

IN RE: REVISIONS TO
CONSTABLE PROCEDURE
AND COST MANUAL

: IN THE COURT OF COMMON PLEAS
: OF BERKS COUNTY, PENNSYLVANIA
:
: 09- CP06AD00000006-2009
: Clerk of Courts
:
: 09- ~
: Prothonotary

ADMINISTRATIVE ORDER

AND NOW, this 29th day of January, 2009, pursuant to the reconstituted constable procedures and cost manual committee of 2008-2009, the following are revisions to the Constable Procedure and Cost Manual which are effective February 1, 2009.

Night Court Revisions

1. No constables working night court shall be transporting any defendants to prison, but rather transfer them to the sheriff to be transported. (New)
2. If defendant is released to constable from another authority, in all circumstances, whether conveyed to court and/or committed, constables shall split the summary (scofflaw) warrants after the 1st warrant. (New)
3. Constables that arrest summary (scofflaw) defendants while doing regular field work and then take them to night court are to use the same procedure as if apprehended during the day. (New)
 3. a. Constable(s) may, at their discretion, voluntarily surrender the defendant(s) in their custody to sheriff for the sheriff to commit to BCP. (New)

Other Revisions to Constable Manual

- Cost Sheet Submission for Payment by Controller – Effective 2/1/09 (New)
 - All constable cost sheets must be submitted within 45 days from the services performed. A written explanation must be submitted to Controller if cost sheet not submitted timely.

- Constable cost sheets for 2 constables working together must be submitted together
 - Constable cost sheets for all work performed in 1 day at the same MDJ office must be submitted together
 - Any constable cost sheets to be paid for previous work performed before January 31, 2009 must be submitted by March 15, 2009. Any cost sheets submitted after March 15, 2009 for services performed more than 45 days, will be denied.
- Release – (Revision – Page 24 - Paragraph 2 Deleted)

Release amount only to be paid to constable if defendant in custody of another authority (not the court)

- Commitment - (Revision - Page 24 – 1st Paragraph Clarification)

Commitment amount only to be paid to constable(s) if physically commits defendant

- Writ Fee – (Revision - Page 30 – Paragraph Deleted)

Constables will no longer be paid for a \$10 writ fee

- Fingerprinting – (Revision - Page 10)

Constable shall be paid for conveying defendant for fingerprinting, \$17 per defendant, plus \$13 per hour beyond the first hour per defendant per hour, not to exceed \$26 per hour per constable, plus mileage

- 2 constables working together - (Revision – Pages, 11 and 18).

A constable or deputy constable when he/she is transporting a prisoner, serving a felony or misdemeanor warrant or serving a warrant on a juvenile or a defendant of the opposite sex shall be accompanied by a second constable or deputy constable who is certified under section 2947 (relating to automatic certification) to perform judicial duties. In all other cases involving a single same sex defendant, a constable or deputy constable may, at his/her discretion be accompanied by a second constable or deputy constable. (Pages 11 and 18)

- Splitting of Warrants – (New)

If defendant is released to constable from another authority, in all circumstances, whether conveyed to court and/or committed, constables shall split the summary (scofflaw) warrants after the 1st warrant.

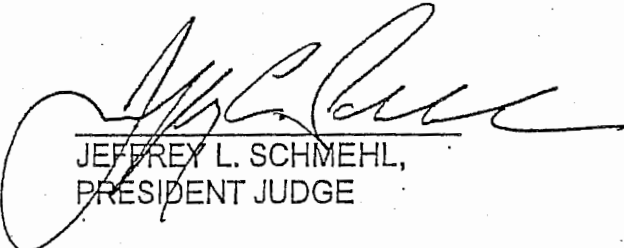
- Holding time will be calculated as follows: (Revision - Page 26)

Holding time will begin when you arrive at the MDJ court with the defendant(s) in custody (minus the first half hour) and holding time will end when you leave the MDJ court with the defendant(s). Holding time (minus the first half hour) will be considered for payment on a case by case basis for unusual situations causing a delay in a prisoner drop off at BCP. Explanations regarding any delay must be provided on the cost sheet for consideration.

When filling out your cost sheets, the "from" time is the actual time you arrive at the MDJ court with the defendant(s). The "to" time is the actual time you leave the MDJ court with the defendant(s). The "hrs" will be the courtroom time minus the first half hour. For example, you arrive at the MDJ court at 2:00 pm and leave the MDJ court at 3:30 pm, your billable hours equals 1 hour.

When you arrive at the prison with the defendant(s) and encounter a wait more than a half hour (i.e. shift change, lock down) the Controller will pay holding time minus the first half hour. When filling out your cost sheets for this time, bill it under "other charges" and write your to and from time in the explanation area.

BY THE COURT:


JEFFREY L. SCHMEHL,
PRESIDENT JUDGE

Extract from the record of said court
Certified this 29th day of Jan 2009
JAMES P. TROUTMAN
Clerk of Common Pleas - Criminal Division

Per [Signature] Deputy

COUNTY OF BERKS, PENNSYLVANIA

Office of the Controller



Services Center, 12th Floor
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Mark C. Scott, Commissioner Chair
Christian Y. Leinbach, Commissioner
Kevin S. Barnhardt, Commissioner

Sandra M. Graffius, Controller
Jack A. Linton, Esq., Solicitor

To: Our Constables
From: Sandy Graffius, Controller
Date: December 11, 2008
Regarding: Holding Time

We are cleaning up our act, and will be implementing a new procedure regarding holding time for BCP hearing runs to the MDJ courts, as well as in-county street arrests resulting in transports to BCP.

Please note: This will not apply to out-of-county prison runs or out-of-county street arrests.

This will be effective for all BCP runs done on and after January 1, 2009.

Holding time will be calculated as follows:

Holding time will begin when you arrive at the MDJ court with the defendant(s) in custody (minus the first half hour) and holding time will end when you leave the MDJ court with the defendant(s). Holding time (minus the first half hour) will be considered for payment on a case by case basis for unusual situations causing a delay in a prisoner drop off at BCP. Explanations regarding any delay must be provided on the cost sheet for consideration.

When filling out your cost sheets, the "from" time is the actual time you arrive at the MDJ court with the defendant(s). The "to" time is the actual time you leave the MDJ court with the defendant(s). The "hrs" will be the courtroom time minus the first half hour. For example, you arrive at the MDJ court at 2:00 pm and leave the MDJ court at 3:30 pm, your billable hours equals 1 hour.

When you arrive at the prison with the defendant(s) and encounter a wait more than a half hour (i.e. shift change, lock down) we will pay holding time minus the first half hour. When filling out your cost sheets for this time, bill it under "other charges" and write your to and from time in the explanation area.

Dedicated to public service with integrity, virtue & excellence

www.co.berks.pa.us



Debra
Blanco/Controller/County of
Berks

04/25/2007 10:11 AM

To Sandra Graffius/Controller/County of Berks@County of
Berks
cc Susan Jones/Controller/County of Berks@County of Berks,
Melissa Gensemer/Controller/County of Berks@County of
Berks

bcc

Subject Solicitor's Opinion -- "Amendment" & changes to the
"Clarification"

Good morning Sandy, Here is the modified "Clarification" based on Solicitor Muth's opinion as well as the "Amendment" that you wanted to mass email to the MDJ's today. Please review the modified "Clarification" and let me know if any changes need to be made.

Thank you.

#1 Clarification to p.14 "Transports" regarding street arrests

Constables may pick up one additional defendant of the same gender enroute to the MDJ's office. The costs shall be split in the following manner: Both Constables shall charge costs for the first defendant when both actively participate in the arrest of that defendant. The Constable who solely arrests the second defendant enroute to the MDJ's office shall be the only Constable who shall charge costs for the second defendant. The Constable who remains passively in the vehicle or other location with the first defendant shall not be entitled to charge costs for the second defendant. Due to a potential safety or flight risk, at no time shall a defendant be left alone in the Constable's vehicle or other location.

#2 Amendment to p.29 "Other Charges" regarding Out-of-County arrest warrants of non-incarcerated defendants only:

On an Out-of-County arrest of a non-incarcerated defendant, time shall be applied to "Holding Time", not "Other Charges". Time begins at the point of arrest/custody minus the first half hour, not when you leave the County to search for the defendant.

Debra Blanco
Office of the Controller
Tel. (610) 478-6286
Fax (610) 478-6890



Dawn Duffy/Court -
Judges/County of Berks
02/16/2007 12:35 PM

To Reading Central Court DJ 23-0-02/District Judges/County of
Berks@County of Berks, DJ Ann L. Young DJ
23-1-01/District Judges/County of Berks@County of Berks,
cc Debra Blanco/Controller/County of Berks@County of Berks,
Susan Jones/Controller/County of Berks@County of Berks,
Faith Phillips/Court Admin/County of Berks@County of Berks

bcc

Subject

President Judge Grim has requested that I forward this message to you. Please make copies of this notice and place it in the bins of your Constables:

**TO ALL CONSTABLES:
IN RE: COUNTY OF BERKS CONSTABLE PROCEDURE AND COST MANUAL**

Please note that page 23 of the Manual is amended to delete (i) under **Discharge--Charge to Lead Docket Number** due to a change in the law. Payments will no longer be made for recommitments under this subsection.

This is an amendment to the Manual and is effective immediately.

Thank you

Dawn Duffy

President Judge Grim has requested that I forward this message to you. Please make copies of this notice and place it in the bins of your Constables.

A question has been asked regarding the Constable Manual under "Transports", Section 5.h.i., regarding the ratio of constables to prisoners. It is expected that if there are two or more prisoners to be transported that they shall be accompanied by two constables.

This is not an amendment to the Constable Procedure And Cost Manual, but a clarification of that section.

Thank you,

Dawn Duffy