



STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 10/20/17

REQUEST SUBMITTED BY: **E-MAIL** U.S. MAIL FAX IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Luzerne County

NAME OF REQUESTER : Pennsylvania State Constable David Kneller

STREET ADDRESS: P.O. Box 485

CITY/STATE/COUNTY/ZIP(Required): Schaefferstown, Pa 17088

TELEPHONE (Optional): 717-808-8788 EMAIL (optional): Pa.constable@live.com

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary*

On September 17, 2015 a story ran in the citizens voice " County's constables are owed more than \$550,000." (see attached)

I would like all emails since 2014 to or from Luzerne county council or to or from the controller to any other person or entity in regard to payment or denying payment to constables.

I would like a current total from each Magisterial District Court of the illegally withheld constable fees that are more than 30 days from the date of service.

Per the report, Court 11-1-03 (Zola) alone owed \$110,067.96 to constables

*The last report of illegally withheld constables fees is from 9/5/2015 (see attached, **caution** it is 1,371 pages long)*

DO YOU WANT COPIES? **YES** NO

DO YOU WANT TO INSPECT THE RECORDS? YES **NO**

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES **NO**

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

- I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

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Report: County's constables are owed more than \$550,000

BILL WELLOCK / PUBLISHED: SEPTEMBER 17, 2015



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Constable Thomas J. McNeil Jr. is supposed to get paid whenever he serves a warrant.

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By his calculations, he's waiting on some \$3,000 of back pay dating from 2014 for his work serving court papers around Pittston and West Pittston.

"It's frustrating because you wait for a monthly check, your calculations are high, but then it's a low amount. I've learned to budget in a different way, not budget it into my finances for the month but just as extra income," said McNeil, who makes most of his money as a steelworker.

McNeil's back pay is just a part of what constables in Luzerne County are owed, according to statewide organization Pennsylvania Fraternal Order of Constables.

The group reviewed financial records from every county in the state, and said Luzerne County constables are owed \$566,976 for outstanding server fees. That number is the fifth-highest debt of any county in the state. Constables in Westmoreland County are owed the most, about \$1,050,000.

Constables mostly perform court functions, including serving documents such as warrants, summons, complaints and subpoenas, transporting prisoners and enforcing court orders. They also can serve as law enforcement at polls during elections.

ARTICLE TOOLS

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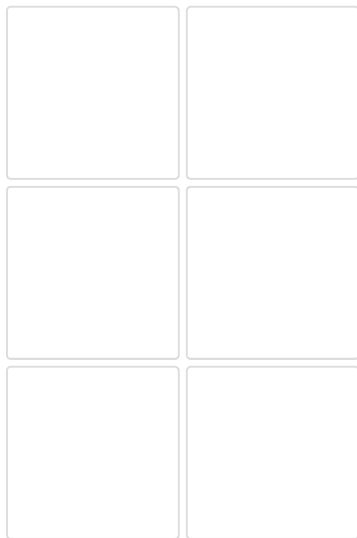
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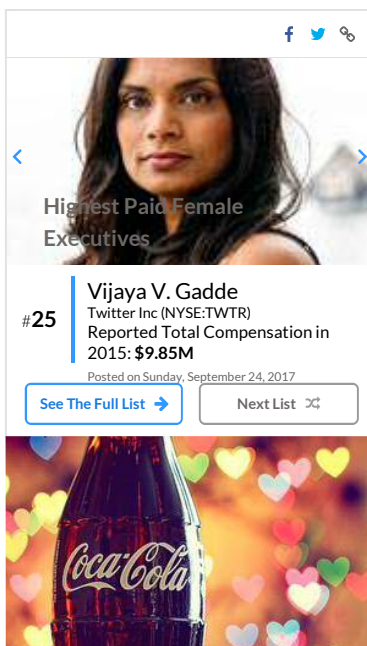


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Constables are elected. They are not paid a salary, but receive wages according to the work they perform.

Most of the server fees the FOC says are unpaid are less than \$50. Hundreds of unpaid or partially paid fees for papers served add up to the total. Overdue fees date from the early 1990s to 2015. Pennsylvania FOC regional director Ian Castaneira said state law spells out deadlines for paying constables.

In civil cases and landlord-tenant cases, the court has a 15-day deadline to pay constables. In criminal cases, there is a 30-day deadline.

In cases in which a defendant is found innocent or indigent by a magisterial district judge, the county is responsible for paying, Castaneira said.

Judges often set up payment plans for defendants, stretching out payment deadlines and delaying pay, Castaneira said. He wants the system to change.

“Pay our fee up front and if the judge wants to stretch out other fines, that’s fine. Right now, the judge is making decisions for our income and we have no power. We get paid whenever it comes in,” he said.

Constables are worried that if they speak up about late payments, they won’t get work in the future, Castaneira said. The state organization has now taken up the issue.

District Court Administrator Michael Shucosky said his office has no supervisory input regarding constables, who are elected rather than employees.

“They’ve never been treated as employees by county,” he said.

A constable’s fee is added to whatever costs a defendant, or a plaintiff in a civil case, owes the court. When those are paid, the constables receive their share.

“This is a statewide issue and it must be resolved statewide,” he said. “If there’s an opportunity for legislative change, I’d welcome that. It does appear to be an antiquated system.”

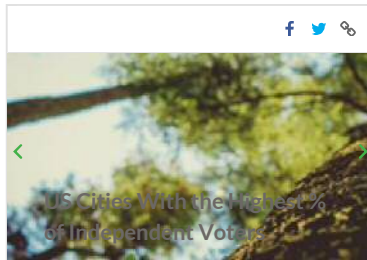
bwellock@citizensvoice.com

570-821-2051, @CVBillW

State law governs how constables are to be paid.

Title 44, section 7161:

(e) Payment. — All civil, landlord-tenant and criminal fees shall be paid by the court to the constable as soon as possible and in no case not more than 15 days in civil and



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landlord-tenant cases and 30 days in criminal cases after the service is performed and a proper request for payment is submitted, provided that, in criminal cases where the books and accounts of the relevant county offices are payable on a monthly basis, payment shall be made not more than 15 days after the close of the month.

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24 Comments Citizens' Voice

David Kneller

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Donald_Duck22 • 2 years ago

Why would anyone want to be a constable, if this is the case? This is a very unfair labor practice, and if it's not illegal, it certainly should be.

If the courts are assigning the constables the work, they should be responsible for paying the constables in a determined timely manner.

14 ^ | v • Share >

larrydallas • 2 years ago

Judges often set up payment plans for defendants, stretching out payment.....

Makes you wonder 'how much is the County owed ?'

7 ^ | v • Share >

JudgeJudy → larrydallas • 2 years ago

The same amount the Boroughs and Municipalities are also owed on fines. The money comes in dribs and drabs.

4 ^ | v • Share >

caseykins • 2 years ago

Stop serving them! If everyone agrees to do the same, the checks will be cut.

6 ^ | v • Share >

SlickMick → caseykins • 2 years ago

Sounds like you're asking to start a Constable Union. It's just the court's way of cutting down on billing. But since they add it into the fine, shouldn't make any difference. Except when certain friends of the court get their fines squashed. Then the constable would complain and shine some light on the practice. HmMMMM?

1 ^ | v • Share >

Donald_Duck22 → caseykins • 2 years ago

No, they will simply turn the work over to off-duty Sheriff's Deputies, who will be more than willing to pick up the work.

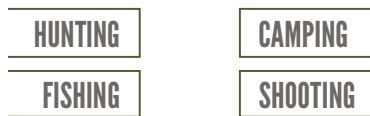
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caseykins → Donald_Duck22 • 2 years ago

Thanks for clarifying that. That would make sense.

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Crook_Hater • 2 years ago

How stupid are these constables to still be performing services when they are owed? Time to withhold service until past due payments are made.

5 ^ | v • Share >

Long Gone → Crook_Hater • 2 years ago

That's for sure...That would be the day I'd work for free until my boss "got" some money.....

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