

OFFICE OF COUNTY CONSTABLE

By Travis County Constable Bruce Elfant

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The term “constable” originates from the medieval title of an important official in the days of the Eastern Roman Empire called “comes stabuli.” In old France, “comes” was defined as an officer and a count, and “stabuli” was defined as an officer of the stable, chief equerry, or marshal, generally of the “stabulum” stables. During that period of time, the constable was chief officer of the king’s household and court and often acted as commander in chief of the army, second only to the king.

Constables in England can be traced back to the kingdom of Alfred the Great who reigned from 871 to 899 A.D. In about 1066, King William the Great divided England into 55 districts and appointed constables to keep the peace within these districts.

By the 1620s, the colonies had been divided into counties that became the most important units of local government. The first American constable was appointed in 1632 to assist the justice of the peace in dispensing justice, enforcing the orders of colonial and county officials in both civil and criminal matters and collecting taxes.

Constables in Texas can be traced back to 1823 when Texas was under Mexican rule. The Mexican government authorized Stephen F. Austin who had been settling large numbers of individuals along the Colorado and Brazos rivers, to create seven districts with an appointed sheriff over the entire colony and appointed constables for each district.

The first constables were elected in precincts of 500 inhabitants in 1828. Constables were included in the Texas Constitution of 1836 and remained until the reconstruction period following the Civil War. Constables were again included in the Texas Constitution of 1876, and most have survived to the present day.

There are currently about 800 constables in Texas ranging from as many as eight constables in the most populous counties to one constable in many sparsely populated counties and no constables for a few counties where the office has been abolished by constitutional amendment.

Texas constables derive their authority from the Texas Constitution and Texas statutes. Section 18, Article V, of the Texas Constitution establishes constables as elected precinct officers. Article 2.12, Texas Code of Criminal Procedure, designates constables as “peace officers.” Chapter 86, Texas Occupations Code, also directs constables to serve as bailiffs and serve papers issued by justice courts.

As certified Texas peace officers, constables must complete required training for all peace officers and pass the Texas Commission on Officer Standards and Education (TCLEOSE) exam. Deputy constables must be TCLEOSE certified upon assuming their duties, while the Occupations Code gives elected constables up to 270 days after taking office to obtain certification. Constables and their deputies must also complete at least 20 hours of continuing civil process education training every four years.

Texas constables and justices of the peace are commonly referred to as the offices closest to the people. Their duties vary widely throughout Texas and are based on the needs of individual counties and the ability and willingness of commissioners courts to provide funding.

Many constables in Texas enforce traffic laws and patrol neighborhoods. Constables also perform criminal investigations for drug violations, identity theft, truancy and other criminal matters.

With the support of the Harris County Commissioners Court, constables implemented the Absent Student Assistance Program to reduce truancy, and other counties were quick to follow suit. Another innovative program is the “Are You Okay?” program where constables check on elderly and disabled individuals in their precinct to make sure they do not require emergency services.

My office administers a Citizens Handicap Parking Enforcement Program. The key to the success of these and many other innovative constable programs is that there is a demonstrated need for the program and a positive working relationship between constables and their commissioners courts.

The Justices of the Peace and Constables Association of Texas (JPCA) strongly believes that all elected officials should be performing services that are of value to their counties and be qualified and properly trained to carry out their responsibilities. To that end we encourage our colleagues to work closely with their constituents, county departments and commissioners courts to identify unmet needs and develop strategies to meet the needs of their communities.

The JPCA has worked with the County Judges and Commissioners Association to pass HJR2, a constitutional amendment that would authorize commissioners courts to declare a constable’s office “dormant” in counties where no candidates have run for two terms, and legislation requiring elected officials to use the salary grievance committee before pursuing litigation.

JPCA also has lobbied to limit county liability by requiring that constables be qualified and trained to enforce civil and criminal laws upon assuming their duties.