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# MEMORANDUM

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Date: December 8, 2020

To: The Honorable Kristen Randall  
Presiding Constable, Justice Peace 8

From: C.H. Huckelberry  
County Administrator 

Re: **Your Memorandum of December 7, 2020**

I appreciate your communication and concern over exposure of Constables to COVID-19. I recently, last Friday, discussed this very issue with the Presiding Judge and asked him to investigate whether or not eviction service could be accomplished via mail through the United States Post Office or through electronic mail.

While legal determination is being made by either the Courts or County Attorney on this matter, I would suggest that if at all possible temporary actions be taken to reduce exposure risk. This would include processing requests of the Courts that can be mailed, posted to doors, or other actions where a personal service can be arranged by outdoor service at sufficient physical distance from the individual with the appropriate protective personal equipment including face masks and gloves.

CHH/sp

Attachment

c: The Honorable Chair and Members, Pima County Board of Supervisors  
The Honorable Kyle Bryson, Presiding judge, Superior Court  
Dr. Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services  
Dr. Terry Cullen, MD, MS, Director, Health Department



**PIMA COUNTY CONSTABLES**  
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Date: December 7, 2020

To: Chuck Huckleberry, County Administrator  
Honorable Judge Bryson, Presiding Judge of the Pima County Superior Court  
Jan Leshar, Chief Deputy County Administrator  
Dr. Francisco Garcia, Deputy County Administrator

Re: **Community Spread of COVID and Elevated Risk Generated by Pima County Constables**

As the rate of COVID community spread increases rapidly in Pima County, the Constables Office has also been affected. Constables are in the position of making multiple contacts per day with community members through the service of process, and are at increased risk for contracting and spreading the virus through eviction enforcement. A key component of the enforcement of an eviction order is to enter a tenant's home, search every room and then remove the defendant while returning possession of the property back to the plaintiff. Should the tenant be exposed to the coronavirus from the constable, it would be difficult for contact tracers to locate the individual as they have been removed from their home.

A constable enforcing an eviction order is in a close, personal space inside of small and often minimally ventilated apartment with multiple people. In the last few weeks, we have observed more tenants stating they are either quarantining for their own safety, are not feeling well and suspect coronavirus or have tested positive for the virus. In all of these cases, the constable did not have proper PPE or training for this type of close contact with ill people. We suspect that one constable contracted COVID from contact he made with a sick tenant.

In the last few weeks, one staff member has tested positive for coronavirus as well as one constable. Approximately four other constables have told me they have come into contact with a tenant who might have been COVID-positive at the time. Most of the constables have relayed their growing fear of contracting the virus at work and then spreading it from household to household in the regular course of their duties and also bringing it home to their families. Many have expressed concern that they themselves or a family member is at elevated risk for complications should they fall ill.



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We have attempted to explore other options for continuing the enforcement of evictions, but it is the opinion of most of the constables that while community spread is rising, eviction enforcement should temporarily halt. This is not only for the health and safety of the constables themselves, but also for the community who would come into contact with a pre-symptomatic or asymptomatic constable in a confined space.

Should the county consider a temporary halt to the enforcement of evictions, many other papers can continue to be processed with limited exposure such as criminal summons which can be mailed, show cause orders and evictions summons which can be posted to doors. Other papers which require personal service can be arranged for service outdoors or at the Constables Office.

We are aware of other departments who have been able to adjust their practices and limit contact with the public to reduce risk to personnel, and up until this time our office has continued our work without many changes. Unless we are provided with fit-tested N95 masks, proper training and full PPE to limit transmission to ourselves and to others, we must address this problem soon. Thank you for your consideration and I look forward to a discussion to see what our options might be.

Sincerely,

Kristen Randall  
Presiding Constable, JP8