

ORI and CLEAN Access for the Elected Constable Office

Whether the elected constable office is a criminal justice agency eligible for a State Police ORI and CLEAN access: the two Attorney General criminal justice agency designation lists, the statutory meaning of “agency,” the two-track eligibility argument, the vehicle-side power set, the personnel structure of the constable office, and the State Police document *Understanding ORI Restrictions: Pennsylvania State Constables* graded on its own text.

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Executive Answer

Track A (criminal justice agency by operation of law) is legally sound and should be asserted first. CHRIA and the federal rule both define a criminal justice agency by function, not by organizational form: a governmental unit "created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice," allocating a substantial part of its budget to that function. An elected constable office is created by statute, executes warrants, makes arrests, transports and holds prisoners, keeps the peace and provides civil standby (predominantly on request as a common-law executive peace officer, with a court-ordered subset, protection-from-abuse enforcement among them), enforces municipal ordinances on engagement by municipalities, and investigates at judicial direction under § 7157(b). Its budget is dominated by that work. The same office also executes the civil process of the courts, evictions and levies among it. That work is not claimed here as administration of criminal justice, but it puts the constable first through the door against a person whose home or property is being taken, with locksmiths, movers, and landlords at the constable's back, and the officer-safety need on that mission is identical to the need on a warrant. The determination attaches to the office, and the office performs both. In form it is a sheriff's office: a statutory office headed by an elected officer, staffed by deputies that officer appoints under 44 Pa.C.S. § 7122 subject to court approval and by such auxiliary staff as its operations require, performing arrest, warrant, custody, transport, peacekeeping, civil execution, and court-directed investigative functions. A sheriff's office is a criminal justice agency by operation of the definition and holds an ORI without any Attorney General declaration, and the

statutory examples themselves include "district or prosecuting attorneys," another office headed by one elected officer and staffed under that officer. The constable office is what the definition describes, not an entity analogous to it. The only structural difference between it and a sheriff's office is funding source (statutory fees rather than a county appropriation), and funding source appears nowhere in either definition. No Pennsylvania court has yet been asked to say so about constables, and PSP as the CJIS Systems Agency claims discretion over CLEAN terminal access even for an entity that is a criminal justice agency. Track B answers both.

Track B (Attorney General designation) is a real, concrete administrative path, and it moves to the top of the leverage ranking for a practical reason, not a legal one. The designation mechanism is in 18 Pa.C.S. § 9102 itself: criminal justice agencies include "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." The clause is additive. A declaration does not make an entity a criminal justice agency that was not one already; it confirms, in the Attorney General's voice, what the statute already provides. Track B is pursued because PSP's own document treats an Attorney General declaration as the eligibility currency, and the Attorney General, not PSP, controls that currency. The two designation lists matter in one respect only: every entity on them has a thinner statutory law enforcement footprint than a constable office (a public defender's office, a crime victims compensation board, a state lottery director's office, a student loan fraud unit), so a declaration for an office that arrests, executes warrants, holds prisoners, keeps the peace on public request, and investigates at judicial direction follows a fortiori.

"Agency" is not the hinge. No Pennsylvania statute defines "agency" in a way that excludes an office headed by a single elected officer, and the RTKL and Administrative Agency Law definitions both reach "any office" or "any officer" of the Commonwealth or a political subdivision. CJA status turns on principal function, statutory creation, and budget allocation. The organizational label is a red herring, and this paper says so.

Legitimacy. On the document's own text, the packet is a compilation dated after every letter it collects, organized around one constable's correspondence file, with at least one appendix left in the unedited voice of an automated research tool, and without author, reviewer, approval, or document-control markings. The packet's structure and the thirty-year denial history it recites make it likely that PSP keeps standing written ORI criteria; those criteria, not this packet, are the agency's real position and the proper RTK target. A narrative compiled after the decisions it explains, without cite-check, is not a standing policy under the RTKL's existing-records orientation and is impeachment material rather than a shield.

The vehicle-side power set. *Roose* removes summary Motor Vehicle Code enforcement; it does not remove the common-law power, confirmed in *Allen* and *Taylor*, to stop and detain at a vehicle for a breach of the peace, an in-presence felony, or an imminent public safety danger. Section

4.2 states that line, Section 6 grades the PSP vehicle appendices against it, and the resulting power set carries into Track A.

Three further PSP characterizations, graded on the statutory text. Primary-responder status is not an element of any criminal justice agency definition, and as a factual matter constables are the de facto local law enforcement across much of rural Pennsylvania, respond directly to resident calls outside county 911 dispatch, are routinely first on scene, and on every eviction, levy, and warrant are first through the door and often the only officer present. Independent-contractor status distinguishes nothing, because municipal departments contract their services routinely, the office's own municipal engagements are for law-enforcement work such as ordinance enforcement, and the one real structural difference (no direct taxpayer appropriation for overhead) appears in neither 18 Pa.C.S. § 9102 nor 28 C.F.R. § 20.3(g). Act 49 certification is the statutory floor of constable training, not its ceiling, and no criminal justice agency definition contains a training-equivalence element. *Commonwealth v. Wiggs*, 2026 PA Super 126, is pending further review in the Supreme Court of Pennsylvania. It is cited here only for the finding that the PSP document's Appendices A and G describe two incompatible cases under that name. Section 6.1 through 6.4 carry the analysis.

The structure of the constable office. A constable office is not a one-person or single-officer entity, and this paper treats the office, not the incumbent, as the unit. Section 7122 vests in the constable the "sole power to appoint deputy constables" in the ward, borough, or township, subject to approval of the court of common pleas; deputies serve for the appointing constable's term (§ 7141), are certified, trained, and insured on the same terms as the constable (§§ 7142, 7144, and 7148), and act under the constable's surety (§ 7122(b)(2)). The office also engages such auxiliary staff as its operations require. It is a statutory office headed by an elected constable with a personnel structure of its own, parallel to a sheriff's office, differing only in that the sheriff's office runs on a county appropriation and the constable's office on statutory fees (§ 7161).

1. Scope and verification posture

Entity and jurisdiction. An elected Pennsylvania State Constable office (township, borough, or ward), Pennsylvania. Governing law: 44 Pa.C.S. Ch. 71 (constables), 18 Pa.C.S. Ch. 91 (Criminal History Record Information Act, "CHRIA"), 28 C.F.R. Part 20 (federal criminal justice information systems regulations), and PSP's role as the Pennsylvania CJIS Systems Agency for CLEAN and NCIC access.

Clean-room posture. Every factual claim about the three target documents traces to text extracted or OCR'd from those documents for this paper. Every statute cited was retrieved from the Pennsylvania General Assembly's statute server, the Legal Information Institute (28 C.F.R.),

or the Pennsylvania Code and Bulletin site, and every case cited was identified on CourtListener's REST API and read from its opinion text.

What was verified live.

- Fresh OCR of all 21 pages of *Understanding ORI Restrictions: Pennsylvania State Constables* (300 dpi, Tesseract), plus its metadata.
- Full text extraction and metadata of both Attorney General designation lists.
- 18 Pa.C.S. § 9102 (full definitions, including the Attorney General designation clause), § 9106, and § 501 ("peace officer").
- 44 Pa.C.S. §§ 7101, 7102, 7157, 7158, and a word-level scan of the entire Chapter 71 for "agency," "office," and "officer."
- 44 Pa.C.S. §§ 7114, 7121, 7122, 7141, 7142, 7144, and 7148, re-read in full for the deputy appointment, court approval, term, bond and surety, insurance, certification, and firearms provisions (§ 3.6).
- 2 Pa.C.S. § 101 and 1 Pa.C.S. § 1991 definitions; 65 P.S. § 67.102 (RTKL definitions) and the RTKL table of contents (Sections 305 and 705).
- 28 C.F.R. § 20.3(b), (c), (g), (k), and (w).
- 37 Pa. Code Ch. 195 (PSP criminal history record regulations), including its § 195.1 definition of criminal justice agency.
- *Commonwealth v. Roose*, *Commonwealth v. Leet*, *Commonwealth v. Allen*, *Department of the Auditor General v. Pennsylvania State Police*, *Commonwealth v. Pennsylvania State Police* (OOR petition), *Miller v. County of Centre* (Pa. 2017), and the Commonwealth Court's *Parks Miller v. County of Centre* (2016), all by CourtListener opinion text.
- *Commonwealth v. Wiggs*, 2026 PA Super 126 (en banc), majority slip opinion, cited for the document-reliability finding (§ 6.4); pending further review in the Supreme Court of Pennsylvania.

2. The two Attorney General designation lists: mechanism, inventory, pattern

2.1 The legal mechanism (verified)

The designation power is in the CHRIA definition itself. 18 Pa.C.S. § 9102 provides:

"Criminal justice agency." 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.

Three features of that text matter.

- **The Attorney General is the designating authority, not PSP.** PSP's implementing regulation, 37 Pa. Code § 195.1, repeats the functional definition and the examples but contains no PSP designation power; the only Attorney General reference in Chapter 195 is the 1980 repository security-plan approval in § 195.6.
- **The standard is legal, not discretionary in the underwriting sense.** A designation is "determined by a review of applicable statutes and the State and Federal Constitutions." The Attorney General reads the entity's enabling law and decides whether it performs the administration of criminal justice. That is a question of law about the constable statutes, which is exactly the ground on which the constable position is strongest.
- **Designation is additive, not exclusive.** The list is introduced by "include, but are not limited to." An entity that meets the general definition is a criminal justice agency whether or not it is on any list. The statute does not say that an entity absent from the Attorney General's list is excluded. That is the textual foundation for Track A.

The Attorney General also has a standing role in CHRIA access policy: 18 Pa.C.S. § 9106(c)(1)(ii) conditions intelligence-information dissemination on the recipient being "a criminal justice agency which has policies and procedures adopted by the Office of Attorney General in consultation with the Pennsylvania State Police." Section 9106(c)(6) has district attorneys file their procedures with the Office of Attorney General for approval, while § 9106(c)(5) has municipal police file with PSP. The Attorney General is not a bystander in this system.

Neither list cites a statutory basis on its face. The 1982 to 2020 list is captioned "Pennsylvania Office of Attorney General, Criminal Justice Agency Designations 1982 to Present." The RTK production is captioned "CJA Designations by OAG" with a footer reading "CJA List - RTK 07-07-2026." The § 9102 clause is the only Pennsylvania provision I could locate that authorizes the Attorney General to declare an entity a criminal justice agency, and the two Commonwealth Court decisions construing the definition (*Auditor General v. PSP*, 844 A.2d 78 (Pa. Cmwlth. 2004) (en banc), and *Commonwealth v. PSP*, 146 A.3d 814 (Pa. Cmwlth. 2016)) both quote that clause as part of the operative definition. I treat it as the mechanism, verified.

2.2 Document facts (verified)

Item	Master List (1982 to 2020)	RTK production (unknown date or since 2020)
Pages	4	4
Producer	Microsoft Word 2010	Acrobat
Author field	Stoycos, William R.	Kohler-LaTorre, Julie A.
Created	November 10, 2020	(Acrobat; see modification)
Modified	July 17, 2026	2026 production
Caption	Pennsylvania Office of Attorney General, Criminal Justice Agency Designations 1982 to Present	CJA Designations by OAG; footer "CJA List - RTK 07-07-2026"

The RTK production is two lists in one file. The first (pages 1 and 2) is a near-duplicate of the master list with two additions dated 2025: Bucknell University Department of Safety (February 1, 2025) and Duquesne University (January 30, 2025). The second (pages 3 and 4) is a shorter list headed "CJA List - RTK 07-07-2026" that omits the entries that were also on the older list with pre-2020 dates for some entities (for example the University of Pennsylvania Police, Penn State, Lehigh University, Temple, the public defender offices, and the JNET Steering Committee) while retaining others. The most natural reading is that the shorter list is the Attorney General's answer to a request for designations "of unknown date or since 2020," and its inclusion of entries with pre-2020 dates reflects an imperfect filter rather than a substantive change. That is inferred.

Several master-list entries carry no date at all (for example Beaver County Community College Campus Police, Central Counties Youth Center, Maryland Toll Facilities Police, Oklahoma Alcohol Beverage Laws Enforcement Commission, Pennsylvania Public Utility Commission, Pine Grove State Park Public Safety, and most of the federal entries). Undated entries imply that the Office of Attorney General's own records of these designations are incomplete. That is useful: PSP cannot demand of a constable a documentary rigor the designating authority does not maintain for itself.

2.3 Inventory by category (verified from the lists; grouping inferred)

County and local units. Allegheny County Office of the Medical Examiner (1987); Chester County Juvenile Home (1987); York County Detention Home (1987); Central Counties Youth Center (undated); Cumberland County Public Defender's Office (1990); Lehigh County Public Defender's Office (1986); Central Dauphin School District Office of Safety and Security (2016 or 2017).

Campus police and public safety departments. Beaver County Community College (undated); Bucknell (2025); DeSales (2013); Drexel (2008); Duquesne (2025); Elizabethtown (1993);

Franklin and Marshall (2016); Lehigh University (1986 or 1993); Lincoln (2010); Mount Aloysius (2017); Penn State (1993); Pittsburgh Technical College (2020); Point Park (2015); Robert Morris (2017); Temple (1987); Thomas Jefferson University (2017); University of Pennsylvania (1993); University of Pittsburgh (1993); University of Scranton (2017); Villanova (2016).

Hospital and health-system police. Highmark Health Police Department (2020); Uniontown Hospital Police Department (2020); UPMC Altoona Police Department (2015 and 2018); UPMC Department of Public Safety (2018).

Transit and transportation. Southeastern Pennsylvania Transportation Authority (1986); Maryland Toll Facilities Police Department (undated).

Commonwealth agencies and subunits. Pennsylvania Commission on Crime and Delinquency (1982, again 2003 or 2018); Pennsylvania Commission on Sentencing (2003); Crime Victims Compensation Board (1995); Pennsylvania Justice Network (JNET) Steering Committee (1993 or 1999); Pennsylvania Office of Inspector General (2017); Department of Revenue, Internal Investigations and Security Office (undated); PHEAA Student Loan Fraud Investigations (undated); Pennsylvania Public Utility Commission (undated); Pine Grove State Park Public Safety (undated).

Out-of-state agencies. Oklahoma Alcohol Beverage Laws Enforcement Commission; Washington State Lottery, Office of the Director; Maryland Toll Facilities Police.

Federal agencies and subunits. Army Criminal Investigation Command; Army Letterkenny Depot security unit; Army Military Police Corps; Central Intelligence Agency; Coast Guard; Defense Investigative Services; USDA Office of Inspector General; Department of Energy; Department of Health; Department of Labor OIG (1992); Department of State; EPA OIG (1992); GSA OIG (1983); IRS Internal Security Division; U.S. Marshals Service; Office of Personnel Management (1982); U.S. Park Police (1982); Postal Service criminal investigations; Provost Marshal's Office; Secret Service; ATF.

2.4 The pattern: what the lists show, and where the constable office stands

What the designated entities share:

1. **None is an organized State or municipal police department, a district attorney, a court, a correctional or probation agency, or a sheriff's office.** The first five kinds appear in the § 9102 examples. The sheriff's office appears in no example at all and is nonetheless a criminal justice agency by operation of the general definition, holding an ORI without any Attorney General declaration. Entities of that kind never appear on the lists because they have never needed to ask.
2. **Most are either non-governmental police forces operating under a private or quasi-public parent (campus, hospital, transit) or governmental units whose criminal justice**

function is real but not obvious from the parent's name (a lottery director's office, a revenue department's internal investigations unit, a student loan fraud unit, a public utility commission, a medical examiner).

3. **Several are single-purpose offices with small headcounts and no independent police powers in the ordinary sense:** a public defender's office, the Crime Victims Compensation Board, the Sentencing Commission, the JNET Steering Committee, and a state park's public safety unit. A public defender's office performs "adjudication"-side administration of criminal justice with no arrest power at all.
4. **Designation is granted to the unit, not to a class.** Each campus department is listed by institution; there is no entry for "college police departments" as a category.

The lists therefore record the entities that have asked for a declaration, not the entities that qualify. An entity that meets the general definition is a criminal justice agency whether or not it appears on either list (§ 2.1), and the entities that most plainly meet it, police departments, district attorneys, courts, and sheriff's offices, are absent for exactly that reason. The constable office belongs with them. It is a statutory office headed by an elected constable, staffed by deputies the constable appoints under § 7122 subject to court approval and by such auxiliary staff as it requires, performing arrest, warrant, custody, transport, civil execution, and court-directed investigative functions. That is a sheriff's office in every structural respect the definition reaches. The one difference, statutory fees rather than a county appropriation, appears nowhere in § 9102 or 28 C.F.R. § 20.3(g). The office is what the definition describes, and Track A is primary for that reason (§ 4).

The lists still do work in this paper, but only as comparators of a particular kind. Every designated entity has a thinner statutory law enforcement footprint than a constable office, and several have none. If the Attorney General's review of "applicable statutes" produced a declaration for a public defender's office or a compensation board, the same review of Chapter 71 produces one for a constable office a fortiori. Track B asks for that declaration not because the office resembles the designated entities but because PSP's own document treats the Attorney General's letter as the eligibility currency (§ 3.8, § 5), and a declaration confirms what the statute already provides.

One caution. The lists are of designated *agencies or subunits*, and every entry is an institutional unit. No constable, sheriff, or coroner appears on either list. For sheriffs the absence reflects that they hold ORIs without a declaration; for coroners it is consistent with not seeking CLEAN access. Neither absence is evidence that an elected office is ineligible. Nor is the constable office anything other than an institutional unit. It is headed by an elected constable who holds the sole statutory power to appoint deputies, subject to court approval (§ 7122); its deputies are certified and insured on the same terms as the constable (§§ 7142 and 7144); and it engages such auxiliary staff as its fee-supported operations require. A declaration for a constable office would be the first for an office of the sheriff type, and offices of that type have never needed one,

so the application must present the office as the staffed statutory unit it is, place it beside the sheriff's office, and state plainly that the letter is sought because of PSP's practice rather than because the office's status is in doubt. Section 5 addresses how to present it.

3. "Agency" defined: statutory survey and materiality

This section addresses how "agency" is defined by law and whether that definition is material to designation. The short answer is that Pennsylvania has several statutory definitions, none of them excludes an office headed by a single elected officer, and the criminal justice agency test does not turn on the word.

3.1 18 Pa.C.S. § 9102 (CHRIA) (verified)

CHRIA does not define "agency" standing alone. It defines "criminal justice agency" (quoted in full in § 2.1) as "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." The companion definition of "administration of criminal justice" is:

The activities directly concerned with the prevention, control or reduction of crime, the apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders; criminal identification activities; or the collection, storage dissemination or usage of criminal history record information.

Four elements: (1) governmental; (2) created by statute or constitution; (3) specifically authorized to perform the administration of criminal justice as a principal function; (4) substantial budget allocation to that function. "Agency, or subunit thereof" is the noun the four elements modify; it is not itself a fifth test. The examples confirm this. "District or prosecuting attorneys" is an example, and a district attorney is a single elected county officer. The Commonwealth Court, applying the definition, has twice decided the question by asking about function: the Auditor General is not a criminal justice agency because it does not perform the administration of criminal justice (*Auditor General v. PSP*, 844 A.2d 78 (Pa. Cmwlth. 2004) (en banc), where the court noted "The Auditor General does not claim to be a criminal justice agency"), and the Office of Open Records is not one because it "does not function as an agency 'authorized to perform as its principal function the administration of criminal justice'" (*Commonwealth v. PSP*, 146 A.3d 814 (Pa. Cmwlth. 2016)). Neither case asked whether the petitioner was an "agency" in any organizational sense; both assumed it and went to function.

3.2 28 C.F.R. § 20.3 (verified)

Paragraph (g):

Criminal justice agency means: (1) Courts; and (2) A governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

Paragraph (b):

Administration of criminal justice means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

The federal definition is looser than Pennsylvania's in one respect (it does not require that criminal justice be the "principal" function, only that the entity "performs" it pursuant to statute and allocates a substantial part of its budget) and identical in the respect that matters here: "courts" are criminal justice agencies as such, and every other qualifier is functional. The "governmental agency or any subunit thereof" phrase is deliberately capacious; "subunit" reaches a single office inside a larger body. Paragraph (c) defines the "Control Terminal Agency" (PSP's role) as "a duly authorized state, foreign, or international criminal justice agency with direct access to the National Crime Information Center telecommunications network."

3.3 2 Pa.C.S. § 101 (Administrative Agency Law) (verified)

"Agency." A government agency.

"Government agency." Any Commonwealth agency or any political subdivision or municipal or other local authority, or any officer or agency of any such political subdivision or local authority.

"Local agency." A government agency other than a Commonwealth agency.

"Commonwealth agency." Any executive agency or independent agency.

"Executive agency." The Governor and the departments, boards, commissions, authorities and other officers and agencies of the Commonwealth government, but the term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, or any independent agency.

The Administrative Agency Law expressly makes "any officer" of a political subdivision a "government agency," and therefore an "agency." An elected township constable is an officer of a political subdivision (elected under 44 Pa.C.S. § 7114 by the township's voters, obligated by that

section to appear before the county court to accept the office and to post a bond). On the plain text of 2 Pa.C.S. § 101, the constable office is a "local agency." That is the same statutory family that supplies the "adjudication" concept and the § 704 scope of review discussed in § 7.3.

3.4 1 Pa.C.S. § 1991 (Statutory Construction Act) (verified)

Section 1991 does not define "agency," "Commonwealth agency," "local agency," "government agency," "peace officer," or "public officer." It defines "political subdivision" as "any county, city, borough, incorporated town, township, school district, vocational school district and county institution district," and "municipality" as (for statutes enacted after 1974) "a county, city, borough, incorporated town or township." The absence is itself informative: there is no general-purpose statutory definition of "agency" in Pennsylvania that a constable office would have to satisfy; each act defines the term for its own purposes.

3.5 65 P.S. § 67.102 (Right-to-Know Law) (verified)

"Agency." A Commonwealth agency, a local agency, a judicial agency or a legislative agency.

"Commonwealth agency." Any of the following: (1) Any office, department, authority, board, multistate agency or commission of the executive branch, an independent agency and a State-affiliated entity. . . . (iii) An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential governmental function. (2) The term does not include a judicial or legislative agency.

"Local agency." Any of the following: (1) Any political subdivision, intermediate unit, charter school, cyber charter school or public trade or vocational school. (2) Any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.

"Judicial agency." A court of the Commonwealth or any other entity or office of the unified judicial system.

The RTKL reaches "any office" of the executive branch and "any . . . office of the unified judicial system." "Office" is the word the constable statute uses for the constable (see § 3.6). The RTKL's "record" definition and its Section 705 (creation of record) matter for the legitimacy analysis in § 8.

3.6 44 Pa.C.S. Ch. 71 (verified by full-chapter word scan)

Chapter 71 never uses the word "agency" or "agencies." Not once. It uses "office of constable" five times (§ 7103 abolishing the office in cities of the first class; § 7111(b) on appearing in court to accept or decline the office; § 7121 on vacancies "in the office of constable"; § 7132 permitting borough policemen to "hold and exercise the office of constable"; and the § 7111 exception for prior service "in the office of constable"). Its definitions section, § 7102, defines

only "livestock." The chapter sits in Part IV of Title 44, captioned "Other Officers and Officials," alongside sheriffs (Chapter 74). It uses "officer" for the constable in the training and fee provisions. Its powers provisions are written in terms of what "a constable" may do, not what an agency may do.

The word choice matters in one direction only. The General Assembly conceives of the constable as an *office* held by an *officer*, which is exactly how it conceives of sheriffs, district attorneys, and coroners. It does not conceive of the constable as an employee of an agency. That cuts against PSP's "no constable agency to assign an ORI to" framing, because the unit of accountability the statute creates is the office, and the office has every attribute PSP needs for a user agreement: a defined territory and a bond (§ 7114), liability insurance as a condition of judicial duties (§ 7142), a certification that can be withheld or lost under the Constable Education and Training Board regime (Subchapter E), a public filing of deputizations with the clerk of courts (§ 7122), and an incompetence inquiry and removal mechanism in the court of common pleas (§ 7172).

The chapter also gives the office a personnel structure of its own. Section 7122(a) provides: "Sole power to appoint deputy constables in a ward, borough or township is vested in the constable of the ward, borough or township, subject to approval of the court of common pleas under subsection (b). No person shall be appointed as a deputy constable unless, at the time of appointment, he is a bona fide resident of the ward, borough or township for which he is appointed and he continues to be a bona fide resident for the duration of the appointment." Section 7122(b)(1) bars appointment "without approbation of the court of common pleas of the county," and § 7122(b)(2) provides that "[t]he constable and his surety shall be liable for acts of the deputy as in other cases" and that "[t]he constable shall file a written copy of the deputization in the office of the clerk of courts of the county where the constable serves." Section 7141 defines the "[t]erm of office of a deputy constable" as "[t]he term of office of the constable who appointed him." Section 7142(a) provides that "no constable or deputy constable shall perform any judicial duties nor demand or receive any fee, surcharge or mileage provided by this subchapter unless he has been certified under this subchapter," and § 7142(b) requires that "[e]very constable and deputy constable must file with the clerk of courts proof" of professional liability insurance. Section 7144(9) directs the Board to "[c]ertify constables and deputy constables," and § 7148 directs it to set firearms standards "for the certification or qualification of constables and deputy constables." The bond runs to the office under § 7114(c). The engagement of other auxiliary staff is an incident of an independent, fee-supported office and is not separately enumerated in Chapter 71.

The structural point is this: a constable office is no more a one-person entity than a sheriff's office is. Both are headed by an elected officer with statutory power to appoint deputies and engage staff. The difference is funding. The sheriff's office is carried by a county appropriation; the constable's office is self-supporting on the statutory fee schedule in § 7161. Chapter 71

accordingly speaks throughout of "constables and deputy constables" as the personnel of the office it creates.

3.7 Appellate treatment of elected officeholders as agencies (verified)

- ***Miller v. County of Centre*, 173 A.3d 1162 (Pa. 2017).** The Supreme Court decided whether "the office of Stacy Parks Miller, the District Attorney of Centre County, Pennsylvania, is an 'office or entity of the unified judicial system' and thus properly classified as a 'judicial agency'" under the RTKL, and held it is not. The Court treated the elected district attorney's office as an entity to be classified among the RTKL's agency categories; the only question was which category. The Commonwealth Court below (*Parks Miller v. County of Centre*, 135 A.3d 233 (Pa. Cmwlth. 2016)) rejected the argument that the district attorney's staff are court-supervised judicial employees, noting that "employees and elected officials of the DA's office are not 'judicial employees' or court-supervised personnel," and treated the office's records as reachable through the county as a local agency. The point for present purposes: an office headed by a single elected county officer, with its own staff serving under that officer, is an "agency" for RTKL purposes without any statute calling it one. That is the constable office's structure as well (§ 3.6).
- ***In re Act 147 of 1990*, 598 A.2d 985 (Pa. 1991).** The Supreme Court placed the constable in the executive branch as a peace officer and struck down an attempt to bring constables under judicial administrative control. In *Miller*, the County argued from *Act 147* that district attorneys are executive-branch officers; the same reasoning applies with more force to constables, whom *Act 147* addressed directly.
- **18 Pa.C.S. § 501 (verified).** The Crimes Code defines "peace officer" as "any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses." The status attaches "by virtue of his office," which is the unit Chapter 71 creates.

I found no Pennsylvania appellate decision holding that an elected constable office is, or is not, a "criminal justice agency" under CHRIA. That silence is not a holding against constables. It is a question no court has been asked.

3.8 Materiality: the hinge question answered

CJA status does not turn on being an "agency" in a formal organizational sense. It turns on performing the administration of criminal justice as a principal function, pursuant to a statute, with a substantial budget allocation. The reasons:

1. The definition's operative clauses are all functional, and both Commonwealth Court decisions applying it decided by function.

2. The statute's own examples include an office headed by a single elected officer and staffed under that officer ("district or prosecuting attorneys") and units that are not law enforcement in any colloquial sense (pardon boards, juvenile care facilities).
3. The federal definition uses "subunit," which is the smallest organizational grain there is.
4. The Administrative Agency Law makes "any officer" of a political subdivision an "agency," so even on a formal reading the constable office qualifies.
5. Chapter 71 does not use "agency" at all, and PSP cannot borrow a definition from a statute that has none.

Therefore the "agency" label is a red herring for eligibility. Where it does have bite is administrative, not legal: PSP's user-agreement and audit machinery assumes an institutional counterparty (a Terminal Agency Coordinator, a head of agency who signs, an entity that survives the incumbent). Those are contract-design problems, and the constable office already has the structure those roles assume. It is headed by an elected constable who holds the sole statutory power to appoint deputies, subject to court approval (§ 7122(a) and (b)); the deputies serve for the constable's term (§ 7141), are certified and insured on the same terms as the constable (§§ 7142 and 7144), and act under the constable's surety (§ 7122(b)(2)); and the office engages auxiliary staff as its fee-supported operations require. That is a sheriff's office in structure, differing only in funding source. The answer is therefore to treat the office (not the person) as the party, with the elected constable signing as head of agency in official capacity, a deputy or staff member designated as Terminal Agency Coordinator, the bond and insurance running to the office, and CETB certification as the personnel-standard hook for every user. PSP already does this for a borough with a one-officer police department, whose chief is the department for signature purposes; the statute admits both single-officer and staffed units, and the constable office is the latter.

That resolves Track A versus Track B as follows. Track A is primary and stands on the law as written: the constable office is a sheriff-type office that meets the definition on its own terms, the Attorney General's designation clause is additive, and an entity that meets the definition needs no declaration. Track B is the pragmatic route because PSP's own document treats an Attorney General declaration as the eligibility currency, and the declaration gives PSP a piece of paper from the Attorney General that says what the statute already says. They are not alternatives; they are the same argument made to two audiences, and the second is sought because of PSP's practice rather than because of any doubt about the office's status.

4. Track A: criminal justice agency by operation of law

4.1 The argument

Element 1, governmental. The constable is a public officer elected under 44 Pa.C.S. § 7114 (townships) or appointed by the court of common pleas to fill a vacancy under § 7121. *In re Act 147* places the office in the executive branch. 2 Pa.C.S. § 101 makes "any officer" of a political subdivision a "government agency." The office is governmental.

Element 2, created by statute or constitution. Chapter 71 of Title 44 is the statute. Section 7151 provides that "Constables shall perform all duties authorized or imposed on them by statute," and Subchapters B and C govern election and appointment. Section 7122 vests in the constable the "sole power to appoint deputy constables," subject to court approval, and Subchapter E certifies, trains, and insures "constables and deputy constables" alike (§ 3.6). The statute creates an office with a personnel structure, not a lone officer. The office is created and continued by statute.

Element 3, specifically authorized to perform as its principal function the administration of criminal justice. This is where PSP's document fails and the constable succeeds.

The source of the office's powers, in order. The primary source is the common law of the office, and every constable holds it regardless of the class of municipality that elects the constable. The Supreme Court of Pennsylvania stated it in *In re Act 147*: "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," citing *Commonwealth v. Deacon*, 8 Serg. & R. 47, 49 (1822), and "[i]t 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." The Superior Court applied the *Leet* rule (the common-law powers of an office survive unless the legislature abrogates them) to constables in *Taylor*: "we hold that constables possess the common law powers to conduct warrantless arrests for felonies and breaches of the peace. Since those powers have not been abrogated by our statutory law, they are retained by the constables of this Commonwealth." *Taylor* spoke of the constables of the Commonwealth without distinction of municipality, and *Allen* applied it to a breach of the peace at a vehicle. *Rosenwald* adds that the constable exercises that office as an independent elected officer, not as an employee of the township. The common-law authority therefore comprises warrantless arrest for in-presence felonies and breaches of the peace, the duty to keep the peace and to arrest those who break it, and, on a municipality's engagement, the field enforcement of its ordinances through the summary process the constable already serves.

The General Assembly has treated that authority as the baseline and has repeatedly measured other officers by it. Members of the State Police hold "all the powers and prerogatives conferred by law upon members of the police force of cities of the first class, and upon constables of the Commonwealth" (Administrative Code of 1929, § 712, 71 P.S. § 252). County detectives "shall be general police officers and shall have the powers conferred on constables by the laws of this Commonwealth relating to criminal law and procedures" (16 Pa.C.S. § 14340(d)(1)). Police officers of a third class city "shall be ex-officio constables of the city" (11 Pa.C.S. § 12005).

Constables are named with sheriffs and the State Police among the "persons authorized by the laws of this Commonwealth to make arrests" who may use borough and township lockups and county correctional institutions to hold their arrestees (61 Pa.C.S. § 1154(a)), among the uniformed officers whose traffic directions a driver must obey (75 Pa.C.S. § 3102), and as the "constable or other police authority" to whom a conductor delivers an arrested person (18 Pa.C.S. § 6161(b)). The Dog Law defines "police officer" to include constables (3 P.S. § 459-102), and 37 Pa. Code § 21.1 defines "law enforcement officer" to include a constable and a deputy constable. None of these provisions is limited to boroughs.

Section 7158 sits inside that structure as a codification, not a grant. It opens "In addition to any other powers granted under law," and provides that a constable of a borough shall, without warrant and upon view, arrest and commit for hearing any person who is guilty of a breach of the peace, vagrancy, riotous or disorderly conduct, or drunkenness, who may be engaged in any unlawful act tending to imperil the personal security or endanger the property of the citizens, or who violates any ordinance of the borough for which a fine or penalty is imposed. Its text is carried forward from section 1 of the Act of June 4, 1897, P.L. 121, No. 101, which conferred the same enumeration on the "policemen and constables of the several boroughs of this Commonwealth, in addition to the powers already conferred upon them," and which section 4 of Act 49 of 2009 repealed insofar as it relates to constables when Chapter 71 was enacted; a federal court has treated the 1897 text and § 7158 as "essentially identical" (*Galluze v. Miller*). In both enactments the legislature described itself as adding to powers the officers already held, and it spoke to boroughs because the borough police provisions might otherwise have been read to displace the constable's standing authority in that setting. No township counterpart was needed, because no township provision raised the same doubt and the common-law power was never displaced; under *Taylor*, abrogation of a common-law power of the office requires a statute that says so, and a declaratory provision in the borough arrest law does not. Section 7158 is therefore cited in this paper as statutory confirmation, for boroughs, of a power the office holds everywhere, and never as its source.

Map the functions to the § 9102 and § 20.3(b) verbs:

- *Apprehension*. Warrant execution is apprehension. *Allen* records as a finding that the constable's "responsibilities include . . . the arrest of individuals by warrant" and that he "is permitted to serve arrest warrants anywhere within the Commonwealth of Pennsylvania." Common-law warrantless arrest for in-presence felonies and breaches of the peace (*Taylor*, as quoted in *Allen*: "overwhelming authority supports the proposition that constables possessed the power at common law to make warrantless arrests for felonies and breaches of the peace"; *Allen* itself: "the common law confers arrest powers upon constables for in-presence felonies or breaches of the peace"). Section 7158 restates that on-view arrest power in statutory form for boroughs; the power itself is the common-law one and belongs to the office wherever it sits.

- *Detention.* Custodial transport of prisoners to and from magisterial district courts, county prisons, and hospitals, and holding an arrestee until police arrive (*Allen* approved a 90-minute detention for that purpose).
- *Prevention and control of crime (peacekeeping and response).* Peacekeeping and civil standby are common-law executive peace-officer functions, not judicial ones. They are predominantly performed on request rather than by court order. Residents, businesses, and courts request them, frequently on referral from sheriffs' offices, court staff, and law offices, and the constable answers a public need for law enforcement services rather than a judicial direction. A court-ordered subset exists, protection-from-abuse enforcement among it (23 Pa.C.S. § 6106(f)), and where the court's order designates the constable that service and standby are executive execution of a judicial directive. That work places the constable on site where crimes in progress occur and must be handled on the spot, and direct resident calls outside county 911 dispatch make the constable the first officer on scene across much of rural Pennsylvania (§ 6.1). CHRIA's definition begins with "the prevention, control or reduction of crime," and *In re Act 147* places the peace officer who performs that function in the executive branch.
- *Detection and investigation.* Section 7157(b): "A court may summon a constable to appear before it and direct the constable to investigate a complaint of a violation of law or of a condition which a constable is required to report to the court and to make a report of his investigation." CHRIA's definition includes "the prevention, control or reduction of crime," and the federal definition begins with "detection."
- *Municipal ordinance enforcement.* Many constable offices enforce municipal ordinances on engagement by the municipality, in townships and boroughs alike. The authority is the common-law peace-officer authority described above, exercised through the enforcement machinery the municipal codes supply. The Second Class Township Code, for example, requires every ordinance to designate its method of enforcement on one of two tracks: ordinances regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, and water, air, or noise pollution are enforced "by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure," and all others by a civil enforcement proceeding (53 P.S. § 66601(c.1)). On the summary track the work is citation, service, summary proceeding before the magisterial district judge, and warrant execution on default; on the civil track it is service of the enforcement process and execution of the resulting orders. A citation may be issued by a "law enforcement officer," which Pa.R.Crim.P. 103 defines functionally as "any person who is by law given the power to enforce the law when acting within the scope of that person's employment," and the constable serves the resulting summonses and executes the resulting warrants for fines and costs under § 7161. For boroughs, § 7158(3) states the on-view arrest for violation of "any ordinance of the borough for which a fine or penalty is imposed" in statutory terms; as set out above, that is a codification for boroughs of the standing power, not a borough-only

grant, and a township constable engaged by the township enforces its ordinances on the same common-law footing. Section 7151 ("Constables shall perform all duties authorized or imposed on them by statute") is the general anchor. This is executive-branch law-enforcement service rendered to a municipality, and it answers the contractor label directly: the municipality engages the office for law-enforcement work, which is what a contracting municipal police department does under an intergovernmental agreement (§ 6.2).

- *Service of criminal process.* Bench warrants, summonses, subpoenas, and commitments for the minor judiciary. Courts are criminal justice agencies as such; the officer who executes their criminal process performs the administration of criminal justice pursuant to statute.

Civil execution, stated on its own terms. The same office executes the civil process of the courts: writs of possession after a landlord-tenant judgment, levies on personal property, and the sales and returns that follow. That work is not listed above as administration of criminal justice, and this paper does not claim it as such. It is stated here because it is the office's most dangerous mission set alongside warrant service and transport, and because the safety need it creates is a principal reason the access is sought. Executing an eviction or a levy places the constable in direct confrontation with a person whose home or property is being taken, among the most volatile encounters in law enforcement, and the constable brings third parties into that confrontation: locksmiths, movers, levy bidders, and landlords. The constable is first through the door and is often the only officer present. *Taylor* itself arose from a constable's warrantless felony arrest during an eviction. The ability to identify the residents of the household and to run the plates on the vehicles in the driveway before knocking is what protects the constable and those bystanders from a violent surprise, and it is exactly the wanted-person, protection-order, caution-flag, and registration information that CLEAN access supplies. The point for eligibility is not that civil execution is criminal justice work. It is that one office performs both, the officer-safety need is identical across both, and the criminal justice agency determination attaches to the office, so an office that qualifies on its criminal-side function carries that access onto every mission it performs, exactly as a sheriff's office does when its deputies serve a writ of possession.

"Principal function" is a proportion test. A working constable office spends the predominant share of its time and revenue on warrant service, transport, peacekeeping and civil standby (on request, with a court-ordered subset), municipal ordinance enforcement, and criminal process for the magisterial district courts. Civil execution and civil service of process are counted on the other side of that proportion, and election-day duties (§ 7152) are episodic. Counting them on the other side is a definitional matter only. It is not a judgment that the civil work is subordinate, and on the safety axis it is not (see the civil-execution paragraph above and § 6.1). For a fee-based office, the fee schedule in § 7161 is the budget, and for a working office it is dominated by criminal-side items.

Element 4, substantial budget allocation. Same evidence. An office whose receipts are almost entirely criminal-process fees, transport fees, and warrant fees allocates substantially all of its budget to the administration of criminal justice. This is provable from the office's own books, which is an advantage PSP's document ignores: the test is met on that office's actual ledger, not on a statewide abstraction.

The comparator point. The nearest comparator is the sheriff's office: an elected officer, deputies appointed by that officer under statute, auxiliary staff, and the same arrest, warrant, custody, transport, civil-execution, and court-directed functions. A sheriff's office is nowhere enumerated in § 9102 and is nonetheless a criminal justice agency by operation of the general definition, holding an ORI without any Attorney General declaration. Its deputies serve writs of possession and levy on property with CLEAN access at hand, and no one suggests that the civil half of the sheriff's docket costs the office its status; the same is true of the constable office. The constable office is the same kind of office on a fee base rather than a tax base, and funding source is not an element (§ 6.2). The § 9102 examples confirm the reading from the other side: "district or prosecuting attorneys" is an office headed by one elected county officer and staffed under that officer, so the statute admits both single-officer and staffed elected offices as examples. The designated entities then supply an a fortiori floor. PSP's own document admits full-access ORIs go to "non-governmental railroad or campus police departments" and county OCYF offices; the Attorney General has designated a public defender's office (no arrest power), a crime victims compensation board (no arrest power), and a state park public safety unit. A bonded, insured, CETB-certified office, whose constable and deputies hold statewide warrant authority and common-law arrest power, has a stronger claim on function than any of those.

4.2 The vehicle-side power set

Roose answered one question: "whether constables have authority to make traffic stops" to enforce the Motor Vehicle Code. The Court held that constables, unlike sheriffs in *Leet*, have no common-law history of enforcing the vehicle laws, so a stop for an illegal left turn was an illegal seizure. *Roose* did not hold, and could not hold consistently with *Taylor* and *Allen*, that constables lack authority to stop or detain a motorist at all. *Allen* is explicit:

To support this argument, he relies upon *Commonwealth v. Roose*, 710 A.2d 1129 (Pa. 1998), where the Pennsylvania Supreme Court held that constables lacked authority to enforce the Motor Vehicle Code. We find *Roose*, however, to be factually inapposite, as it involved a situation where a constable driving his private vehicle executed a traffic stop after he observed what he believed to be an illegal left turn committed by the defendant.

Allen then upheld the constables' detention of a driver who had launched his car airborne into a residential yard, as a breach of the peace within their common-law power. PSP's own Appendix L concedes the boundary, stating that the Superior Court in *Roose* treated Motor Vehicle Code

violations as "not inherently 'breaches of the peace' unless they involve immediate public danger."

The boundary, stated precisely:

A constable at a vehicle may	Roose forecloses
Stop and detain a driver committing a breach of the peace in the constable's presence (reckless, dangerous operation; <i>Allen</i>)	Stopping a vehicle to enforce a summary Motor Vehicle Code offense (an illegal turn, speeding, equipment, registration)
Arrest for an in-presence felony, including one observed in or at a vehicle (<i>Taylor</i>)	Arresting for a Motor Vehicle Code violation as such, including DUI initiated as a traffic stop (<i>Roose</i> facts)
Detain the driver until police arrive to investigate a more serious offense (<i>Allen</i> , 90 minutes approved)	Demanding license and registration under the Vehicle Code's "police officer" provisions (<i>Leet</i> on 75 Pa.C.S. § 6308; constables are not police officers under Title 75)
Execute an arrest warrant on a person found in a vehicle (statewide, <i>Allen</i> findings)	Treating the Vehicle Code's police-officer provisions as a source of constable authority (<i>Leet</i> ; <i>Roose</i>). Whether a constable may operate emergency lights on a personal vehicle is in active litigation and is not graded here (§ 6.4)
Act on an imminent public safety danger (the <i>Allen</i> rationale at common law; restated for boroughs in § 7158(2), "any unlawful act tending to imperil the personal security or endanger the property of the citizens")	Treating a summary Vehicle Code violation as a breach of the peace when it involves no immediate public danger (<i>Roose</i> ; PSP's own Appendix L states the boundary)

Allen notes that the Supreme Court granted allowance of appeal (40 MAP 2020); PSP's Appendix J says no final ruling is noted in the records it consulted. Counsel should confirm the current status of *Allen* before citing it as settled, but the *Taylor* common-law holding stands independently, and § 7158 restates the on-view arrest power for boroughs in statutory text that needs no case gloss.

For Track A, this power set matters because it shows the constable's vehicle-side authority is a peace-officer authority (breach of peace, felony, warrant, imminent danger), which is administration of criminal justice, rather than a traffic-code authority, which is what PSP's appendices attack.

5. Track B: the Attorney General designation path

5.1 Who decides, and by what standard

The Attorney General decides, under the final clause of the § 9102 definition, "as determined by a review of applicable statutes and the State and Federal Constitutions or both." The standard is therefore the same four-element functional test in § 3.1, applied by the Attorney General to the constable's enabling statutes. The lists show that the Office of Attorney General has exercised this power at least 60 times since 1982, most recently on January 30 and February 1, 2025 (Duquesne University and Bucknell University Department of Safety). The power is live, and it has been used for private-parent entities, tiny units, and out-of-state agencies.

Nothing in § 9102 or Chapter 195 prescribes a form of application, a hearing, or a right of appeal. The designation is a legal determination memorialized by letter. That has two consequences. First, there is no procedural barrier to asking. Second, a refusal is probably not an "adjudication" under 2 Pa.C.S. § 101 either, so the remedy for a bad refusal is political and reputational rather than judicial. Plan the request to be granted, not litigated.

5.2 Who applies

Designation is granted to a unit. Three candidate applicants, in order of preference:

1. **The Office of Constable for the applying township, borough, or ward** (the elected office, with the incumbent constable signing as head of office in official capacity, and the office's deputies and staff inside the designated unit). This matches the lists' pattern of designating a named unit, matches the RTKL's "any office" vocabulary, and lets the application rest on the applying office's actual ledger, deputy roster, certifications, bond, insurance, and court letters. It is the strongest single application.
2. **A county constables' association or the Pennsylvania State Constables Association** applying for a class designation ("the elected and appointed constables of Pennsylvania certified under 44 Pa.C.S. Ch. 71"). Broader impact, but no precedent on the lists for a class designation, and the Attorney General would have to be persuaded that CETB certification is a sufficient unit boundary. Better as a second wave after a first office is designated.
3. **The court of common pleas or the magisterial district judges of the constable's county** requesting designation of the constables who serve their criminal process. The courts are criminal justice agencies as such, and a request from the client court reframes the constable as the court's process arm. Politically potent; procedurally unusual.

Recommendation: file (1), with letters of support from (3), and hold (2) for after a grant.

5.3 The designated entities as a fortiori comparators

Designated entity (date)	Arrest power	Statutory law enforcement mandate	Headcount and structure	Compare to a constable office
Cumberland County Public Defender's Office (1990); Lehigh County Public Defender's Office (1986)	None	Adjudication-side (defense)	County office headed by an appointed lawyer	Constable has arrest, warrant, custody, and investigative functions the defender lacks
Crime Victims Compensation Board (1995)	None	Post-adjudication compensation administration	Board within PCCD	Constable performs apprehension and detention; the Board performs neither
Pennsylvania Commission on Sentencing (2003)	None	Sentencing guidelines and data	Legislative agency under the RTKL	Constable performs front-line criminal justice functions
Washington State Lottery, Office of the Director (undated)	Out-of-state	Lottery fraud investigation	Office headed by one director	An out-of-state designation of an office headed by one officer exists; designating a Pennsylvania statutory office headed by one elected officer, with deputies and staff, is a smaller step
Pine Grove State Park Public Safety (undated)	Park-limited	Park rules and public safety	A single park's unit	Constable's territory is a township; warrant authority is statewide
Central Dauphin School District Office of Safety and Security (2016 or 2017)	School police, limited	School safety statute	Single district office	Comparable scale; constable's statutory functions are broader

The pattern is unmistakable. The Attorney General has designated units with no arrest power, units with a single director, and units whose criminal justice function is an internal-investigations sliver of a larger non-criminal-justice parent. These entities are not the constable office's peers; its peer is the sheriff's office (§ 2.4, § 4.1). They matter because the Attorney General's review of "applicable statutes" reached a declaration for each of them, and the same review of Chapter 71 reaches a declaration for a constable office a fortiori: the office is stronger than at least six designated entities on the statutory-function axis. PSP's document cannot explain why a public defender qualifies and a constable does not. The honest answer is that the constable office qualifies already, and that a declaration confirming it is available from the authority PSP itself treats as controlling.

5.4 What the application should contain

1. **Legal basis.** The common-law peace-officer authority first (*Act 147, Taylor, and Allen*, with the *Leet* rule that the powers survive absent abrogation), then the statutes that measure other officers by it (71 P.S. § 252; 16 Pa.C.S. § 14340(d)(1); 11 Pa.C.S. § 12005; 61 Pa.C.S. § 1154(a)); the § 9102 designation clause quoted in full; the four-element test; 44 Pa.C.S. §§ 7114, 7121, 7122, 7142, 7151, 7157(b), 7158 (statutory codification of the on-view power for boroughs), and 7161; 53 P.S. § 66601(c.1) or the corresponding ordinance-enforcement provision of the code governing the applying municipality; 23 Pa.C.S. § 6106(f) (court-ordered protection-from-abuse service); Pa.R.Crim.P. 103 (functional definition of "law enforcement officer"); 18 Pa.C.S. § 501 (peace officer); 28 C.F.R. § 20.3(b) and (g).
2. **Function mapping.** The apprehension, detention, detection, and process-service table from § 4.1, with case citations (*Act 147, Taylor, Allen*, and the 18 Pa.C.S. § 501 peace-officer definition).
3. **Budget allocation.** The office's receipts by category for the last three years, showing the share attributable to criminal process, warrants, and transports. This is the one element PSP's document never engages, and it is provable.
4. **Accountability attributes.** Bond (§ 7114); liability insurance and CETB certification (§ 7142 and Subchapter E); deputization filings (§ 7122); the § 7172 incompetence and removal mechanism; a personnel exhibit (the deputy roster, each deputy's court-approved appointment and clerk-of-courts filing under § 7122, each deputy's CETB certification and proof of liability insurance under §§ 7142 and 7144, the constable's bond and surety covering the deputies' acts under §§ 7114(c) and 7122(b)(2), and any auxiliary staff with their roles); criminal penalties in Subchapter H; the AOPC Constable Policies, Procedures and Standards of Conduct. Include a training exhibit: actual training hours completed and every certification held, presented with Act 49 certification as the statutory floor and the office's training above it (§ 6.3).
5. **Court letters.** Letters from the magisterial district judges and the president judge describing the criminal process the office executes, the § 7157(b) investigations directed, and the officer-safety gap created by running warrants, transports, evictions, and levies without CLEAN access. Add a response exhibit: magisterial district judge letters, the office's call log, standby and peacekeeping requests and the referrals behind them (residents, businesses, sheriffs' offices, court staff, and law offices), municipal, facility, or event contracts documenting direct resident calls, first-on-scene responses, and on-site peacekeeping and civil-standby work (§ 6.1); the court's standby designations and the office's returns, protection-from-abuse service among them; the office's civil-execution record (writs of possession and levies executed by year, incidents and holds arising from them, and the locksmiths, movers, levy bidders, and landlords escorted on each), which documents the officer-safety need on the mission set where the constable is first through the door and often the only officer present (§ 4.1, § 6.1); and the office's municipal engagements for

ordinance enforcement, with the citations, summonses, and warrants for fines and costs handled under each (§ 4.1).

6. **Comparator exhibit.** The sheriff's office as the structural comparator (§ 3.6 and § 4.1), then the two Attorney General lists with the table in § 5.3 as the a fortiori floor.
7. **Proposed scope.** A designation of "the Office of Constable, [Township or Ward], [County], including duly appointed and CETB-certified deputies acting under 44 Pa.C.S. § 7122 and office staff acting under the constable's direction," so the unit boundary is clean.
8. **Proposed CJIS posture.** A draft office-level CJIS user agreement, a named Terminal Agency Coordinator (a deputy or staff member), physical and logical security controls, and a proposed limited file list (wanted persons, protection orders, caution indicators, and vehicle registration and household identification tied to the addresses of pending warrant service and civil execution, the officer-safety minimum for warrant, transport, eviction, and levy missions). Designation answers eligibility; this answers PSP's discretion in the same package.

5.5 What designation does and does not do

A designation confirms, in the Attorney General's voice and as a matter of Pennsylvania law, that the office is a criminal justice agency for CHRIA purposes; it does not create a status the office lacked. It does not itself issue an ORI, assign a CLEAN terminal, or bind PSP's CJIS Systems Officer. What it does is remove PSP's principal stated ground (the § 9102 and 28 C.F.R. definitional gate quoted on page 4 of the PSP document) and leave PSP with only discretionary underwriting. A CSA refusing terminal access to an entity the Attorney General has declared a criminal justice agency, on a record consisting of an inverted *Act 147* summary and a chatbot-residue case appendix, is a far better arbitrary-and-capricious record than a bare denial. Designation is the step that converts the constable's legal argument into an institutional fact PSP has to reason around.

6. Accuracy and strength of the PSP document

This section grades the document's principal assertions on the fresh OCR, against the two designation lists, the "agency" analysis, and the vehicle-side power set.

PSP assertion (page)	Grade	Why
Constables are "not considered a traditional law enforcement agency with centralized oversight or direct affiliation with a	Misleading; contradicted by PSP's own comparators and the AG lists	Campus, hospital, and transit police have no state or municipal governing body; the AG lists are full of them

PSP assertion (page)	Grade	Why
state or municipal governing body" (p. 3)		
"They are not unified under a single state or county agency" (p. 3)	Accurate as description; irrelevant under § 9102	Designation attaches to units, not classes; "district or prosecuting attorneys" are a § 9102 example
Constables "operate independently, often as contractors, primarily serving judicial functions" (p. 3)	Inaccurate on "judicial functions"; immaterial as distinction	Peacekeeping and civil standby are common-law executive peace-officer functions performed predominantly on public request, with a court-ordered subset, protection-from-abuse enforcement among it, and <i>Act 147</i> places the office in the executive branch (§ 4.1, § 6.1); civil execution is executive enforcement of a court's judgment, performed by the constable as it is by a sheriff's deputy, and it is the office's most dangerous mission set alongside warrants and transport, not a clerical one (§ 4.1); municipal ordinance enforcement is law-enforcement work the municipality engages the office to perform under its common-law peace-officer authority, restated for boroughs in § 7158; municipal departments also contract their services; neither § 9102 nor § 20.3(g) mentions employment form or source of funds (§ 6.2)
Training, "while mandated under Act 49 for judicial duties . . . is therefore not equivalent to the standardized training required for traditional law enforcement agencies" (p. 3)	Misleading; immaterial	Act 49 is the statutory floor, not the ceiling; no criminal justice agency definition contains a training-equivalence element (§ 6.3)
Constables "do not meet the criteria for an ORI, which requires clear agency accountability" (p. 3)	Misleading	The accountability unit is the office (§ 3.6); PSP never states the criteria, which is the standing-criteria lead (§ 8.3)
Full-access ORIs require meeting § 9102 and 28 C.F.R. Part 20 (p. 4)	Accurate as the gate, and self-defeating	The document quotes the AG designation clause on page 5 without noticing it supplies the path it says does not exist
"Non-governmental railroad or campus police	Accurate; load-bearing for	Confirms private-parent entities hold ORIs; the AG lists show how

PSP assertion (page)	Grade	Why
departments" qualify for full access (p. 4)	Tracks A and B	
Limited-access ORIs available to non-governmental units with "regularly employed peace officers [with] full police powers pursuant to state law" (p. 4)	Partly accurate; note the phrasing	The federal limited-access model already contemplates peace officers who are not police; constables are peace officers (18 Pa.C.S. § 501)
Constables "do not investigate crimes or act as primary responders" (p. 5)	Inaccurate on investigation; contested and immaterial on primary response	44 Pa.C.S. § 7157(b) is verified statutory text; no criminal justice agency element turns on primary-responder status; in practice constables are routinely the first law enforcement on scene on resident calls, and on every eviction, levy, and warrant the constable is first through the door and often the only officer present (§ 6.1)
"There is no primary 'constable agency' to assign such an identifier to" (p. 5)	Misleading; "agency" is a red herring (§ 3.8)	Chapter 71 uses "office," and ORIs attach to offices
Appendix J, <i>Allen</i> : constables acted within common-law powers to detain for a breach of the peace; <i>Roose</i> distinguished; allocatur granted on the continued-detention question (p. 15)	Accurate, and it concedes the breach-of-peace line	The Supreme Court's July 10, 2020 order granted allowance limited to whether a constable may continue to detain after the breach of the peace is complete, denying allocatur on all other issues; the breach-of-peace stop authority itself was not taken up
Appendix K, <i>Taylor</i> : constable's warrantless felony arrest during an eviction lawful (p. 16)	Accurate on the holding; mislabeled	The appendix calls it the "citizen's arrest doctrine"; <i>Taylor</i> (as quoted in <i>Allen</i>) held constables "possessed the power at common law to make warrantless arrests for felonies and breaches of the peace," which is a peace-officer power, not a citizen's
Appendix L, <i>Roose</i> : constables lack authority to make traffic stops for Motor Vehicle Code violations; MVC violations "not inherently 'breaches of the peace' unless they	Accurate as to holding; the appendix itself states the exception	The "unless they involve immediate public danger" clause is the boundary stated in § 4.2. One overclaim: the appendix says <i>Roose</i> 's convictions were "vacated, and he was discharged"; the opinion says only "Affirmed"

PSP assertion (page)	Grade	Why
involve immediate public danger" (p. 17)		
Appendix M, <i>Rodriguez</i> (window tint) (p. 18)	Partly accurate; non-controlling	Vehicle equipment holding; not a CJIS holding
Appendix A, <i>Wiggs</i> (lights) (p. 6)	Not graded on the merits	The Vehicle Code lights question is in active litigation before the Supreme Court of Pennsylvania and is not settled; no Vehicle Code holding, whatever its outcome, speaks to criminal justice agency eligibility (§ 6.4)
Appendix G, second <i>Wiggs</i> with "search results . . . unless you request further details" (p. 12)	Inaccurate; unedited automated-research residue	A reliability finding about the document (two incompatible descriptions of the same case name), independent of the merits of <i>Wiggs</i> ; see Section 8
Appendix N, <i>Act 147</i> "upheld as constitutional" (p. 19)	Inaccurate, inverted	<i>Act 147</i> was declared invalid; the constable is an executive-branch peace officer

The vehicle appendices as a whole. PSP's vehicle appendices (A, J, K, L, M) are offered to show that constables have "limited" authority. Read against the correct line, they show something different: every one of them either concerns vehicle equipment (M), or a Vehicle Code lights question still in litigation (A), or confirms a peace-officer power at a vehicle (J, K), or states the breach-of-peace exception in terms (L). None of them speaks to whether the office performs the administration of criminal justice. The document's vehicle stack is, at best, an argument that constables should not have a Vehicle Code file set they do not need; it is not an argument against a warrant, wanted-person, protection-order, and registration file set for the warrant, transport, eviction, and levy missions the constable actually performs.

Overall strength grade. On power to deny in the short run: strong. On the legal merits of the document's reasoning: very weak, because the document quotes the Attorney General designation clause and never engages it. On sustainability if the reasoning is defended on a clean record after an Attorney General designation: poor.

6.1 "Not primary responders"

The page 5 sentence reads in full: "While they have certain arrest powers and can perform peacekeeping duties, they do not investigate crimes or act as primary responders, which are functions associated with agencies that require ORI access for database reporting and coordination." Three points.

The law. Neither 18 Pa.C.S. § 9102 nor 28 C.F.R. § 20.3(g) contains a primary-responder element. The elements are governmental status, statutory creation, administration of criminal

justice as a principal function, and budget allocation (§ 3.1). "Administration of criminal justice" is defined by verbs (detection, apprehension, detention, and the rest), and none of them is "responding first." The Attorney General's lists confirm it: a public defender's office, the Crime Victims Compensation Board, and the Sentencing Commission respond to nothing and are designated. PSP's sentence describes a function "associated with" agencies that hold ORIs. Association is not a criterion.

The facts. Constables are the de facto local law enforcement across much of rural Pennsylvania. Most constables are not in county 911 dispatch, but residents call them directly, and they arrive before any other law enforcement agency can. Peacekeeping and civil-standby work puts constables on site where crimes in progress occur and must be handled on the spot. That work is predominantly performed on request, with a court-ordered subset, protection-from-abuse enforcement among it. Residents, businesses, and courts request it, frequently on referral from sheriffs' offices, court staff, and law offices, and it is a common-law executive peace-officer function meeting a public need for law enforcement services, not a judicial one. Civil execution is the other half of the first-responder fact. On an eviction or a levy the constable is first through the door against a person whose home or property is being taken, often the only officer present, with locksmiths, movers, levy bidders, or a landlord standing behind the constable. No other agency is dispatched to that door. The constable is the responder in the officer-safety sense of the word (§ 4.1). The record assembled for this paper does not document the statewide pattern. For a particular office the evidence that documents it is the office's call log, its standby and peacekeeping requests and referral records, letters from the magisterial district courts it serves, municipal contracts and ordinance-enforcement engagements, and any county 911 or dispatch correspondence. PSP's own sentence concedes the "peacekeeping duties" half; it simply does not follow the concession to where it leads.

What would document it. For the designation application and the readiness package: the office's standby and peacekeeping requests and the referrals behind them from residents, businesses, sheriffs' offices, court staff, and law offices; letters from the magisterial district judges describing the criminal process executed and any standby the court itself has requested; the office's call log showing direct resident contacts and response times; contracts with municipalities, facilities, or event organizers, including municipal ordinance-enforcement engagements; the court's standby designations and returns, protection-from-abuse service among them; the office's civil-execution record by year (writs of possession and levies executed, incidents and holds arising from them, and the third parties escorted: locksmiths, movers, levy bidders, and landlords); and any incident report in which the constable held a scene until a police unit arrived (the *Allen* fact pattern, which the Superior Court approved). That exhibit converts a contested characterization into a documented one, and it is the same exhibit that proves Element 3.

Grade. Inaccurate on investigation (§ 7157(b)). Contested on primary response, with no evidence offered by PSP and the office's own records available to document the contrary. Immaterial either way.

6.2 Independent-contractor status

PSP's page 3 says constables "operate independently, often as contractors," and its *Ward* appendix recites the Commonwealth Court's characterization of constables as "independent contractors and not state employees" for a registration-fee exemption. *Rosenwald* is not a colorable line for PSP.

Contracting is not distinctive. Municipal police departments routinely act as contractors. They police neighboring municipalities under intergovernmental agreements, staff college football games and other private events on a paid-detail basis, and provide PennDOT work-zone coverage. Nobody suggests a borough department loses its § 9102 status on the Saturday it works a stadium. The constable office's own municipal engagements are of the same kind and point the same way: a township or borough that engages the office to enforce its ordinances is buying executive-branch law-enforcement service, which is the function the definitions ask about (§ 4.1). The independent-contractor cases (*Rosenwald*, *Ward*) decide who pays a fee or whether a plate exemption applies. They classify the constable's relationship to the county for a specific fiscal purpose, not the office's relationship to the administration of criminal justice.

The one real difference. A municipal department is funded by appropriation. A constable office receives no direct taxpayer appropriation to maintain the office; its overhead comes from statutory fees (§ 7161) paid per service. That is the only structural distinction that survives inspection. It is the same distinction that separates a constable office from a sheriff's office, which is otherwise its structural twin: an elected officer, deputies appointed by that officer under statute, and auxiliary staff, funded by county appropriation rather than by fee (§ 3.6). The question is whether the criminal justice agency definitions care about it.

They do not. Section 9102 asks whether the entity "allocates a substantial portion of its annual budget to such function." Section 20.3(g) asks whether it "allocates a substantial part of its annual budget to the administration of criminal justice." Both are allocation tests: what share of the money that comes in goes to criminal justice work. Neither says where the money must come from, and neither uses the words "appropriation," "taxpayer," "employee," or "contractor." The Attorney General's designation practice confirms the reading. Campus police funded by private tuition, hospital police funded by health-system revenue, and SEPTA police funded by fares are designated criminal justice agencies (§ 2.3). If source of funds were an element, none of them would qualify. A fee-funded office whose receipts are almost entirely warrant, transport, and criminal-process fees allocates substantially all of its budget to the administration of criminal justice, which is exactly what Element 4 asks and exactly what such an office's ledger proves (§ 4.1).

Grade. PSP's contractor language is accurate as a description and irrelevant as a distinction. PSP's contractor point is rhetorical, not legal.

6.3 Training

PSP's page 3 says constable training, "while mandated under Act 49 for judicial duties, is administered by the Pennsylvania Commission on Crime and Delinquency and is therefore not equivalent to the standardized training required for traditional law enforcement agencies in Pennsylvania."

Act 49 is the floor. The Constable Education and Training Program in Subchapter E of Chapter 71 is a statutory mandate: a constable may not perform judicial duties without certification, and certification can be withheld or lost (§ 3.6). It is the minimum the General Assembly requires, not a description of what constables receive. Constables as a general rule pursue training well beyond the mandated minimum; the readiness package should document this with certification records, continuing-education transcripts, firearms qualification records, and the deputy roster. PSP's sentence treats the floor as the ceiling.

"Not equivalent" is not a criterion. No criminal justice agency definition contains a training-equivalence element. Section 9102 and § 20.3(g) say nothing about training at all. The Attorney General has designated entities whose personnel have no law enforcement training whatsoever (a public defender's office, a compensation board). Where training bears on access at all, it is through PSP's own CLEAN operator certification and the CJIS Security Policy's personnel screening, both administered by PSP as the CSA and both applied to every agency alike. Those are satisfied by the office's users completing PSP's own requirements, not by any comparison between the Act 49 curriculum and municipal police curricula.

Recommendation. The readiness package and the designation application should include a training exhibit: total training hours by year, every certification held (Act 49 certification and renewals, firearms qualification under the CETB curriculum, and every additional course), and the office's training policy. Present it as evidence that the office exceeds its statutory floor, and offer to have every CLEAN user complete PSP's operator certification as a condition of access. That answers PSP's sentence on its own terms and removes the one comparison it tries to draw.

Grade. Misleading (treats the mandated floor as the ceiling) and immaterial (no training-equivalence element exists).

6.4 Wiggs

Commonwealth v. Wiggs, 2026 PA Super 126, is pending further review in the Supreme Court of Pennsylvania. It is cited here only for the finding that the PSP document's Appendices A and G describe two incompatible cases under that name. What it does say:

- The Vehicle Code lights question (whether a constable may operate emergency lights on a personal vehicle) is in active litigation. This paper takes no position on its outcome.
- No Vehicle Code holding, whatever its outcome, speaks to criminal justice agency eligibility. The definitions are functional (§ 3.8); a ruling on Title 75 equipment provisions decides what a constable may do with a vehicle, not whether the office performs the administration of criminal justice.
- The Appendix G finding stands. PSP's document describes the same case name in two incompatible ways, and one description carries chat-assistant residue ("search results . . . unless you request further details"). That is a finding about the document's reliability, not about the merits of *Wiggs*, and it survives whatever the Supreme Court decides.

7. Can PSP reasonably deny an ORI?

7.1 On the document's reasoning: no

Nothing in the designation lists or in the document's own appendices rescues it. It quotes the Attorney General designation clause and ignores it. It quotes the functional definition and then substitutes organizational labels ("traditional law enforcement agency," "centralized oversight," "constable agency") that appear nowhere in § 9102 or § 20.3. It cites vehicle equipment cases as if they were CJIS cases. It inverts *Act 147*. It denies statutory investigative authority. Its comparator admissions (campus, railroad, OCYF, domestic-violence courts) and the Attorney General's lists together prove that single-unit, non-departmental, non-municipal entities hold full-access ORIs every day.

7.2 On any other basis: yes, narrowly, and the two tracks shrink that space

Reasoned for the Commonwealth, the defensible grounds are these: the audit and insider-threat cost of small units; the sanction model for elected officials; political optics while a constable Vehicle Code case is pending in the Supreme Court; and the absence of a statute commanding issuance. Designation changes the posture:

- **Before designation**, PSP can say the § 9102 question is open and it has resolved it against constables. That is a legal position, weak but arguable.
- **After designation**, that position is gone. PSP would be refusing terminal access to an entity the Attorney General has declared a criminal justice agency "as determined by a review of applicable statutes." The only remaining ground is discretionary underwriting, and PSP would have to articulate controls it demands of a constable office that it does not demand of a one-officer borough department, a hospital police unit, or a public defender. A refusal that cannot do that is an arbitrary-and-capricious record, and a clean one.

7.3 Four standing conclusions

- **Terminal accountability is a low bar.** The lists show accountability is assessed per unit, and the units designated include offices smaller and less accountable than a bonded, insured, certified constable office.
- **Discretion exercised on faulty reasoning is the reviewable residue.** Designation converts the dispute from "is this entity eligible" (where a court may defer) to "why does the CSA refuse an eligible entity" (where a reasoned explanation is required). The procedural obstacles remain: an informal denial letter may not be an adjudication, and mandamus to compel issuance is weak. Mandamus or a declaratory action to compel a *reasoned determination on a lawful record* is more plausible after designation than before.
- **Safety is the officer-safety minimum.** The high-risk mission set is warrant service, prisoner transport, and civil execution (evictions and levies), on each of which the constable is first through the door and often alone, and on the civil missions with locksmiths, movers, levy bidders, and landlords in tow. Each of those missions is performed under the office's common-law peace-officer authority (*Act 147, Taylor, Allen*) and its statutory process duties (§§ 7151 and 7161), with § 7158 restating the on-view power for boroughs, and the safety need is the same in a township as in a borough. The minimum that protects the constable and those bystanders is wanted-person, protection-order, and caution-flag checks on the people at the address and registration checks on the vehicles in the driveway before the knock. Designation plus the limited-access model on page 4 of PSP's own document (wanted persons, protection orders, missing persons, stolen property) describes very nearly that minimum, with vehicle registration tied to a service address as the one addition. PSP's document supplies the template for the compromise it says cannot exist.
- **Section 7157(b) belongs in eligibility.** Court-directed investigation is "detection" and "prevention, control or reduction of crime" under the definitions, and it belongs in the designation application's function mapping.

8. Legitimacy on the document's own evidence

8.1 What the packet and its metadata show

The following is drawn from the 21 pages, the file's metadata, and nothing else.

1. **Cover and attribution.** The cover reads "Understanding ORI Restrictions: Pennsylvania State Constables," attributed to the Bureau of Communications and Information Services, CLEAN Administrative Services Section, and dated June 10, 2025. The title is explanatory, addressed to a reader who needs the restrictions explained; it is not the caption of a procedure, directive, or numbered policy, and no policy number, directive number, effective date, or revision line appears anywhere in the packet.

2. **Internal chronology.** The cover date follows every item the packet collects: the Walp letter (June 15, 1994) and Evanko letter (March 24, 1997) enclosed with the Ritchey letter of March 5, 2021 (Appendix F), and the FBI letter of April 23, 2025 (Appendix E). The packet is a compilation written after the last piece of correspondence it summarizes, seven weeks after the FBI letter and four years after the last PSP denial letter.
3. **Organization around one constable's file.** Both correspondence appendices describe letters to Constable Terry White: the FBI letter of April 23, 2025 (Appendix E) and the Ritchey denial of March 5, 2021 (Appendix F). The packet is not a general statement of ORI criteria; it is built around a single constable's correspondence history.
4. **No provenance markers.** No named author, reviewer, approving official, counsel clearance, or distribution statement appears in the 21 pages. The words "manual," "procedure," and "directive" do not occur, and nothing in the packet presents it as part of, or an amendment to, any standing document.
5. **Automated-research residue.** Appendix G closes its second *Wiggs* summary with a parenthetical: "(Note: The search results reference additional legal issues involving Wiggs . . . These are distinct from the 2025 PA Super 29 case and not directly relevant to the firearms conviction summary unless you request further details.)" That is the voice of an automated research or summarization tool addressing the person who prompted it, left standing in the text of an agency document. It is direct evidence of the method used for at least that appendix and of the absence of any editorial pass over it.
6. **Cite-check failures.** Appendix N states that *Act 147 of 1990* was "upheld as constitutional"; the Supreme Court declared it invalid. Appendices A and G describe two incompatible cases under the *Wiggs* name. These are the errors an attorney cite-check exists to catch, and their survival is evidence that none occurred.
7. **File metadata.** The copy examined carries a Title field of "SSPCISKONIC26090408410," a machine-generated identifier of the kind a scanner or print queue assigns rather than a document title; an Author field of "Terry White"; a Producer of "Microsoft: Print To PDF"; creation and modification timestamps of September 4, 2026, 13:34:55 EDT; 21 pages; and no text layer. The file is a rendition of a scanned or printed copy, not PSP's native file. It carries no PSP author, creation date, or application metadata, so nothing about PSP's drafting date or author can be recovered from it; those facts exist, if anywhere, only in PSP's native record. The two Attorney General lists, by contrast, carry Office of Attorney General author fields (Stoycos, William R. for the 2020 master list; Kohler-LaTorre, Julie A. for the 2026 RTK production) and native text layers. Their provenance is materially better than the packet's.
8. **RTKL framework.** Section 705 provides that an agency need not create a record to respond to a request, and Section 102 defines a record as information documenting an agency transaction or activity. An agency that holds a standing written statement of its criteria produces that statement. An agency that produces an explanatory compilation dated after

the last letter in its file, and organized around the correspondence of the constable who asked, is behaving as an agency that had no such statement to produce, or chose not to produce it.

8.3 Standing written ORI criteria: the likely real target

This is inference, not a finding. The packet asserts that an ORI "requires clear agency accountability" (p. 3) without stating what accountability PSP looks for, and it recites a denial practice running from 1994 through 2021. A section that has issued full-access and limited-access ORIs to campus, hospital, railroad, and county units for three decades, and denied constables across the same period, almost certainly works from standing written criteria: a CLEAN Administrative Services Section procedure, a written ORI standard, or a user-agreement checklist. The packet does not present itself as that document or as an amendment to it (§ 8.1, item 4). If such criteria exist, they predate any request, were written for internal use rather than for an outside reader, and state (or fail to state) the standard PSP applies. They, not this packet, are the agency's position. Request, under the RTKL and with the specificity Section 703 requires:

1. Any written criteria, procedure, or manual governing ORI issuance in force on the date of the original request, in native electronic form with metadata.
2. Every prior version and the change history, with the dates and identities of approving officials.
3. The written criteria applied to the most recently issued full-access and limited-access ORIs for non-municipal entities (campus, hospital, railroad, county OCYF), redacted only as CHRIA or § 708 permit.
4. Any provision addressing constables, deputy constables, sheriffs, or elected offices, and any provision addressing Attorney General designated agencies.
5. The native electronic file of *Understanding ORI Restrictions* with its metadata; its record-creation date, author, and reviewer; and whether it was adopted, circulated, or filed as an amendment to any standing document.

The answer improves the arbitrary-and-capricious record either way. If standing criteria exist and a constable office can meet them, PSP's denial is a failure to apply its own rule. If no standing criteria exist and the June 2025 packet is the first written statement of the basis, the "criteria" on page 3 were written after the fact to explain a thirty-year practice. If PSP answers that no responsive record exists beyond the packet, that answer is itself a record. Any of the three is a better record than a bare denial.

8.4 Can PSP stand behind the packet?

Under the RTKL. The Act defines a "record" as information "that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection

with a transaction, business or activity of the agency," and Section 705 provides that an agency is not required to create a record that does not exist. A document created in order to respond to a request is a record once it exists, and producing it does not violate the Act. But it is evidence of nothing more than what PSP was willing to write down as of June 10, 2025. It is not a regulation, not a policy adopted under any documented process, and not a contemporaneous account of the 1994 to 2021 denials it summarizes. Whoever receives a compiled narrative is entitled to ask for the records that existed when the decisions were made. That is the standing criteria, if any, the Ritchey letter and its attachments, and the Walp and Evanko letters.

Under ordinary evidentiary and impeachment logic. If PSP ever offers the packet as the reasoned basis for denying a constable ORI, it faces three problems. Authorship: no named author, reviewer, or counsel clearance, and a method that the Appendix G residue puts on the face of the document and that PSP would have to explain under oath. Accuracy: an inverted Supreme Court holding, a second *Wiggs* that does not match the first, and a false statement about investigative authority, each demonstrable from primary sources. Timing: a rationale written after the decisions it explains is a post hoc rationalization, which administrative law treats with skepticism. On the other side of the ledger, PSP can distance itself from the packet by relying on the earlier correspondence and on CSA discretion, and the standing-criteria request lets the constable test that directly.

Net: the packet's own text and metadata weaken PSP's ability to stand behind its reasoning and strengthen the constable's ability to use it as impeachment. They do not, by themselves, produce an ORI.

9. Leverage

Ranked by realistic probability of improving access, then by cost and timeline. Probabilities are judgment.

1. **Attorney General designation request for an elected constable office.** Cost: low to moderate (a well-documented letter application with exhibits). Timeline: the Attorney General granted two designations in early 2025; months, not years. Probability of a grant: moderate, higher if the county courts sign the letters of support and the budget exhibit is clean. Effect if granted: removes PSP's eligibility ground entirely and reframes every later step. Effect if refused: no worse than today, and the refusal letter becomes discoverable reasoning.
2. **Office-level CJIS readiness package plus formal reconsideration demand to the CSO, filed together with or immediately after (1).** Cost: moderate (an office-level user agreement, controls, and exhibits assembled from the office's own records). Timeline: weeks to assemble; PSP's response time is fixed by no statute. Probability of moving PSP: low on its own, moderate once the designation letter is attached. Contents: the readiness

package in § 5.4, including the training exhibit (§ 6.3), the response exhibit with the civil-execution record (§ 6.1), and the personnel exhibit (the deputy roster with each deputy's court-approved appointment, CETB certification, liability insurance, and surety coverage, plus auxiliary staff roles; § 5.4); add the designation letter when it arrives.

3. **RTKL request for PSP's standing written ORI criteria (procedure or manual, if any), their change history, and the native file and record-creation facts of the June 2025 packet.**

Cost: low. Timeline: 5 business days plus a 30-day extension, then an Office of Open Records appeal if needed. Probability of producing standing criteria or a record-creation admission: high, and a "no responsive record" answer is itself useful. Effect: strips PSP of the packet as a shield and either produces the actual criteria or establishes that none exist in writing.

4. **Comparator demand: the written controls applied to PSP's smallest sponsored ORI holder and to designated entities.**

Cost: low; folds into (3). Timeline: the same as (3). Probability of a substantive production: moderate, because PSP may withhold under CHRIA or the RTKL's security exemptions, and even a withholding sharpens the record.

5. **Court-driven request: letters from the magisterial district judges and president judge of the constable's county describing the process the office executes and the safety gap.**

Cost: low (drafting and a meeting with each judge). Timeline: weeks. Probability of obtaining the letters: moderate to high, given a working constable office's relationship with its client courts. Effect: supports (1) and (2) rather than moving PSP on its own.

6. **Coalition and association pressure, including a class designation request as a second wave.**

Cost: moderate (organizing across offices). Timeline: months to a year. Probability: low to moderate, higher after a first office is designated.

7. **Legislative, PCCD, or AOPC clarification.**

Cost: moderate to high. Timeline: a legislative session or more. Probability in any given year: low.

8. **Litigation to compel a reasoned determination.**

Cost: high. Timeline: a year or more. Probability: low before (1) through (3) have built the record; moderate after a designation and a refusal without stated reasons.

9. **Federal escalation past the CSA.**

Cost: low to file, high in relationship terms. Timeline: indefinite. Probability: lowest; the FBI defers to the CSA on terminal access.

The ranking rests on one fact: PSP's own document treats an Attorney General declaration as the eligibility currency, and the Attorney General is an authority independent of PSP with a live practice of issuing declarations to units with far thinner statutory footprints than a constable office. The declaration is sought to confirm what the statute already provides for a sheriff-type office (§ 2.4 and § 3.8), not to supply a status the office lacks. Every other lever pushes on PSP; this one goes around it.

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11. *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299 (Pa. 1994). CourtListener opinion 1938254.
12. *Commonwealth v. Allen*, 206 A.3d 1123 (Pa. Super. 2019). CourtListener opinion 4380239. Order granting limited allowance of appeal, 40 MAP 2020 (Pa. July 10, 2020), CourtListener opinion 4547609.
13. *Commonwealth v. Taylor*, 450 Pa. Super. 583, 677 A.2d 846 (Pa. Super. 1996). Identity confirmed on CourtListener (opinion 2089385); holding quoted as set out in *Allen*.

14. *Department of the Auditor General v. Pennsylvania State Police*, 844 A.2d 78 (Pa. Cmwlth. 2004) (en banc). CourtListener opinion 1988940.
15. *Commonwealth v. Pennsylvania State Police* (Office of Open Records petition to enforce), 146 A.3d 814 (Pa. Cmwlth. 2016). CourtListener opinion 4970804.
16. *Miller v. County of Centre*, 173 A.3d 1162 (Pa. 2017). CourtListener opinion 4989162.
17. *Parks Miller v. County of Centre*, 135 A.3d 233 (Pa. Cmwlth. 2016). CourtListener opinion 3185641.
18. *In re Act 147 of 1990*, 528 Pa. 460, 598 A.2d 985 (Pa. 1991). CourtListener opinion 6264522 (cluster 6394107), identity confirmed September 6, 2026.
19. *Rosenwald v. Barbieri*, 501 Pa. 563, 462 A.2d 644 (Pa. 1983). CourtListener opinion 2374695, identity confirmed September 6, 2026; cited for the fee-based independent-contractor characterization only.
20. *Commonwealth v. Wiggs*, 2026 PA Super 126 (Pa. Super. June 17, 2026), majority slip opinion (constablesmatter.org copy), cited for the document-reliability finding in § 6.4; pending further review in the Supreme Court of Pennsylvania.
21. 23 Pa.C.S. § 6106(f) (court-ordered service of protection-from-abuse petitions and orders). Pennsylvania General Assembly consolidated statutes, retrieved September 6, 2026.
22. Pa.R.Crim.P. 103 (definition of "law enforcement officer"), cited for the ordinance-enforcement inventory in § 4.1. Rule text from the Pennsylvania Code and Bulletin, retrieved September 6, 2026.
23. 44 Pa.C.S. § 7158 (arrest in boroughs), read as statutory codification for boroughs of the common-law on-view arrest power, and 44 Pa.C.S. § 7151 (general imposition of duties and grant of powers). Pennsylvania General Assembly consolidated statutes, retrieved September 6, 2026.
24. Act of June 4, 1897, P.L. 121, No. 101, § 1 ("Arrest of offenders on view"), with the compiler's note that section 4 of Act 49 of 2009 repealed section 1 insofar as it relates to constables. Pennsylvania General Assembly unconsolidated statutes, retrieved September 6, 2026.
25. The Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, § 1601(c.1), 53 P.S. § 66601(c.1) (civil-enforcement and summary-offense tracks for ordinance enforcement). Pennsylvania General Assembly unconsolidated statutes, retrieved September 6, 2026.
26. 61 Pa.C.S. § 1154(a) (use of borough and township lockups and county correctional institutions by "[s]heriffs, constables, members of the Pennsylvania State Police and other persons authorized by the laws of this Commonwealth to make arrests"). Pennsylvania General Assembly consolidated statutes, retrieved September 6, 2026.
27. The Administrative Code of 1929, Act of April 9, 1929, P.L. 177, No. 175, § 712, 71 P.S. § 252 (members of the State Police hold "all the powers and prerogatives conferred by law

- upon members of the police force of cities of the first class, and upon constables of the Commonwealth"); 16 Pa.C.S. § 14340(d)(1) (county detectives "shall have the powers conferred on constables by the laws of this Commonwealth relating to criminal law and procedures"); 11 Pa.C.S. § 12005 (police officers of a third class city "shall be ex-officio constables of the city"). Pennsylvania General Assembly statutes, retrieved September 6, 2026.
28. 75 Pa.C.S. § 3102 (obedience to "any uniformed police officer, sheriff or constable"); 18 Pa.C.S. § 6161(b) (delivery of an arrested person "to a constable or other police authority"); the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, § 102, 3 P.S. § 459-102 ("police officer" includes constables); 37 Pa. Code § 21.1 ("law enforcement officer" includes a constable and a deputy constable). Pennsylvania General Assembly statutes and the Pennsylvania Code and Bulletin, retrieved September 6, 2026.
29. *Galluze v. Miller*, Civil Action No. 10-836 (W.D. Pa. Mar. 22, 2012) (paper opinion on cross-motions for summary judgment, ECF No. 52). CourtListener RECAP document 17994400 (docket 2:10-cv-00836), retrieved September 6, 2026; cited for its treatment of former 13 P.S. § 45 and 44 Pa.C.S. § 7158 as "essentially identical" and for its footnote declining to apply § 7158 to a constable who was not a constable of a borough.

This paper is public advocacy and legal analysis. It is not legal advice and does not create an attorney-client relationship. A designation request to the Attorney General, a Right-to-Know appeal, or any action against the State Police should be filed through licensed Pennsylvania counsel. Statutes and regulations were retrieved from the Pennsylvania General Assembly, the Legal Information Institute and eCFR, and the Pennsylvania Code and Bulletin; cases from CourtListener; all on September 6, 2026.