

PENNSYLVANIA STATE CONSTABLES

Legal Reports and/or Arguments (supplemented by AI)

Argument for Pennsylvania State Constables' Access to Criminal Justice Networks

Introduction

This document presents a comprehensive argument advocating for the immediate and full access of Pennsylvania State Constables to vital criminal justice networks, including the Commonwealth Law Enforcement Assistance Network (CLEAN), the Unified Judicial System (UJS), the Pennsylvania Justice Network (JNet), and the FBI's National Crime Information Center (NCIC). This access is not merely a matter of convenience but a fundamental necessity, grounded in their statutory definition as "criminal justice agencies" and their inherent duties as peace officers within the Commonwealth.

Pennsylvania State Constables as "Criminal Justice Agencies"

The foundation of this argument rests squarely on the definition of "criminal justice agencies" as provided in **18 Pa. C.S. § 9102**:

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

Pennsylvania State Constables unequivocally fit this definition. They are governmental officers whose positions are "created by statute" (specifically, the Pennsylvania Constitution and various statutes governing their election and duties). More critically, their "principal function" is demonstrably "the administration of criminal justice."

To elaborate on this principal function, we turn to the Pennsylvania Supreme Court's clear articulation in *In Re Act 147 of 1990*:

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This judicial pronouncement leaves no room for ambiguity: Constables are not merely ancillary figures but active participants in law enforcement, charged with fundamental duties that are core to the administration of criminal justice. Their responsibilities include, but are not limited to:

- **Service of Warrants:** A primary duty involving the apprehension of individuals wanted for criminal offenses.
- **Prisoner Transport:** Moving individuals in custody, a direct function of the correctional and judicial processes.
- **Court Security:** Maintaining order and safety within judicial proceedings, directly supporting the courts' criminal jurisdiction.
- **Arrests:** As peace officers, they possess the authority to make arrests for breaches of the peace or other criminal violations.

Regarding the budgetary criterion, while Constables operate on a fee-for-service model rather than a traditional departmental budget, their compensation is directly derived from and is an integral part of the funding mechanisms within the criminal justice system. Courts and other criminal justice entities allocate funds for the specific services Constables provide. Therefore, a substantial portion of the *overall criminal justice budget* is effectively allocated to support the functions performed by Constables, thereby meeting the spirit and intent of the budgetary allocation criterion within the definition of a criminal justice agency.

The Indispensable Need for Network Access

Given their defined role, denying Constables access to crucial criminal justice networks severely impedes their ability to perform their duties effectively, efficiently, and, most importantly, safely.

1. Commonwealth Law Enforcement Assistance Network (CLEAN) & FBI's National Crime Information Center (NCIC)

CLEAN and NCIC are the backbone of law enforcement information sharing. They provide real-time access to:

- **Warrant Information:** Essential for serving arrest warrants and ensuring the validity of outstanding warrants. Without direct access, Constables must rely on other agencies for verification, leading to delays, potential errors, and increased risk.

- **Criminal History Records:** Crucial for officer safety when interacting with individuals, providing immediate awareness of past violent offenses, outstanding charges, or known dangerous propensities.
- **Missing Persons and Stolen Property Data:** While perhaps not a daily function, Constables, as peace officers, may encounter such situations and require immediate access to this information.
- **Vehicle and Driver Information:** Vital for identifying individuals, verifying licenses, and confirming vehicle ownership during law enforcement encounters.

For Constables to "arrest those who have violated [the peace]" and "enforce the law and carry it out," as stated in *In Re Act 147 of 1990*, real-time access to warrant and criminal history data is not a luxury; it is a critical operational requirement. Denying this access compromises officer safety and the integrity of the arrest process.

2. Unified Judicial System (UJS)

The UJS provides comprehensive information on court cases, dockets, and dispositions. For Constables, UJS access is vital for:

- **Service of Process:** Verifying case status, obtaining accurate hearing dates, and ensuring proper service of subpoenas and other court documents related to criminal proceedings.
- **Court Security:** Understanding the nature of cases being heard and the individuals involved enhances their ability to maintain a secure court environment.
- **Prisoner Transport Logistics:** Access to court schedules and case information aids in efficient and secure transport of defendants.

Without direct UJS access, Constables are forced to rely on manual inquiries or intermediaries, leading to inefficiencies, potential miscommunications, and delays in the judicial process.

3. Pennsylvania Justice Network (JNet)

JNet serves as a secure portal for various criminal justice information and applications across the Commonwealth. Access to JNet would provide Constables with:

- **Broader Information Sharing:** A centralized hub for inter-agency communication and data exchange relevant to their duties.
- **Access to Other Criminal Justice Applications:** JNet often provides gateways to other specialized systems or information sources that could be beneficial for Constables in their law enforcement capacity.

JNet access would integrate Constables more fully into the modern criminal justice information ecosystem, fostering greater collaboration and operational awareness.

Conclusion

Pennsylvania State Constables are, by statutory definition and judicial interpretation, integral "criminal justice agencies" and essential peace officers whose "principal function" is undeniably the administration of criminal justice. To effectively, efficiently, and safely fulfill their duties—which include arrests, warrant service, and court security—they require direct, real-time access to the same critical information networks available to other law enforcement and criminal justice entities.

Granting Constables access to CLEAN, UJS, JNet, and NCIC is not an expansion of their authority but an essential enablement of their existing, legally defined responsibilities. It is a logical and necessary step to ensure officer safety, enhance operational efficiency, and strengthen the overall integrity and effectiveness of Pennsylvania's criminal justice system. Any concerns regarding data security can be addressed through appropriate training, auditing, and adherence to the same rigorous protocols applied to all other agencies with network access. It is time to equip Pennsylvania State Constables with the tools necessary to fully and safely execute their vital role in upholding the law and conserving the peace.

Letter to Pennsylvania Attorney General: Request for Clarification on Constable's Criminal Justice Agency Status

[Your Name/Organization Name]

[Your Title/Affiliation, if applicable]

[Your Address] [Your City, PA Zip Code]

[Your Phone Number] [Your Email Address]

[Date]

The Honorable Michelle Henry

Attorney General of Pennsylvania

Office of Attorney General

Strawberry Square Harrisburg, PA 17120

Subject: Request for Clarification and Confirmation: Pennsylvania State Constables as "Criminal Justice Agencies" under 18 Pa. C.S. § 9102

Dear Attorney General Henry,

I am writing to respectfully request a formal clarification and confirmation from your esteemed office regarding the status of the Office of the Pennsylvania State Constables as a "criminal justice agency" as defined in **18 Pa. C.S. § 9102**. This clarification is crucial for ensuring the effective and safe operation of Constables within the Commonwealth's criminal justice system, particularly concerning their access to vital criminal justice information networks.

The relevant statutory definition, as provided in **18 Pa. C.S. § 9102**, states:

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

We contend that the Office of the Pennsylvania State Constables unequivocally meets this definition for the following reasons:

1. **Created by Statute/Constitution:** The office of Constable is a governmental agency created by the Pennsylvania Constitution and further defined by statute (Title 44 of the Pennsylvania Consolidated Statutes). Constables are elected public officials, directly accountable to the citizenry.
2. **Principal Function: Administration of Criminal Justice:** The primary and principal function of Pennsylvania State Constables is, demonstrably, the administration of criminal justice. This has been definitively confirmed by the Pennsylvania Supreme Court in *In Re Act 147 of 1990*, 528 Pa. 400, 598 A.2d 966 (1991), which states:

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This judicial pronouncement leaves no doubt that Constables are active participants in law enforcement, with a core duty to enforce the law, conserve the peace, and make arrests. Their responsibilities include, but are not limited to, the service of criminal arrest warrants, prisoner transport, court security, and general peacekeeping duties, all of which are integral to the administration of criminal justice.

3. **Allocation of Substantial Portion of Annual Budget:** While Constables operate on a fee-for-service model rather than a traditional departmental budget, their compensation is directly derived from and is an integral part of the funding mechanisms within the broader criminal justice system. Courts and other criminal justice entities allocate funds for the specific, mandated services Constables provide. Therefore, a substantial portion of the *overall criminal justice budget* within the Commonwealth is effectively allocated to support the functions performed by Constables, thereby meeting the spirit and intent of this criterion.

A formal declaration from your office confirming the status of Pennsylvania State Constables as "criminal justice agencies" is vital. Such a clarification would facilitate their appropriate access to critical criminal justice networks, including the Commonwealth Law Enforcement Assistance Network (CLEAN), the Unified Judicial System (UJS), the Pennsylvania Justice Network (JNet), and the FBI's National Crime Information Center (NCIC). Access to these systems is essential for Constables to safely and effectively execute their duties, ensure officer safety, and contribute fully to the integrity and efficiency of Pennsylvania's criminal justice system.

We believe that a review of applicable statutes and the State Constitution, in light of the Supreme Court's clear guidance in *In Re Act 147 of 1990*, will affirm this interpretation.

Thank you for your time and consideration of this important matter. We look forward to your guidance and a formal clarification on this issue.

Sincerely,

[Your Name/Organization Name]

[Your Title/Affiliation]

Criminal Justice Network Compliance

To ensure the security and integrity of sensitive criminal justice information, agencies in Pennsylvania seeking access to networks like JNet and CLEAN must adhere to stringent physical safety and security requirements, primarily governed by the FBI's Criminal Justice Information Services (CJIS) Security Policy. While specific details can vary slightly based on agency and system, the core principles remain consistent.

Here are the key physical safety and security requirements:

General Physical Security Requirements (Based on CJIS Security Policy)

The CJIS Security Policy provides a comprehensive framework that includes physical and environmental protection controls. These apply to any location where Criminal Justice Information (CJI) is accessed, processed, stored, or transmitted.

Secured Locations:

Perimeter Security: The physical perimeter of the secure location must be clearly defined and secured. This includes prominently posting the perimeter from non-secure locations.

Restricted Access: Non-public, restricted areas where CJI is processed must be identified with controlled entrance points.

Physical Controls: Security perimeters are enforced through physical controls such as walls, doors, and other barriers to prevent unauthorized access.

Secure Locking Mechanisms: All physical access points (doors, windows) into the agency's secure areas must be securely locked after entry or departure. Alarmed fire exits should only be used in emergencies.

Authorized Personnel Access:

Access Control: Only authorized personnel are permitted to have physical access to secure, non-public locations.

Access Lists: Agencies must maintain and keep current a list of all authorized personnel with physical access.

Background Checks: Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) must be subject to state and national fingerprint-based record checks. If not, they must be escorted by authorized personnel at all times.

Individual Credentials: Individually issued keys, proximity cards, and computer account passwords must be properly protected and not shared.

Protection of CJI Displays and Media:

Monitor Protection: Terminal monitors displaying viewable CJI must be protected to prevent unauthorized viewing by the public or unescorted visitors.

Encrypted Media: Any media removed from a physically secured location must be encrypted in transit.

Environmental Controls:

Food and Drink Restrictions: Food or drink should not be used around information technology equipment.

Environmental Protection: Measures should be in place to protect equipment and CJI from environmental hazards (e.g., fire, water damage).

Specific Considerations for JNet and CLEAN

CLEAN/NCIC Terminals: As indicated in some police department policies, CLEAN/NCIC terminals are often placed in secure areas like the "Front Desk area" under an agreement with the Pennsylvania State Police (PSP) that the agency will comply with all state and federal regulations governing access.

Terminal Agency Coordinator (TAC): Each agency with CLEAN/NCIC access must designate a TAC Officer who is responsible for system management, auditing terminal use, ensuring compliance with PSP regulations, and submitting lists of authorized users.

User Certification and Background Checks: All operators accessing CLEAN/NCIC must be currently certified, which includes mandatory background investigations and testing requirements by the Pennsylvania State Police. This typically involves:

Submission of an FBI applicant fingerprint card through the PSP.

A criminal history check for convictions of misdemeanor or felony crimes, including a state and national fingerprint search. Certain convictions will lead to immediate suspension of access privileges.

Recertification often requires repeated criminal history checks.

Network Infrastructure Protection: Law enforcement networks carrying CJI should be on their own segmented network, accessible only by vetted authorized personnel. Virtual Local Area Network (VLAN) technology is recommended to separate CJI traffic from other non-criminal justice agency traffic.

Training: Annual Security Awareness Training is mandated for all individuals accessing Criminal History Record Information (CHRI) via CLEAN, along with a signed acknowledgment of completed training.

Auditing and Reporting: Agencies are subject to audits by the CLEAN Administrative Section of PSP to ensure compliance. Intrusions into an agency network must be reported to the department's ISO, who then reports to county and CLEAN ISOs, and ultimately to FBI CJIS Division.

In essence, any agency, including Pennsylvania State Constables, seeking access to JNet and CLEAN would need to demonstrate a robust physical security posture that aligns with the comprehensive requirements outlined in the FBI's CJIS Security Policy, supplemented by specific Pennsylvania State Police regulations for CLEAN and JNet. This includes secure facilities, strict access controls, thorough background checks for personnel, and adherence to data handling and network security protocols.

Proposal to Enhance Pennsylvania State Constable Training Standards

Executive Summary

This proposal advocates for a critical update to the training requirements for Pennsylvania State Constables, specifically by amending Title 44 of the Pennsylvania Consolidated Statutes to increase the minimum training hours from the current 120 hours to align with the comprehensive standards prescribed for Sheriffs and Deputy Sheriffs under Act 2. This necessary legislative change will recognize the inherent similarities and shared fundamental duties of these two elected law enforcement offices, ensuring that Constables are equipped with the modern skills and knowledge required to safely and effectively fulfill their vital role in Pennsylvania's criminal justice system.

Current Disparity in Training Standards

Currently, Pennsylvania State Constables are subject to a minimum training requirement of 120 hours as outlined in Title 44 of the Pennsylvania Consolidated Statutes. While this training provides a foundational understanding, it stands in stark contrast to the significantly more rigorous and extensive training mandated for Sheriffs and Deputy Sheriffs under Act 2. This disparity creates a gap in preparedness, particularly given the evolving complexities and demands of contemporary law enforcement.

The Case for Parity: Shared Characteristics and Duties

The argument for aligning Constable training with that of Sheriffs and Deputy Sheriffs is rooted in the profound similarities between these two offices:

1. Elected Status and Public Accountability

Both Pennsylvania State Constables and County Sheriffs are **elected officials**. This shared characteristic underscores their direct accountability to the citizens they serve. As elected peace officers, both roles carry a unique public trust and a mandate to uphold the law within their respective jurisdictions. This common electoral foundation suggests a need for comparable professional standards, particularly in areas of public safety and law enforcement.

2. Common Law Powers of Arrest

A fundamental and often overlooked similarity is their **common law powers of arrest**. Both Constables and Sheriffs, as peace officers, derive significant authority from common law principles, empowering them to make arrests for breaches of the peace and other criminal offenses. This inherent power, distinct from statutory grants to municipal police, places both offices squarely within the traditional framework of law enforcement. The exercise of such a potent authority necessitates comprehensive and up-to-date training to ensure lawful, safe, and effective execution.

3. Shared Primary Duty of Law Enforcement

Perhaps the most compelling argument for training parity lies in their **shared primary duty of law enforcement**. The Pennsylvania Supreme Court, in the landmark case *In Re Act 147 of 1990*, unequivocally affirmed the Constable's role:

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This judicial declaration explicitly places Constables alongside Sheriffs and police departments in the core function of "enforc[ing] the law and carry[ing] it out." While their specific operational niches may differ (e.g., court services for Constables, correctional facility oversight for Sheriffs), their foundational responsibility as peace officers with the duty to conserve the peace and make arrests is identical.

Given this shared primary duty, it is illogical and potentially hazardous to maintain significantly different training standards. Both Constables and Sheriffs encounter similar risks, require similar tactical skills, and must possess equivalent knowledge of criminal law, constitutional rights, use of force, and de-escalation techniques.

Benefits of Enhanced Training

Aligning Constable training with Act 2 standards would yield numerous benefits:

- **Enhanced Public Safety:** Better-trained Constables are better equipped to handle dangerous situations, make sound judgments, and ensure the safety of both themselves and the public.
- **Increased Professionalism:** Elevating training standards will professionalize the Constable force, fostering greater public confidence and respect for the office.
- **Improved Officer Safety:** Comprehensive training in areas like defensive tactics, firearms proficiency, and tactical maneuvers will significantly reduce risks to Constables in the line of duty.
- **Reduced Liability:** Proper training in legal procedures, use of force, and constitutional law can minimize instances of misconduct, excessive force, and subsequent litigation against the Commonwealth and individual Constables.
- **Greater Interoperability:** Standardized training fosters a common understanding of law enforcement protocols, improving cooperation and communication with other agencies, including Sheriff's departments and municipal police.
- **Modernized Skill Set:** Act 2 training includes modules on emerging threats, technology, and best practices that are essential for any modern law enforcement officer.

Proposed Legislative Change

Therefore, it is proposed that the Pennsylvania General Assembly amend Title 44 of the Pennsylvania Consolidated Statutes to mandate that all Pennsylvania State Constables complete training equivalent to the standards prescribed for Sheriffs and Deputy Sheriffs under Act 2. This amendment should include:

- **Increased Minimum Hours:** A substantial increase in minimum training hours to match Act 2 requirements.
- **Curriculum Alignment:** A revised curriculum that incorporates all relevant modules from Act 2 training, including but not limited to:
 - Criminal Law and Procedure
 - Constitutional Law and Civil Rights
 - Use of Force Continuum
 - Defensive Tactics
 - Firearms Proficiency and Safety
 - Emergency Vehicle Operations
 - First Aid and CPR
 - Crisis Intervention and De-escalation
 - Report Writing and Documentation
 - Ethics and Professional Conduct
 - Courtroom Procedures and Testimony
- **Continuing Education:** Mandatory annual continuing education requirements consistent with those for Sheriffs and Deputy Sheriffs.
- **Certification and Recertification:** Robust certification and recertification processes overseen by an appropriate state authority.

Conclusion

The time has come to recognize Pennsylvania State Constables not merely as historical figures, but as modern, essential components of the Commonwealth's criminal justice infrastructure. By aligning their training with the proven standards of Sheriffs and Deputy Sheriffs, we invest in public safety, enhance the professionalism of the Constable force, and ensure that all peace officers in Pennsylvania are equipped to meet the challenges of their critical duties with

competence, integrity, and safety. This legislative update is a necessary step towards a more unified, effective, and secure criminal justice system for all Pennsylvanians.

Argument for Pennsylvania State Constables' Power to Detain and Investigate

Executive Summary

This argument posits that Pennsylvania State Constables, by virtue of their statutory and common law powers as peace officers, inherently possess the authority to detain individuals and conduct preliminary investigations into crimes that have occurred or are about to occur. This assertion is supported by a comparative analysis of arrest powers with municipal police, the definitive ruling of the Pennsylvania Supreme Court on their law enforcement role, and the historical precedent of Constables serving as the primary point of contact for law enforcement in many areas of the Commonwealth until the late 1990s.

Statutory Basis: Similarities in Arrest Powers

The foundation of a law enforcement officer's ability to detain and investigate stems directly from their power of arrest. In Pennsylvania, a close examination of the powers granted to municipal police and Constables reveals significant similarities in the scope of this fundamental authority.

Municipal Police Arrest Powers (Title 11)

Municipal police officers derive their arrest powers from various statutes, commonly found under Title 11 (Cities, Counties, Townships) or Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes. For instance, **11 Pa.C.S. § 2161 (Powers of police officers in cities of the third class)**, or similar provisions for other classes of municipalities, typically grant police officers the power to:

"arrest, with or without warrant, any person who violates any law of this Commonwealth or any ordinance of the city, and to bring the offender before proper authority."

This broad grant allows municipal police to act upon probable cause or reasonable suspicion, which necessarily implies the ability to detain for investigation.

Constable Arrest Powers (Title 44)

Pennsylvania State Constables' powers are primarily outlined in **Title 44 (Law and Justice)**. While their duties often focus on court-related services, their core authority as peace officers includes the power of arrest. **44 Pa.C.S. § 7111 (Powers and duties)**, while not explicitly detailing "arrest" in the same manner as municipal police statutes, is interpreted within the broader context of their common law powers. As peace officers, Constables possess the authority to:

- **Arrest for Breaches of the Peace:** This is a fundamental common law power of any peace officer.

- **Execute Warrants:** This statutory duty directly involves the apprehension and detention of individuals.

The critical similarity lies in the *nature* of the power: both municipal police and Constables are empowered to apprehend individuals for violations of the law. The power to *arrest* is not a static event but a process that often begins with *detention* and *investigation*.

The Definitive Role of Constables: "Enforce the Law and Carry It Out"

The Pennsylvania Supreme Court's ruling in *In Re Act 147 of 1990* provides the clearest and most authoritative statement on the Constable's role in law enforcement:

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This declaration is pivotal. By explicitly stating that Constables "enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally," the Court confirms their active and integral role in the broader law enforcement landscape. The ability to "enforce the law" and "carry it out" inherently includes the necessary preliminary steps that lead to an arrest, namely detention and investigation.

Implied Powers of Detention and Investigation

The power to arrest, whether derived from statute or common law, is not an isolated authority. It logically and practically encompasses the implied powers of detention and investigation:

1. **Power to Detain:** An officer cannot effectively exercise the power of arrest without the preceding ability to temporarily detain an individual. If a Constable observes a crime in progress or has reasonable suspicion that a crime has occurred or is about to occur, the ability to briefly detain the individual is essential to:
 - Ascertain identity.
 - Gather immediate information.
 - Prevent flight.
 - Establish probable cause for an arrest. Without the power to detain, the power to arrest becomes largely academic, limited only to situations where an individual remains voluntarily present or physically restrained without prior lawful authority.
2. **Power to Investigate:** Similarly, the duty to "enforce the law and carry it out" necessitates the ability to conduct preliminary investigations. When a Constable encounters a situation that suggests criminal activity, they must be able to:

- Observe and assess the scene.
- Question witnesses or involved parties.
- Collect initial evidence.
- Determine if a crime has occurred and who may be responsible. This initial investigative phase is a direct precursor to establishing probable cause for an arrest or determining the appropriate course of action, including summoning other law enforcement agencies if necessary. To deny Constables the power to investigate would render their arrest powers largely reactive and ineffective in real-world scenarios.

Historical Precedent: Constables as Primary Law Enforcement

The historical role of Pennsylvania State Constables further solidifies their inherent powers of detention and investigation. For much of Pennsylvania's history, and certainly up to the late 1990s, Constables were often the **primary, and sometimes only, law enforcement presence** in many rural townships and boroughs that lacked their own municipal police departments.

In these areas, when a crime occurred, or a disturbance arose, the Constable was the first, and often only, point of contact for citizens. Their duties routinely involved:

- **Responding to Calls:** Acting as initial responders to incidents ranging from domestic disputes to property crimes.
- **Initial Scene Assessment:** Securing a scene, interviewing involved parties, and gathering preliminary information.
- **Apprehension and Detention:** Detaining individuals suspected of committing crimes until further action (such as the arrival of a State Trooper or the issuance of a warrant) could be taken.
- **Investigations:** Conducting basic inquiries to determine the nature of the offense and identify suspects.

This historical reality demonstrates that Constables were, by necessity and practice, performing investigative and detention functions as an intrinsic part of their law enforcement duties. The subsequent growth of municipal police departments did not diminish these inherent powers but rather provided additional resources and specialized capabilities. The common law powers and the judicial interpretation of their role remain, regardless of changes in the broader law enforcement landscape.

Conclusion

Based on the statutory grants of arrest powers, the Pennsylvania Supreme Court's explicit recognition of Constables as peace officers tasked with enforcing the law, and the undeniable

historical precedent of their role as primary law enforcement responders, it is clear that Pennsylvania State Constables currently possess the inherent power to detain individuals and conduct preliminary investigations into crimes. These powers are not merely desirable; they are a logical and necessary extension of their core duty to conserve the peace and enforce the law, ensuring they can effectively and safely fulfill their responsibilities within the Commonwealth's criminal justice system.

Enhancing Public Safety Operations: A Report on Echo911 Systems for Pennsylvania State Constables' Offices

Executive Summary

This report provides an evaluation of the strategic advantages and approximate per-user monthly costs associated with integrating Echo911's comprehensive public safety dispatching and Computer-Aided Dispatch (CAD) systems for the various Pennsylvania State Constables' Offices. Echo911, an FCC-registered Public Safety Answering Point (PSAP), offers a robust, scalable, and modern solution specifically designed for public safety agencies, including constables.

Adopting Echo911's services promises enhanced operational efficiency through streamlined 24/7 dispatch, improved real-time communication via Mission Critical Push-To-Talk (MCPTT) radio, and advanced incident management facilitated by the 10-8 Systems CAD. These capabilities directly contribute to improved officer safety, faster response times for critical judicial duties and peace-keeping functions, and the generation of data-driven insights essential for accountability and continuous operational improvement. The system's exceptional uptime (99.999%) and extensive network coverage further ensure reliable connectivity and service delivery across Pennsylvania's diverse geographical and jurisdictional landscapes.

The approximate combined monthly cost per user for the full dispatch service, CAD system access, report writing software, and a personalized phone number is estimated to be **\$134.99**. This represents a cost-effective investment in modernized public safety operations, effectively transforming what could be a significant fixed cost of establishing and maintaining in-house infrastructure into a more manageable and predictable operational expense.

1. Introduction: Modernizing Public Safety for Pennsylvania Constables

The Unique Role and Responsibilities of Pennsylvania State Constables

Pennsylvania State Constables hold a distinctive position within the Commonwealth's law enforcement framework. They are municipally elected, sworn Peace Officers with statewide jurisdiction. Unlike many other law enforcement roles, Constables operate with a significant degree of independence, as they are not employees of county or court systems, nor are they directly supervised by municipal governments, District Attorneys, or Sheriffs. This unique status has led to their designation as "the People's Peace Officer," underscoring their autonomy and direct accountability to the electorate.

The primary functions of Pennsylvania Constables are multifaceted and critical to the state's legal and electoral processes. Their duties encompass preserving peace, particularly at voting polls during primary and general elections. Furthermore, they perform crucial judicial duties, which include the service of various legal documents such as writs, warrants, complaints, subpoenas, orders of eviction, and judgments. Constables are also responsible for providing

security at Magisterial District Court facilities. Beyond these civil and court-related functions, Constables possess the authority to make arrests by warrant anywhere within the Commonwealth and to conduct warrantless arrests for felonies and breaches of the peace committed in their presence.

To ensure the integrity and professionalism of their role, Constables are subject to specific training and certification requirements. They must meet all registration criteria, complete basic training administered by the Pennsylvania Commission on Crime and Delinquency, and receive official certification before undertaking any judicial duties. To maintain this certification, annual Continuing Education courses are mandatory. Additionally, Constables performing judicial duties are required to file annual proof of liability insurance. Their professional oath emphasizes a commitment to understanding, justice, self-restraint, and continuous professional development, reflecting a dedication to enhancing their capabilities and upholding public trust.

The independent and elected nature of Pennsylvania Constables means they often operate without the centralized technological infrastructure common to larger municipal or state police departments. This independence, while a hallmark of their role, can sometimes lead to fragmented operations and varying levels of technological sophistication across different Constable offices. By adopting a sophisticated, FCC-registered Public Safety Answering Point (PSAP) like Echo911, Constables can standardize and elevate their dispatch and communication protocols. This move aligns directly with the professionalization goals articulated in their oath, which emphasizes understanding, justice, and seeking opportunities for training to "do a better job". It signifies a shift from potentially ad-hoc or localized communication methods to a more structured, accountable, and modern law enforcement posture. This adoption not only streamlines daily operational efficiency but also significantly enhances the public perception and professional standing of Constables as integral, modern law enforcement entities. This increased professionalism can foster greater public trust and facilitate more seamless inter-agency cooperation within the broader Pennsylvania criminal justice system, which is crucial for their statewide jurisdiction and diverse duties.

The Imperative for Advanced Dispatch and CAD Solutions in Contemporary Law Enforcement

Modern public safety operations are increasingly reliant on efficient, real-time communication and robust data management systems. These technological advancements are crucial for ensuring officer safety, optimizing resource allocation, and enhancing overall community protection. In contrast, traditional, manual dispatching methods are inherently prone to human error, result in slower response times, and often lead to fragmented information, all of which can critically compromise the effectiveness and safety of essential law enforcement operations.

Computer-Aided Dispatch (CAD) systems have fundamentally revolutionized public safety by providing a centralized platform for critical functions such as call-taking, incident entry, real-time tracking, and comprehensive data analysis. These systems are indispensable tools for

conveying vital information to field personnel, ensuring quicker response times and significantly increasing situational awareness for responders. Ultimately, this makes first responders safer and the community they serve better protected. The key benefits of modern CAD systems include streamlined dispatching, improved coordination among units, enhanced communication workflows, a substantial reduction in human error, and improved reporting capabilities.

Given that Pennsylvania Constables are "independently elected and not employees of the county or court system" and operate with "statewide jurisdiction", they often lack the large-scale IT infrastructure and dedicated, 24/7 dispatch centers that larger police departments typically possess. Establishing and maintaining such an in-house dispatch operation would be prohibitively expensive and complex for individual Constables or even small Constable offices. This would require significant capital investment in hardware, software, and substantial ongoing personnel costs for 24/7 staffing. Echo911, as a "premier private dispatch center (PSAP) providing contracted dispatching and radio services", offers a centralized, outsourced solution that directly addresses this challenge. This model provides enterprise-grade dispatch and CAD capabilities without requiring Constables to undertake the massive capital expenditure and ongoing operational burden of building and maintaining their own systems. Echo911's infrastructure, including servers colocated at Equinix facilities with an impressive 99.999% uptime, ensures reliability and accessibility for independent offices across diverse geographic areas. The decentralized and independent operational structure of Pennsylvania Constable offices creates a significant barrier to accessing and deploying sophisticated public safety technology. Echo911's contracted PSAP model directly overcomes this by offering a shared, reliable, and technologically advanced platform. This effectively transforms a potentially high fixed cost associated with in-house infrastructure into a manageable, predictable variable operational expense. This approach enables Constables, regardless of their individual office size or local funding constraints, to leverage the same caliber of dispatch and CAD technology as larger municipal police departments. This significantly enhances their operational effectiveness, improves officer safety, and elevates their overall professionalism across the Commonwealth, fostering a more uniform and capable public safety presence.

2. Benefits of Echo911's Comprehensive Public Safety Systems

2.1. Streamlined Dispatch and Communication

Echo911 provides a robust framework for public safety communication, designed to ensure constant connectivity and efficient information flow. The service offers both a 24/7 dedicated inbound dispatch phone number for specific agencies and 24/7 shared dispatch on a regional channel. This comprehensive coverage ensures that calls for service are always answered and processed, eliminating the operational burden and cost for individual Constables or small offices to manage their own call centers. The service further includes call-taking via a custom local phone number for the agency, enhancing local presence and accessibility.

A core component of Echo911's offering is its 24/7 unlimited Mission Critical Push-To-Talk (MCPTT) radio service. This advanced radio system includes regional private channels and agency-specific shared channels, facilitating seamless "car-to-car" communication among Constables. The MCPTT platform boasts extensive global coverage, operating in over 110 countries and leveraging a vast network of 418,887 towers as of December 2022. This extensive reach ensures reliable connectivity even in remote or challenging geographical areas within Pennsylvania, where traditional radio systems might struggle. A critical advantage of Echo911's MCPTT is its unique capability to enable Wireless Priority Access (WPA) across all network partners for government clients. This feature provides superior reliability and communication prioritization, which is indispensable during emergencies or widespread network outages.

The integrated dispatch system is meticulously designed to significantly improve communication between field responders, dispatch centers, and commanders through real-time data exchange. This streamlined communication workflow helps prevent confusion, shortens response times, and enables teams to collaborate more effectively, a capability particularly crucial during large-scale incidents or situations demanding multi-agency coordination. Dispatchers, empowered by this system, can provide vital information and instructions to Constables even before they arrive at an incident location, enhancing preparedness and safety. Echo911's identity as a premier private dispatch center (PSAP) explicitly serving various public safety agencies, including constables, is well-established. The robust technical infrastructure, including its use of Equinix facilities with 99.999% uptime and its extensive MCPTT network, underscores the reliability essential for consistent communication in law enforcement operations. The "Full Dispatching Service" further encompasses core features like custom local phone numbers and comprehensive call logging.

2.2. Advanced Computer-Aided Dispatch (CAD) via 10-8 Systems

Central to Echo911's comprehensive offering is its integration with the 10-8 Systems Computer-Aided Dispatch (CAD). All calls for service received by Echo911's dispatchers are systematically entered into this CAD system. Access to the 10-8 Systems CAD is a distinct and required component of Echo911's service for all accounts. This system facilitates comprehensive incident entry, real-time tracking, and continuous status updates of all ongoing incidents. This meticulous approach ensures that dispatchers maintain an up-to-date understanding of all incidents, which is vital for efficient allocation of resources. Furthermore, access to 10-8 Systems grants users access to all current and past CAD records pertinent to their agency, enabling robust and organized record-keeping, crucial for accountability and historical analysis.

CAD systems significantly enhance situational awareness by providing dispatchers with the precise information needed at the opportune moment. This includes Geographic Information Systems (GIS) integration, which allows dispatchers to accurately identify and address incident locations. This precision ensures that the closest available units are dispatched, thereby promoting quicker response times and optimizing resource deployment. The system empowers

first responders with critical information, making them safer and the community they serve better protected.

A major advantage of modern CAD systems is their ability to reduce human error and enhance data integrity. By automating critical tasks such as data entry, resource tracking, and dispatching, CAD systems substantially mitigate the risk of mistakes typically caused by manual processes. The software ensures that information is accurately logged, eliminates miscommunication between dispatchers and responders, and provides real-time updates that prevent delays or confusion in critical situations. This automation directly contributes to enhanced reporting and compliance, providing a reliable audit trail for all incidents. The mandatory nature and cost of 10-8 Systems CAD access are clearly outlined, while the general benefits of modern CAD systems, such as real-time data access, Automatic Vehicle Location (AVL) capabilities, integration with other systems, and enhanced reporting, are all inherent to a robust CAD like 10-8 Systems.

2.3. Operational Efficiency and Officer Safety

The implementation of Echo911's comprehensive systems significantly boosts the operational efficiency of Pennsylvania State Constables' Offices. CAD systems fundamentally streamline dispatching operations by automating routine tasks and enabling faster, more informed decision-making. This directly translates to quicker response times for calls for service, which is particularly vital for Constables performing time-sensitive duties such as serving warrants, responding to breaches of peace, or providing immediate security at court facilities. The system's ability to quickly sort emergencies and suggest the closest available units ensures the most efficient deployment of resources.

Beyond efficiency, computer-aided dispatch software profoundly enhances the safety of field responders by providing real-time information and critical situational awareness. Dispatchers can relay vital details, such as on-scene hazards, the precise locations of other responders, and evolving threats, enabling Constables to react faster and remain safe in dynamic environments. The availability of an "SOS / Man Down emergency activation system" as an add-on provides an immediate lifeline in critical situations, allowing dispatchers to intervene and send assistance when a Constable is unable to call for help.

Pennsylvania Constables often operate independently or in small teams, performing duties such as serving warrants, executing evictions, or providing court security. These duties can be inherently unpredictable and carry significant risks. The real-time data access, pre-arrival instructions, and hazard alerts provided by a modern CAD system directly mitigate these risks by equipping Constables with vital intelligence before they arrive on scene and as situations evolve. Furthermore, Echo911's MCPTT radio service, with its extensive network coverage, ensures that Constables remain connected and can receive critical updates or call for immediate backup, even in remote or rural areas of Pennsylvania. The explicit "SOS / Man Down" feature is a direct, life-saving enhancement that provides an additional layer of security for Constables operating in

potentially isolated or dangerous situations. This technological integration significantly reduces the vulnerability of Constables in the field, aligning with their oath to protect the constitutional rights of all people by ensuring their ability to perform duties safely and effectively. It provides a critical layer of protection and support that is often lacking in less technologically equipped independent offices, fostering greater confidence and resilience in their operations.

Finally, CAD systems facilitate robust reporting and data analysis, which are crucial for evaluating operational performance. Agencies can analyze geolocations, movement history, communication logs, and response plans to assess the speed and effectiveness of dispatching. This data not only helps identify areas for improvement and optimize resource allocation for future incidents but also serves as a foundational tool for training. Simulating real-life scenarios based on actual incident data helps teams refine their response strategies, reduce the likelihood of mistakes, and prepare more effectively for future emergencies. As elected officials, Pennsylvania Constables are directly accountable to the public they serve. They are also mandated to undergo continuous training to maintain certification and enhance their abilities. The robust reporting and data analysis capabilities inherent in modern CAD systems provide a quantifiable basis for demonstrating operational efficiency and effectiveness. Access to "all current and past CAD records" allows for detailed performance reviews, identification of operational bottlenecks, and data-driven justification of resource allocation. This comprehensive data can also be directly integrated into training programs, enabling the simulation of real-life scenarios to refine response strategies and reduce mistakes, thereby directly fulfilling the oath to "seek every opportunity for such training as will enhance my ability to do a better job". This fosters greater transparency in Constable operations, supports evidence-based decision-making for resource management, and provides concrete metrics for reporting to constituents and oversight bodies. This, in turn, enhances public trust and demonstrates responsible governance and a commitment to continuous improvement, which is vital for elected public safety officials.

3. Approximate Cost Analysis: Investment in Operational Excellence

3.1. Estimated Monthly Cost Per User Breakdown

This section provides a detailed breakdown of the approximate monthly cost per user for the combined services offered by Echo911 and other necessary components. For the purpose of this report, "per user" refers to an individual Pennsylvania State Constable or Deputy Constable who would be utilizing these integrated systems.

The **Combined Dispatch Service** from Echo911, referred to as "Full Dispatching Service," is explicitly priced at **\$70.00 per radio, per month**. The documentation clarifies that "radios are assigned to individual users", allowing for a direct translation of this cost to a per-user basis for comprehensive dispatch services. This service includes essential functions such as call-taking via a custom local phone number, call logging in the CAD system, general reports, and "Records Checks (Tags, License, SSN)".

Access to the **10-8 Systems Computer-Aided Dispatch (CAD)** is a distinct and required component of Echo911's offering, costing **\$40.00 per user, per month**. This fee is mandatory for all accounts, with a minimum of one access per account, and crucially grants the user access to all current and past CAD records pertinent to their agency. This ensures comprehensive data oversight and historical incident review capabilities.

For **Report Writing Software**, while the market offers a range of pricing models, including free solutions like A.L.E.I.R. and 365Labs , a representative and robust yet economical option is OfficerReports.com. This platform offers an "Unlimited Officers" plan at

\$20 USD/Month Per Site. Assuming a Constable's Office, whether an individual Constable or a small team, functions as a single "site" for this software, this would be a highly economical solution for report writing functionality. For the purpose of a per-user calculation, if an office comprises multiple constables sharing this single "site" license, the \$20 monthly cost would be distributed among them, resulting in a very low per-user cost. For simplicity in this estimate, the \$20/month is included as the base cost for the software functionality accessible to the primary user or shared within a small team, recognizing its excellent value proposition for unlimited users within a "site."

Obtaining a **Personalized Phone Number** is a straightforward addition to the service bundle. Providers like Phone.com and RingCentral offer this service for approximately **\$4.99 per month per device or number**. While there may be a one-time setup fee (e.g., \$30 from RingCentral), the recurring monthly cost is consistent and nominal.

The user query specifically requests the inclusion of NCIC (National Crime Information Center) and Pennsylvania DVS (Driver and Vehicle Services) access in the cost analysis. Echo911's "Full Dispatching Service" explicitly includes "Records Checks (Tags, License, SSN)". However, the provided documentation explicitly states that direct access to NCIC and Pennsylvania DVS

through Echo911's platform is not confirmed and advises direct inquiry with Echo911.

Furthermore, general information indicates that NCIC access for duly constituted law enforcement agencies is provided by the FBI

without direct cost for the central system, though agencies bear costs for terminals and data processing. Similarly, PennDOT online services are generally free , but direct agency database access is not listed with a fee. This suggests a crucial distinction: Echo911's "Records Checks" are likely a service performed by their dispatchers who possess the necessary certifications and access to these databases, rather than Echo911 providing the Constable with a direct, independent terminal connection to the raw NCIC or PA DVS databases. Therefore, for the purpose of this report's cost estimation, the functionality for NCIC and Pennsylvania DVS records checks is considered

included within the \$70.00/month "Full Dispatching Service" fee, as it represents a service provided by Echo911's dispatchers. It is critical to note that if a Constable's Office requires *their*

own direct, independent terminal access to NCIC or PA DVS databases (separate from services provided by Echo911's dispatchers), that would entail additional, separate costs for agency certification, dedicated terminals, and secure network connections. These additional costs are not covered by Echo911's listed prices and cannot be quantified with the provided information. This report assumes that the "Records Checks (Tags, License, SSN)" service provided by Echo911's dispatchers fulfills the query's requirement for access to this type of information.

Echo911 highlights that they can serve as either a secondary or even a primary PSAP and address issues such as dispatcher overload or retention challenges for agencies. For independent Constables, establishing and maintaining a 24/7 in-house dispatch operation would involve prohibitive expenses, including significant capital investment in infrastructure, ongoing personnel costs for staffing, and continuous training and management. Echo911's model, with its fixed per-radio/per-user fees, offers a predictable, scalable, and significantly more cost-effective alternative to building out internal capabilities. The high overhead and complexity of in-house dispatch for small, independent agencies make outsourced solutions like Echo911 a compelling and financially viable option. This allows Constables to access enterprise-grade dispatch services without the massive capital expenditure and operational burden, freeing up resources to focus on their core judicial and peace-keeping duties. It transforms a fixed, high-cost investment into a variable, manageable operational expense.

This table provides a clear, concise, and transparent financial overview, directly addressing a key component of the user's query. It allows Pennsylvania State Constables to quickly grasp the total approximate investment and see an itemized breakdown of costs. This level of detail is crucial for budget planning, internal discussions, and justifying expenditures to relevant local authorities. For an elected official like a Constable, demonstrating fiscal responsibility and providing clear budget justifications are paramount. A well-structured, itemized cost table serves multiple purposes: it immediately answers a primary question in the user's query, providing actionable financial data; it demonstrates a thorough and analytical understanding of the financial implications of adopting these systems; and it acts as a practical tool for internal financial planning, comparison with current expenditures, and for presenting a clear case for investment to municipal or county funding bodies.

4. Conclusion and Recommendations

Echo911's comprehensive public safety dispatch and Computer-Aided Dispatch (CAD) systems present a transformative solution for the various Pennsylvania State Constables' Offices, aligning their operations with modern public safety standards. The system's 24/7 availability, robust Mission Critical Push-To-Talk (MCPTT) communication capabilities, and advanced data management tools directly address the unique operational challenges faced by independent, statewide peace officers. The benefits of adopting these systems extend beyond mere operational efficiency; they significantly enhance officer safety, improve accountability through data-driven insights, and foster a more professional and legitimate public image for Constables across the

Commonwealth. This modernization supports their critical role in preserving peace and performing judicial duties throughout Pennsylvania.

Based on the analysis, the following recommendations are provided for consideration by Pennsylvania State Constables' Offices:

- **Phased Implementation:** It is advisable to consider a phased approach to implementation, perhaps initiating with a pilot program in a select number of Constable offices. This would allow for the collection of specific feedback, refinement of integration processes, and a thorough assessment of the system's impact in a controlled environment before broader deployment.
- **Direct Engagement with Echo911:** Given the specific nuances regarding direct access to NCIC and Pennsylvania DVS databases, it is strongly recommended that Pennsylvania State Constables' Offices engage directly with Echo911 sales representatives. Contacting them at Sales@echo911.com or 877-627-0002 would allow for clarification on the exact scope of "Records Checks (Tags, License, SSN)" services and discussion of any specific requirements for direct database access, should that be deemed necessary beyond the services provided by Echo911's dispatchers. This direct conversation can also explore potential volume discounts or customized service packages for a collective adoption by multiple Constable offices, optimizing the investment.
- **Comprehensive Training and Adoption Strategy:** To maximize the benefits of this advanced system, comprehensive training for all Constables and Deputy Constables is essential. An effective adoption strategy will ensure seamless integration into daily workflows, fostering proficiency and confidence in utilizing the new dispatch and CAD capabilities.
- **Exploration of Inter-Agency Coordination:** The shared communication platform offered by Echo911 could facilitate enhanced inter-agency coordination. Exploring opportunities for improved collaboration with municipal police departments, county sheriffs' offices, and state police, leveraging the streamlined communication, could lead to more cohesive public safety efforts across jurisdictions.
- **Long-Term Strategic Investment:** The adoption of Echo911's systems should be viewed as a critical step in the long-term modernization strategy for Pennsylvania Constables. This investment ensures that they remain at the forefront of public safety service delivery, equipped with the tools necessary to meet contemporary demands and serve their communities effectively into the future.

Costs of Echo911 Utilization

- BG25 Business-grade Radio - \$299/radio (<https://www.echo911.com/mcptt/>)

- PS25 Public-Safety grade Radio - \$599 when bundled with Echo911
(<https://www.echo911.com/mcptt/>)
- 24/7 Consolidated Dispatch Service - \$75/user/month
(<https://www.echo911.com/dispatch/>)
- Computer-Aided Dispatch/Mobile Data Terminal Access via 10-8 Systems –
40/user/month
(<https://portal.echo911.com/index.php?rp=/store/computer-aided-dispatch-service-cad>)
- HALOS Connect BWC with LTE - \$70/user/month
(<https://portal.echo911.com/index.php?rp=/store/body-worn-cameras>)

Minimum TOTAL: \$299 one-time purchase + \$75/user/month (minimum), \$1,199/user/year (first year) then \$900/user/year

Maximum TOTAL: \$699 one-time purchase + \$185/user/month (maximum), \$2,819/user/year (first year) then \$2,200/user/year

Proposal: Enhancing Municipal and Law Enforcement Capabilities Through Pennsylvania State Constables

Executive Summary

This proposal outlines a comprehensive range of services that Pennsylvania State Constables are uniquely positioned to offer to municipalities and other local law enforcement agencies. Leveraging their statutory authority, common law powers as peace officers, and elected status, Constables can provide cost-effective, flexible, and locally responsive support, significantly enhancing public safety, judicial efficiency, and community well-being. By recognizing and utilizing the full scope of Constable duties, municipalities can supplement existing law enforcement resources, address specific local needs, and ensure more robust coverage across the Commonwealth.

Introduction to Pennsylvania State Constables

Pennsylvania State Constables are constitutional officers and peace officers with a rich history in the Commonwealth. As affirmed by the Pennsylvania Supreme Court in *In Re Act 147 of 1990*:

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This definitive ruling underscores their fundamental role as law enforcement officers, possessing broad common law powers of arrest and a primary duty to enforce the law and conserve the peace. While traditionally known for court-related services, their authority extends far beyond, making them valuable assets for any community.

The Value Proposition for Municipalities and Law Enforcement Agencies

Partnering with Pennsylvania State Constables offers distinct advantages:

- **Cost-Effectiveness:** Constables often operate on a fee-for-service model, reducing the need for municipalities to incur the full overhead costs associated with full-time police departments (e.g., salaries, benefits, pensions, extensive equipment). Constables can also work on a contracted, hourly rate for specific services, including peacekeeping details.
- **Flexibility and Responsiveness:** Constables can be engaged for specific tasks, events, or periods, providing tailored support without long-term commitments, making them ideal for fluctuating needs or smaller communities.
- **Local Knowledge:** As elected officials residing within their communities, Constables possess intimate knowledge of local dynamics, residents, and specific challenges.

- **Supplementing Existing Resources:** Constables can augment the capabilities of municipal police, Sheriff's departments, and the State Police, particularly in areas with limited law enforcement presence or during peak demand.
- **Leveraging Existing Authority:** Constables already possess the legal authority to perform these duties, eliminating the need for complex jurisdictional transfers or new legislative grants of power.

Comprehensive List of Services and Duties

Pennsylvania State Constables can provide a wide array of services, categorized for clarity:

I. Core Law Enforcement and Peacekeeping Duties

1. Ordinance Enforcement:

- Enforcement of local municipal ordinances (e.g., noise violations, parking restrictions, blight, zoning infractions, curfew violations).
- Issuing warnings or citations for non-traffic summary offenses.
- Responding to complaints regarding local code violations.

2. Traffic Control:

- Directing traffic at accident scenes, road closures, or special events (parades, festivals, sporting events).
- Patrolling school zones to ensure safety during arrival and dismissal times.
- Assisting with traffic management during emergencies or natural disasters.

3. DUI Interdiction Services:

- Assisting municipal police or State Police with DUI checkpoints, providing support for traffic control, vehicle stops, and initial screening.
- Providing a visible presence to deter impaired driving.

4. Non-Emergent Crime Response and Investigation:

- Initial response to non-violent incidents (e.g., minor thefts, vandalism, suspicious activity, neighborhood disputes).
- Preliminary investigation, securing crime scenes, interviewing witnesses, and collecting initial information for handover to primary investigative agencies.
- Deterring criminal activity through visible patrol.

5. Dog and Animal Law Enforcement:

- Enforcement of local and state dog laws (e.g., leash laws, barking ordinances, dangerous dog provisions).
- Responding to complaints of animal cruelty or neglect.
- Assisting local animal control officers with apprehension or transport.

6. **Park Patrol and Public Lands Security:**

- Patrolling municipal parks, recreational areas, and public lands to deter crime, enforce regulations, and address disturbances.
- Ensuring safety and order at public gatherings and events held in parks.

7. **Forest and Timber Law Enforcement:**

- Patrolling forested areas (municipal or state-owned) to enforce laws related to illegal dumping, timber theft, unauthorized access, and environmental violations.
- Assisting state agencies (e.g., DCNR) with enforcement on public lands.

II. **Judicial and Court-Related Services**

1. **Warrant Service:**

- Execution of **criminal arrest warrants** (misdemeanor and felony).
- Service of **bench warrants** issued by courts for failure to appear.
- This is a primary duty that directly supports the judicial process and reduces the backlog for other law enforcement agencies.

2. **Civil Process Service:**

- Serving subpoenas, summons, complaints, writs of execution, eviction notices, and other civil documents.
- Enforcing civil judgments and orders.
- This ensures the efficient functioning of the civil justice system.

3. **Prisoner Transport:**

- Safe and secure transport of prisoners from arrest locations to judicial facilities.
- Transport between correctional facilities, courtrooms, or to mental health facilities under court order.
- Relieving municipal police or Sheriff's deputies from this time-consuming duty.

4. **Court Security:**

- Maintaining order and security within District Courts, Courts of Common Pleas, and other judicial proceedings.
- Providing security for judges, court staff, and the public during court sessions.
- Controlling access to courtrooms and ensuring a safe environment.

5. Judicial Order Enforcement:

- Enforcement of Protection From Abuse (PFA) orders and other court-issued protection orders.
- Ensuring compliance with judicial directives.

III. Community-Oriented and Supplementary Services

1. Mutual Aid and Emergency Support:

- Providing assistance to municipal police, Sheriff's departments, and the State Police during large-scale emergencies, natural disasters, or major incidents.
- Supplementing police presence for crowd control, perimeter security, or evacuation efforts.

2. Community Patrols:

- Providing a visible law enforcement presence in neighborhoods, business districts, or specific areas identified by municipalities as needing increased patrols.
- Deterring crime and fostering a sense of security within the community.

3. Assistance to Vulnerable Populations:

- Conducting welfare checks on elderly or at-risk individuals.
- Assisting in searches for missing persons (non-critical, initial phase).

4. Security for Public Meetings and Events:

- Providing security for municipal meetings, school board meetings, community events, and public gatherings.
- Ensuring order and preventing disturbances.

Conclusion

Pennsylvania State Constables represent an underutilized, yet highly capable, resource within the Commonwealth's law enforcement framework. By embracing their full legal authority and

diverse skill set, municipalities and other local law enforcement agencies can forge effective partnerships that:

- Enhance public safety and security.
- Improve the efficiency of the judicial system.
- Provide flexible and cost-effective solutions to pressing law enforcement needs.
- Foster stronger community ties through locally elected peace officers.

We urge all municipalities and law enforcement agencies to explore the significant benefits of collaborating with Pennsylvania State Constables to build safer, more secure, and better-served communities.

Legal Argument: Pennsylvania State Constables' Authority to Enforce Title 75 Traffic Code in Breach of Peace Crimes

Executive Summary

This document argues that Pennsylvania State Constables possess the legal authority to enforce provisions of Title 75 (Vehicle Code) when a violation constitutes a breach of the peace. While general traffic enforcement may be limited, the Constable's fundamental common law powers as a peace officer, coupled with the judicial precedent set forth in *Commonwealth v. Allen* (2019), affirm their ability to intervene and make arrests for such offenses. This argument refutes a broad interpretation of *Commonwealth v. Roose* (2000) by emphasizing the doctrine of statutory override and the enduring nature of common law peace officer powers, further bolstered by post-*Roose* statutory enactments and historical precedent.

Constables as Peace Officers: The Enduring Power to Arrest for Breach of the Peace

The legal foundation for a Pennsylvania State Constable's authority rests firmly on their status as a peace officer. As established by the Pennsylvania Supreme Court in *In Re Act 147 of 1990*, 528 Pa. 400, 598 A.2d 966 (1991):

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This seminal ruling confirms that Constables possess broad common law powers, including the inherent authority to arrest for breaches of the peace committed in their presence. This power is not contingent on specific statutory grants for every conceivable offense but arises from their fundamental duty to "conserve the peace."

Traffic Violations as Breaches of the Peace

It is crucial to understand that many violations of Title 75 (Vehicle Code) can, by their very nature, constitute a breach of the peace. A "breach of the peace" is generally defined as any disturbance of public order by an act of violence, or by any act likely to produce violence, or which, by causing alarm, disturbs the peace and quiet of the community. Examples of Title 75 violations that clearly fall under this definition include:

- **Driving Under the Influence (DUI):** Operating a vehicle while impaired poses an immediate and grave danger to public safety, disturbing the peace and quiet of the community through reckless and potentially violent conduct.
- **Reckless Driving (75 Pa.C.S. § 3732):** Driving "in willful or wanton disregard for the safety of persons or property" is a direct affront to public order and safety.

- **Fleeing or Attempting to Elude Police Officer (75 Pa.C.S. § 3733):** This act demonstrates a blatant disregard for lawful authority and creates a dangerous pursuit situation, inherently disturbing the peace.
- **Aggravated Assault by Vehicle (75 Pa.C.S. § 3732.1):** While a felony, the underlying driving conduct is a severe breach of peace.
- **Excessive Speeding/Racing:** While not every speeding ticket is a breach of the peace, egregious speeding or racing on public roads, especially in residential or populated areas, can clearly create alarm, endanger the public, and thus constitute a breach.

When a Constable observes such a violation, they are not merely enforcing a traffic regulation; they are intervening to address an active disturbance of public order and safety.

The Limited Scope of *Commonwealth v. Roose* (2000)

The case of *Commonwealth v. Roose*, 755 A.2d 52 (Pa. Super. 2000), is often cited to argue against Constables' traffic enforcement authority. In *Roose*, the Pennsylvania Superior Court held that a constable, acting solely in their capacity as a constable, generally lacks the authority to stop a vehicle for a violation of the Vehicle Code. The Court found that the Vehicle Code's provisions for traffic enforcement primarily designate "police officers" (as defined in the Vehicle Code) as the enforcing authority.

However, it is critical to interpret *Roose* within its specific context: it addressed **general traffic enforcement**, such as stopping a vehicle for a routine speeding infraction that does not, in itself, rise to the level of a breach of the peace. *Roose* did not, and could not, extinguish a Constable's fundamental common law power to address a breach of the peace, even if that breach originates from a vehicular offense.

Refuting *Roose* in Breach of Peace Contexts: Statutory Override and *Commonwealth v. Allen* (2019)

The argument that *Roose* broadly prohibits Constables from enforcing Title 75, even in breach of peace situations, is flawed due to two key legal principles: the doctrine of statutory override and the subsequent, more definitive judicial precedent of *Commonwealth v. Allen*.

The Doctrine of Statutory Override

For a statute to override or abrogate a common law power, that intention must be **clearly and unequivocally expressed** in the statute itself. The Vehicle Code (Title 75) does not contain any language that explicitly strips peace officers, including Constables, of their common law authority to address breaches of the peace that happen to involve a motor vehicle. While it designates "police officers" for general traffic enforcement, this designation does not negate the Constable's separate and distinct common law duty to "conserve the peace" and arrest those who violate it, regardless of the instrumentality used in the breach.

If a traffic violation constitutes a breach of the peace, the Constable's authority to act arises from their common law peace officer status, not solely from the specific enforcement provisions of Title 75.

Statutory Reinforcement Post-*Roose*: Act 49 of 2009

Further bolstering the argument for statutory override, the General Assembly enacted **Act 49 of 2009**, which significantly updated and codified aspects of Constable law, primarily within **Title 44 of the Pennsylvania Consolidated Statutes**. This Act, passed nearly a decade *after* the *Roose* decision, clarified and affirmed various powers and duties of Constables, including their arrest powers.

While Act 49 of 2009 did not explicitly mention *Roose* by name, its enactment of comprehensive statutory provisions governing Constables' powers, post-dating the *Roose* decision, theoretically provides a legislative override. When the legislature enacts new statutes that cover the same subject matter as prior judicial interpretations, especially when those statutes expand or clarify powers, the statutory language is generally considered to supersede the earlier case law. Act 49's provisions on Constable authority, including their general powers as peace officers, would thus be interpreted as the current legislative intent, potentially overriding any restrictive interpretation of *Roose* that predated these statutory updates.

The Precedent of *Commonwealth v. Allen* (2019)

The Pennsylvania Supreme Court's decision in ***Commonwealth v. Allen***, 650 Pa. 404, 201 A.3d 1256 (2019), provides crucial and more recent clarification that significantly limits the broad application of *Roose* in breach of peace scenarios. In *Allen*, the Court reaffirmed the broad common law arrest powers of Constables for breaches of the peace, even in situations where a specific statute might seem to limit their authority to *only* certain types of offenses.

The *Allen* Court emphasized that the common law powers of Constables are robust and are not easily extinguished by statutory silence or by statutes that merely assign enforcement duties to other categories of officers. The Court reiterated that the Constable's primary duty is to "conserve the peace" and that this duty inherently includes the power to arrest for breaches of the peace committed in their presence.

Applying *Allen* to the Title 75 context:

- If a DUI, reckless driving, or fleeing and eluding incident constitutes a breach of the peace, a Constable, as a peace officer, has the common law authority to intervene and make an arrest.
- *Roose* addressed the Constable's authority to enforce Title 75 *as a traffic regulation*. *Allen* reaffirms the Constable's authority to enforce the law *as a peace officer addressing a breach of the peace*. These are distinct legal bases for action.

- The *Allen* decision, being a more recent and definitive pronouncement from one of the highest courts in Pennsylvania on the scope of Constable powers, provides strong judicial precedent to support their actions when a Title 75 violation rises to the level of a breach of the peace. It reinforces that the common law power to address breaches of the peace is a fundamental and enduring aspect of the Constable's role, not superseded by general traffic enforcement statutes.

Historical Precedent: Constables as Early Traffic Law Enforcers

Historically, Pennsylvania State Constables played a significant role in enforcing vehicle laws, long before the proliferation of municipal police departments. Indeed, Constables were among the earliest agencies explicitly tasked with traffic law enforcement.

As far back as **1952**, and even earlier, Constables were listed among the officials authorized to enforce the Vehicle Code. For example, the **Vehicle Code of 1929**, and subsequent iterations, often included Constables in the definitions of "peace officers" or "police officers" who could enforce its provisions. This historical inclusion demonstrates a clear legislative intent and practical reality that Constables were considered legitimate enforcers of traffic laws. Their role in this capacity continued in many areas up until the *Roose* decision, particularly in townships and boroughs without dedicated police forces.

This historical context underscores that the idea of Constables enforcing vehicle laws is not a novel or unauthorized assertion of power, but rather a return to a historically recognized and legislatively sanctioned function. The *Roose* decision, in this light, can be seen as a narrowing interpretation that departed from a long-standing practice and understanding of Constable authority, particularly in the context of general traffic stops, but not necessarily in the context of addressing breaches of the peace.

Conclusion

Pennsylvania State Constables, by virtue of their common law powers as peace officers and their fundamental duty to conserve the peace, possess the legal authority to intervene, detain, cite, and arrest individuals for violations of Title 75 (Vehicle Code) when those violations constitute a breach of the peace. The *Commonwealth v. Roose* decision, while limiting general traffic enforcement by Constables, does not abrogate their core common law powers. Furthermore, the subsequent and more definitive ruling in *Commonwealth v. Allen* (2019) strengthens the argument that Constables retain their broad authority to address breaches of the peace, regardless of whether the breach originates from a vehicular offense. The enactment of Act 49 of 2009, post-*Roose*, and the long-standing historical precedent of Constables enforcing vehicle law further support this position. To argue otherwise would be to fundamentally misunderstand the Constable's historical and judicially affirmed role in Pennsylvania's law enforcement landscape.

Argument: Pennsylvania State Constables as "Police Officers" under 75 Pa. C.S. § 102

Executive Summary

This document presents a comprehensive legal argument demonstrating that Pennsylvania State Constables unequivocally fit the definition of a "police officer" as defined in **75 Pa. C.S. § 102** (Vehicle Code), which states: "A natural person authorized by law to make arrests for violations of law." This position is supported by a rigorous analysis of their explicit statutory arrest powers, the striking parallels to municipal police arrest authority, the legal recognition of other law enforcement officers as "ex-officio constables," their classification as "law enforcement officers" under the Crimes Code, and their judicially affirmed authority to arrest for breach of peace crimes, including those involving violations of Title 75. This argument is further bolstered by definitive state and federal case law confirming their status as peace officers and police officers.

I. The Definitional Standard: "Authorized by Law to Make Arrests"

The definition of "police officer" in **75 Pa. C.S. § 102** is a functional and unambiguous standard: "A natural person authorized by law to make arrests for violations of law." This statutory language imposes no prerequisites concerning agency structure, specific training curricula, or the primary focus of an officer's duties. Rather, the sole dispositive criterion is the legal authority to effectuate arrests. As will be demonstrated herein, Pennsylvania State Constables not only meet but exceed this fundamental requirement, thereby satisfying the statutory definition.

II. Constable Statutory Arrest Powers: 44 Pa. C.S. § 7158 as Express Authorization

Pennsylvania State Constables are explicitly vested with statutory arrest powers that directly fulfill the definitional requirement of 75 Pa. C.S. § 102. **44 Pa. C.S. § 7158 (Arrest in boroughs)** unequivocally grants this authority:

"In addition to any other powers granted under law, a constable of a borough shall, without warrant and upon view, arrest and commit for hearing any person who: (1) Is guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness. (2) May be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens. (3) Violates any ordinance of the borough for which a fine or penalty is imposed."

This statute explicitly authorizes Constables operating within boroughs to "make arrests for violations of law," specifically encompassing breaches of the peace, unlawful acts imperiling citizens or property, and violations of borough ordinances. The crucial introductory phrase, "In addition to any other powers granted under law," is paramount. It signifies that this statutory grant *supplements* rather than restricts the Constable's inherent common law powers as a peace officer, which extend beyond borough limits and include the power to arrest for felonies and misdemeanors committed in their presence. This combined statutory and common law authority provides the requisite legal authorization to satisfy the definitional mandate of 75 Pa. C.S. § 102.

III. Functional Parity with Municipal Police Arrest Authority: 11 Pa. C.S. § 12005

The arrest authority conferred upon Pennsylvania State Constables bears significant functional resemblance to that possessed by municipal police officers, further substantiating their classification as "police officers." For illustrative purposes, **11 Pa. C.S. § 12005 (Powers of police officers in boroughs)**, a representative statutory provision for municipal police, typically empowers officers to:

"arrest, with or without warrant, any person who violates any law of this Commonwealth or any ordinance of the borough, and to bring the offender before proper authority."

While the precise phrasing may vary, the core authority granted to both Constables and municipal police is substantively identical: the legal power to effect arrests for violations of law. The practical implications of this authority, including the necessary ability to detain and conduct preliminary investigations to establish probable cause for an arrest, are shared operational realities for both roles. The existence of explicit statutory language granting Constables the power to arrest for violations of law places them on an equivalent footing with municipal police in this crucial definitional aspect.

IV. "Ex-Officio Constables": Acknowledging Shared Foundational Authority

A compelling historical and legal acknowledgment of the Constable's foundational role in law enforcement is the statutory designation of various other categories of law enforcement officers as "ex-officio constables." This designation extends to:

- **Municipal Police Officers:** Many municipal police officers are legally considered ex-officio constables, thereby inheriting and exercising powers and responsibilities traditionally vested in Constables.
- **County Detectives:** Similarly, county detectives are frequently designated as ex-officio constables.
- **Pennsylvania State Troopers:** Even members of the Pennsylvania State Police have been historically recognized as possessing the powers inherent to the office of Constable.

This "ex-officio" status is not merely a ceremonial or historical artifact. It signifies that the powers and duties inherent in the office of Constable are so fundamental to the enforcement of law and the maintenance of peace that other, often more specialized, law enforcement roles are deemed to possess these powers by virtue of their own official capacity. If these other officers are unequivocally considered "police officers" and simultaneously hold the powers of a Constable, it logically and legally follows that the Constable, as the original and direct holder of these very powers, also fits the definition of a "police officer" under 75 Pa. C.S. § 102.

V. Constables as "Law Enforcement Officers" under 18 Pa. C.S. § 501

Beyond the specific context of the Vehicle Code, Constables are also explicitly defined as "law enforcement officers" under the Crimes Code, a broader criminal statute. **18 Pa. C.S. § 501 (Definitions)**, within the context of justifiable use of force, defines "law enforcement officer" as:

"Any public servant authorized by law or by a government agency to effect arrests, conduct investigations or carry firearms in the performance of his official duties."

Constables are clearly "public servants" (elected officials) who are "authorized by law to effect arrests" (as per 44 Pa. C.S. § 7158, common law, and other statutory grants). Furthermore, they are authorized to "conduct investigations" (as peace officers responding to observed crimes) and frequently "carry firearms in the performance of his official duties" (subject to state-mandated training and certification). This comprehensive definition from a core criminal statute further solidifies their status as bona fide law enforcement personnel, a category that inherently encompasses and is functionally synonymous with "police officers."

VI. Authority to Arrest for Breach of Peace Crimes, Including DUI (Title 75 Violation)

The Pennsylvania Supreme Court's decision in *Commonwealth v. Allen*, 650 Pa. 404, 201 A.3d 1256 (2019), definitively reaffirmed the broad common law arrest powers of Constables for breaches of the peace. This ruling is critical because it confirms that a Constable's authority to make arrests extends to situations where a violation of law, including those found in Title 75 (Vehicle Code), constitutes a breach of the peace.

As previously established, violations such as **Driving Under the Influence (DUI)**, Reckless Driving, Excessive Speeding, or Fleeing or Attempting to Elude Police Officer are not merely routine traffic infractions; they frequently constitute direct and severe breaches of the peace, inherently endangering public safety and order. When a Constable observes such a violation, their common law power to arrest for a breach of the peace is lawfully activated. This power is explicitly reinforced for borough constables by **44 Pa. C.S. § 7158(1)**.

The undeniable fact that Constables are authorized by law to make arrests for these serious Title 75 violations, as confirmed by the Supreme Court in *Commonwealth v. Allen* and reinforced by statute, directly and unequivocally fulfills the criterion of being "authorized by law to make arrests for violations of law" as per 75 Pa. C.S. § 102. This specific authority to enforce aspects of the Vehicle Code, particularly when public order is disturbed, leaves no ambiguity regarding their functional and legal role as "police officers" within the context of that statute.

VII. Judicial Precedent Confirming "Police Officer" Status

Further judicial precedent directly supports the classification of Pennsylvania State Constables as "police officers" or equivalent law enforcement personnel.

A. *In Re Act 147 of 1990*: Constables as Law Enforcers on Par with Police

The Pennsylvania Supreme Court's seminal ruling in *In Re Act 147 of 1990*, 528 Pa. 400, 598 A.2d 966 (1991), while primarily affirming Constables as "peace officers," crucially equated their role to that of other recognized law enforcement entities:

"Simply stated, a constable is a peace officer. A constable is a known officer charged with the conservation of the peace, and whose business it is to arrest those who have violated it... It is the constable's job to enforce the law and carry it out, just as the same is the job of district attorneys, sheriffs, and the police generally."

This explicit comparison to "police generally" by the highest court in the Commonwealth demonstrates a judicial understanding that Constables perform the same fundamental law enforcement functions as municipal police. The duty to "enforce the law and carry it out" is the very essence of a police officer's role, and the Court's direct parallel strongly supports their inclusion within the functional definition of "police officer" under 75 Pa. C.S. § 102.

B. *Swineheart v. McAndrews*: Federal Recognition of Constables as "Police Officers"

The federal case of *Swineheart v. McAndrews*, 1999 U.S. Dist. LEXIS 10769 (M.D. Pa. July 12, 1999), further reinforces the argument that Pennsylvania State Constables are considered "police officers." While the full scope of this ruling must be examined in its context, the core assertion that Constables are "police officers" by a federal court directly supports their fitting the definition in 75 Pa. C.S. § 102. This federal recognition, even if accompanied by specific limitations on their judicial functions in that particular case, underscores their fundamental identity as law enforcement agents. The very act of distinguishing them from "judicial work" implies a primary identity as an enforcement agent, i.e., a police officer.

Conclusion

Based upon the explicit statutory grant of arrest powers to Constables in 44 Pa. C.S. § 7158 (which supplements their common law authority), the functional parity of their arrest authority with municipal police, the legal concept of other law enforcement officers serving as "ex-officio constables," their clear classification as "law enforcement officers" under the Crimes Code, and their judicially affirmed power to arrest for breach of peace crimes (including Title 75 violations like DUI), it is undeniable that Pennsylvania State Constables fully satisfy the definition of a "police officer" as set forth in **75 Pa. C.S. § 102**. This conclusion is further solidified by the Pennsylvania Supreme Court's direct comparison of Constables to "police generally" in *In Re Act 147 of 1990*, and the federal court's recognition of Constables as "police officers" in *Swineheart v. McAndrews*. To contend otherwise would be to disregard established statutory language, controlling judicial precedent, and the historical and ongoing realities of law enforcement in the Commonwealth.

Sample Memorandum of Understanding / Mutual Aid Agreement

This Memorandum of Understanding (hereinafter "MOU" or "Agreement") is made and entered into this [Day] day of [Month], [Year], by and between:

The Warrior Run Office of the Pennsylvania State Constables (hereinafter "Constable Office"), located at [Constable Office Address], represented by [Name of Head Constable/Designated Representative], and

The [Sample] Police Department (hereinafter "Police Department"), located at [Police Department Address], represented by [Name of Police Chief/Designated Representative].

I. Purpose

The purpose of this MOU is to establish a framework for cooperation, mutual aid, and clear understanding of roles and responsibilities between the Constable Office and the Police Department. This Agreement aims to enhance public safety, optimize law enforcement resources, and ensure efficient and effective responses to criminal justice needs within and around the Municipality of [Sample Municipality Name].

II. Background and Legal Authority

A. The Constable Office operates under the authority of the Pennsylvania Constitution, Title 44 of the Pennsylvania Consolidated Statutes, and common law, recognizing Constables as peace officers with the primary duty to conserve the peace and enforce the law, as affirmed by the Pennsylvania Supreme Court in *In Re Act 147 of 1990*, 528 Pa. 400 (1991).

B. The Police Department operates under the authority of the Commonwealth of Pennsylvania statutes, including Title 11 and Title 53 of the Pennsylvania Consolidated Statutes, and local municipal ordinances, with primary jurisdiction for law enforcement within [Sample Municipality Name].

C. Both parties acknowledge the distinct yet complementary roles each plays in the administration of criminal justice and public safety within the Commonwealth.

III. Scope of Agreement and Services

This MOU outlines the terms for mutual assistance and cooperation in the following areas, subject to the availability of personnel and resources of the assisting agency:

A. Mutual Aid for Emergency/Critical Incidents:

1. **Emergency Response:** Providing assistance during significant emergencies, natural disasters, civil disturbances, large-scale events, or other critical incidents that overwhelm the resources of one agency.

2. **Perimeter/Crowd Control:** Assisting with establishing perimeters, traffic control, and crowd management at incident scenes.
3. **Search and Rescue:** Lending support in search and rescue operations.

B. Law Enforcement Support Services:

1. **Warrant Service:**

- Constable Office to assist the Police Department with the service of criminal arrest warrants (misdemeanor and felony) and bench warrants, particularly in cases requiring specialized resources or when Police Department resources are otherwise engaged.
- Police Department to provide support to Constable Office during high-risk warrant service operations upon request.

2. **Prisoner Transport:**

- Constable Office to provide safe and secure transport of prisoners to and from judicial facilities, correctional facilities, or other designated locations, upon request from the Police Department, thereby alleviating Police Department personnel for other duties.

3. **Traffic Control/DUI Interdiction:**

- Constable Office to assist the Police Department with traffic control at accident scenes, road closures, special events, or during DUI checkpoints/interdiction details.
- Constable Office personnel, when assisting with DUI interdiction, shall operate under the direct supervision and command of the Police Department's incident commander.

4. **Non-Emergent Crime Response/Initial Investigation:**

- Constable Office to provide initial response and preliminary investigation for non-emergent incidents (e.g., minor thefts, vandalism, suspicious activity) within their jurisdiction, securing scenes and gathering information for handover to the Police Department for primary investigation, as appropriate.

5. **Ordinance Enforcement:**

- Constable Office to assist the Police Department with the enforcement of specific local municipal ordinances as agreed upon, including issuing warnings or citations for non-traffic summary offenses.

6. Peacekeeping Details/Contracted Services:

- The Constable Office may provide "peacekeeping details" or general "peacekeeping work" for the Police Department or Municipality on a contracted, hourly rate basis, as mutually agreed upon in separate service agreements. This includes, but is not limited to, security for public meetings, community events, or specific patrol needs.

7. Park/Public Lands Patrol:

- Constable Office to conduct patrols of municipal parks and public lands to deter crime and enforce regulations, complementing the Police Department's efforts.

C. Information Sharing:

1. Both parties agree to share relevant criminal justice information, consistent with applicable laws, regulations (e.g., CJIS Security Policy), and agency policies, to facilitate effective cooperation and ensure officer safety. This includes, but is not limited to, information regarding active warrants, known dangerous individuals, or ongoing investigations where mutual aid is being rendered.

D. Training and Professional Development:

1. Both parties shall explore opportunities for joint training exercises, sharing of best practices, and professional development to enhance interoperability and mutual understanding of operational procedures.

IV. Operational Protocols

A. Request for Assistance: All requests for mutual aid or specific services shall be made through the designated command personnel of each agency (e.g., Police Chief/Duty Supervisor to Head Constable/Designated Duty Constable).

B. Command and Control: When rendering mutual aid at an incident scene, the personnel of the assisting agency shall operate under the overall command and control of the agency having primary jurisdiction at that scene. The assisting agency's personnel shall retain their individual authority as peace officers but shall conform to the operational directives of the incident commander.

C. Jurisdiction: This Agreement does not alter the primary jurisdictional responsibilities of either party. It is intended to facilitate cooperation and mutual assistance within existing legal frameworks.

D. Officer Safety: Both parties prioritize the safety of all officers involved in mutual aid operations and agree to provide all necessary information to ensure safe execution of duties.

V. Liability and Indemnification

A. Each party shall be responsible for the acts and omissions of its own officers, employees, and agents while operating under this Agreement, to the extent provided by law.

B. This Agreement is not intended to, and shall not be construed to, create any rights, claims, or causes of action in any third party against either the Constable Office or the Police Department.

VI. Costs and Compensation

A. For general mutual aid in emergency situations (Section III.A), assistance shall be rendered without direct compensation between the agencies, recognizing the reciprocal nature of such aid.

B. For specific contracted services (e.g., peacekeeping details, specialized warrant service beyond routine mutual aid), compensation shall be negotiated and outlined in separate service agreements, which shall incorporate the terms of this MOU by reference.

VII. Term and Termination

A. This MOU shall become effective upon the date of the last signature below and shall remain in effect for a period of [e.g., five (5)] years, unless terminated earlier.

B. Either party may terminate this MOU by providing [e.g., sixty (60)] days written notice to the other party.

C. This MOU may be amended at any time by mutual written agreement of both parties.

VIII. Entire Agreement

This MOU constitutes the entire agreement between the parties concerning the subject matter hereof and supersedes all prior agreements, understandings, negotiations, and discussions, whether oral or written, between the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the date first written above.

FOR THE WARRIOR RUN OFFICE OF THE PENNSYLVANIA STATE CONSTABLES:

[Name of Head Constable/Designated Representative] Title: Head Constable / [Other Title] Date:

FOR THE [SAMPLE] POLICE DEPARTMENT:

[Name of Police Chief/Designated Representative] Title: Chief of Police / [Other Title] Date:

Note: This is a sample document for illustrative purposes only. Any actual Memorandum of Understanding or Mutual Aid Agreement should be drafted or reviewed by legal counsel representing all involved parties to ensure compliance with all applicable federal, state, and local laws and regulations, and to address specific local needs and circumstances.