's submitted for payment by the county for a given billing cycle on a Constable Recap Sheet in PRV# order. In addition to the PRV#, the defendants name and total charged on the PRV shall be listed. The Recap Sheet shall be totaled, attached to the PRV's and associated warrants for ultimate payment by the county controller. The R# on the recap sheet shall be referenced on the check from the county to facilitate cross-reference by the constables. **Separate recap forms are to be prepared for each issuing authority served during a billing cycle. Additionally, separate forms for summary and criminal service are required. The Special Courts Administrator will process and approve recaps prior to acceptance by the County Controller.**

VII. Adjustment & Dispute resolution

- a. The county controller will adjust or reject PRV#'s which do not adequately support the charges billed or contain other defects. The controller will notify the constable of any adjustments or rejections in writing. The constable may dispute the actions of the controller within 21 days of the receipt of the aforementioned written notice. The controller shall make a final determination within 10 days from receipt of a constable's dispute. If an adjustment or rejection is upheld the relevant district court shall be notified so that court records may be adjusted accordingly.

VIII. Out of County Constables

- a. Out of county constables are subject to the same policies and procedures as Westmoreland County Constables including paperwork and documentation standards. Requests for payment submitted in a form other than prescribed in this document will not be considered for payment. Issuing authorities are to advise out of county constables of this fact prior to requesting service.

DEFENDANT NAME _____ DOCKET# _____
DEFENDANT ADDRESS _____ DATE SERVED _____
PLACE OF ARREST _____

ACTUAL MILEAGE @ \$ _____ MILE (TOTAL MILEAGE FROM BELOW)
TOTAL _____

2nd Constable Name: _____

PRV# Reference: _____

Reason: _____

WESTMORELAND COUNTY CONSTABLE RECAP SHEET FOR THE MONTH OF _____, 20__

CONSTABLE: _____

VENDOR#: _____

ISSUING AUTHORITY: _____

(CHECK ONE) CRIMINAL: _____ SUMMARY: _____

PRV #	DEFENDANT	AMOUNT		PRV #	DEFENDANT	AMOUNT
SUB-TOTAL----->>>				SUB-TOTAL----->>>		
				GRAND TOTAL ----->>>		

Issuing Authority Appropriation: **101.____.1655** Processed & Approved-Special Courts Administrator: _____

Processed by Clerk of Courts (**Criminal Only**): _____

WHITE: CONTROLLER/SPECIAL COURTS ADMINISTRATOR

CANARY: CONSTABLE