



Board of Supervisors Memorandum

November 15, 2022

Constable Administration and Oversight

Background

Constables serve in every Arizona County and perform a variety of functions in Justice Courts similar to those that are performed by the Sheriff's Department for Superior Courts. Constables have served as the elected peace officers of the justice precincts since 1863. They are elected to four-year terms in their precinct, and serve all papers, processes, writs, and warrants from their corresponding justice courts. Constables conduct asset seizures to fulfill court judgments, conduct evictions, serve protective orders, summonses, subpoenas, and both civil and criminal arrest warrants.

Each Constable serves a Justice Court precinct. Currently, there are 10 Justice Precincts (JP) in Pima County. On September 21, 2021, the Board of Supervisors, in accordance with A.R.S. Section 22-101, eliminated what is now JP 5 and approved new boundaries for the remaining nine precincts. The elimination of JP 5 does not take effect until the terms expire for the Justice of the Peace and the Constable, which is December 31, 2022.

As independent, elected officials, each Constable may bring to the office a different perspective, work ethic, vision and goals. While a Presiding Constable is selected by the Constables, he or she does not have the ability to mandate such things as conduct, training, and attire.

The incident this past August that resulted in the death of a Constable and two civilians has again increased the discussion about the purpose of the Constables and how the Board of Supervisors might lawfully engage in the management of their operations.

Discussion

Constables are elected officials. There is one Constable and may be one Deputy for each precinct.

In Pima County, there are and have been significant differences in backgrounds, workloads, training, appearance and perspective. As former Assistant County Administrator Mark Napier noted in a [September 29, 2021](#) memorandum, "Constables are not a unified group of county servants. This is obvious from things as readily apparent as how they dress. Some constables convey the appearance of quasi-law enforcement officers, while others the appearance of urban social workers." It was further noted that Constables do not approach their duties in the same manner or with the same philosophy.

Any registered voter may run for the office and some are former federal, state, county and/or local law enforcement officers. In addition to this, every constable is required to undergo a basic training course within 6 months of assuming office, as well as maintain a certain

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number of training hours every year thereafter. This ensures that constables are trained and proficient in their duties. In fact, over the past few years the state Constables Ethics, Standards, and Training Board (CESTB) has adopted new rules that doubled the number of required training hours. Tracking the training of each constable is one of the main responsibilities of the CESTB.

Because Constables are elected officials, the Board's options are limited when seeking encourage or compel consistent policies, procedures, and cooperation. Constables are ultimately answerable to their precinct's voters. Even the CESTB is limited in its ability to discipline Constables who fail to follow CESTB standards. The Board does have the power of the purse and has leeway in setting Constable salaries.

Recommendations

I recommend the Board of Supervisor approve the following:

Recommendation 1. Formally request that the Constables voluntarily do the following:

- Develop evenly distributed work plans or work load; and
- Finalize and distribute a Policy Manual that delineates standards of appearance and approach; and
- Maintain consistency of approach related to evictions; and
- Compile and distribute a standard set of information including but not limited to, number of papers served (orders of protection, summons, subpoenas, evictions and property seizures) and number of days worked.

Recommendation 2. Should the Constables not complete the four elements delineated in Recommendation 1 above and provide proof of such to the County Administrator, salaries will be reduced to the minimum amount allowed by law of \$48,294 plus benefits.

The current salary for all Constables is \$67,000 annually, plus benefits.

If the Constables do not voluntarily do the above and provide proof of such to the County Administrator by July 1, 2023, all of their salaries will be reduced to the minimum allowed by law of \$48,294 plus benefits. A reduction in salary can only take effect with the beginning of the new term, therefore, the adjusted salary will be in effect as follows:

Justice Precincts 1, 4, 6, 7, 8, 9, 10
Justice Precincts 2, 3

January 1, 2025
January 1, 2027

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Recommendation 3. Amend [Pima County's Legislative Agenda for 2023](#) by adding the following:

4. Fortify Public Safety. E. **Constables.** Pursue and support measures to increase County authority to manage Constable workloads and organization. This may include the consolidation of Justice Precincts.

Sincerely,



Jan Lesher
County Administrator

JKL/dym – November 2, 2022

c: The Honorable William Lake-Wright, Presiding Constable, Pima County Constable's Office
Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator