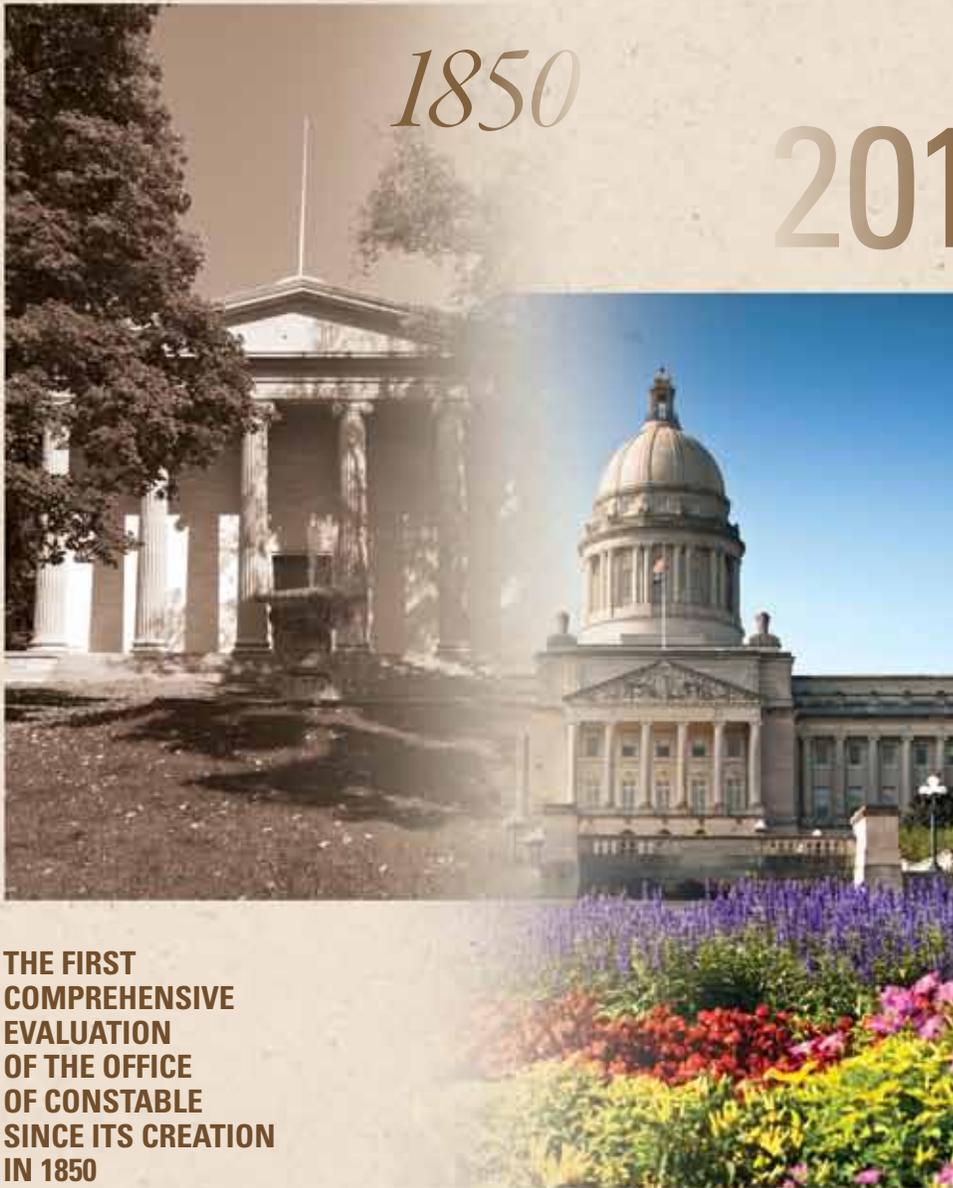


# CONSTABLES IN KENTUCKY

CONTEMPORARY ISSUES AND FINDINGS SURROUNDING AN OUTDATED OFFICE



**THE FIRST  
COMPREHENSIVE  
EVALUATION  
OF THE OFFICE  
OF CONSTABLE  
SINCE ITS CREATION  
IN 1850**

November 2012

**THE FIRST COMPREHENSIVE EVALUATION  
OF THE OFFICE OF CONSTABLE  
SINCE ITS CREATION IN 1850**

---

## CONSEQUENCES OF OUTDATED LAWS

In 1803, the town of Rye, England, was one of many municipalities benefitting from a recently enacted law authorizing the appointment of officials to watch the English east coast, serving as an early warning lookout in anticipated of an invasion by Napoleon.

In 1940, while preparing to assign coast watchers again — this time to watch for a German invasion — it was discovered that Chummy Barton, a resident of Rye, already received an annual government salary for standing on the cliffs and vigilantly looking for Napoleon's invasion fleet — a position handed down from man-to-man since 1803.

The post, created to meet a genuine need 140 years ago, outlived its purpose, but continued to remain on the books.

— MILWAUKEE SENTINEL, MAY 14, 1944

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Justice & Public Safety Cabinet  
Commonwealth of Kentucky

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## JUSTICE AND PUBLIC SAFETY CABINET

**Steven L. Beshear**  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
Fax No. (502) 564-4840  
October 22, 2012

**J. Michael Brown**  
Secretary

John W. Bizzack, Commissioner  
Department of Criminal Justice Training  
Funderburk Building,  
521 Lancaster Avenue  
Richmond, KY 40475

Dear Commissioner Bizzack:

In April 2012 I directed your department to establish a working group for the purpose of examining whether the position of constable has an applicable law enforcement function in modern-day Kentucky.

I have reviewed the group's findings in its report, "Constables in Kentucky: Contemporary Issues and Findings Surrounding an Outdated Office," and commend the members of the working group for their diligence and commitment to this project. Their historical review and broad-based research exceeded my expectations.

The report outlines a thorough analysis of this issue, including six statewide surveys conducted with primary stakeholders and more than 1,400 responses received. The report also includes an historical perspective of constables in Kentucky, as well as other states' experiences with the office.

The findings convincingly demonstrate that the position of constable is outdated as an arm of law enforcement. Certified peace officers today meet rigorous pre-employment standards, are trained through empirically established curricula, and are regulated through multiple layers of oversight and public scrutiny. That standard is diluted when law enforcement powers are shared with individuals who lack the required training and accountability.

I look forward to discussing the findings with you in greater detail and determine the best course of action for disseminating this report.

Sincerely,



J. Michael Brown  
Secretary





## JUSTICE AND PUBLIC SAFETY CABINET

**Steven L. Beshear**  
Governor

**Department of Criminal Justice Training**  
521 Lancaster Avenue  
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**J. Michael Brown**  
Secretary

**John W. Bizzack, Ph.D**  
Commissioner

September 27, 2012

Secretary J. Michael Brown  
Justice and Public Safety Cabinet  
125 Holmes Street  
Frankfort, KY 40601

Secretary Brown:

On behalf of the working group you appointed in April 2012, this letter serves to abridge the findings related to your question: "Is the position of constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?"

The answer is "No."

The constitutional office of constable has not been examined in detail nor in this context since the Kentucky Constitution of 1849. This working group has thoroughly examined the office and unanimously feels compelled to provide additional information to thoroughly answer your question.

Our six-month study determined an overwhelming majority of criminal justice officials in the Commonwealth agree the office of constable should be either abolished or limited in law enforcement functions. Statistical analysis demonstrates law enforcement by constables represents only  $\frac{1}{4}$ <sup>th</sup> of 1% of annual law enforcement work. Constables deliver insignificant law enforcement activity to the Commonwealth.

The office of constable is indeed a constitutional office; however, the law enforcement authority assigned to the office originates from the legislature — not the constitution.

Past efforts to address the constable issue have ranged from attempts to place abolition on the ballot to providing "some" training. Placing the question on the general election ballot has, in the past, proven problematic.

Offering a "quick fix" or offering "some" training has been another consideration in the past. In light of the findings of this first comprehensive study of the office of constable since its creation, appropriating expensive and unwarranted spending of already limited funding for the purpose of training legitimate Kentucky peace officers accomplishes nothing since constables do less than  $\frac{1}{4}$ <sup>th</sup> of 1% of the law enforcement work in Kentucky. We have an existing police corps in Kentucky — fully charged with the responsibility of rural and municipal law enforcement — and sheriffs required

by law to perform specific functions. All of whom, long ago, diminished any need for constables as law enforcement officers that might have existed in the 1800s.

From border to border, since the late 1990s, police officers in Kentucky are perhaps the nation's most vigorously selected, trained, most qualified and effective peace officers the Commonwealth has ever fielded. This was not accomplished by haphazard training or random hiring or abdicating to a "quick fix." Those who are held responsible for performing the vast genuine duties of policing must meet the requirements of the Peace Office Professional Standards Act of 1998 (POPS), which mandates standards for hiring and selection as well as a job task analysis-based training. Nothing about the POPS statute was created to serve as a quick fix.

The accompanying report underscores these facts, providing a realistically based compendium of legitimate research and statistical analysis. There is no unanimous support of the office of constable within the criminal justice community of the Commonwealth — not even from the offices of constables.

Sincerely,

A handwritten signature in cursive script that reads "John Bizzack".

John W. Bizzack, Commissioner  
DOCJT

## ENDORSEMENTS BY COMMITTEE MEMBERS

---



**J. D. Chaney**  
Legislative Affairs Director  
Kentucky League of Cities



**John Coyle, Judge Executive**  
Kentucky Association of Counties  
Kentucky Law Enforcement Council



**Thor Morrison**  
Special Assistant  
Dept. of Criminal Justice Training



**Mike Bischoff**  
Executive Director  
Kentucky Association of Chiefs of Police



**Sheriff Keith Cain**  
Chairman  
Kentucky Law Enforcement Council



**Drexel Neal**  
Planning and Staff Services  
Dept. of Criminal Justice Training



**Sheriff Jerry Wagner**  
Executive Director  
Kentucky Sheriffs' Association



**Chief Bill Crider**  
President (2012-2013)  
(Chief Rob Ratliff (2011-2012))  
Kentucky Association of Chiefs of Police



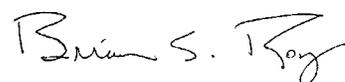
**Don Pendleton**  
Deputy Commissioner  
Dept. of Criminal Justice Training



**Sheriff Steve Sparrow**  
President  
Kentucky Sheriffs' Association



**Luke Morgan**  
Vice Chair / Representative of  
Kentucky Bar Association  
Kentucky Law Enforcement Council



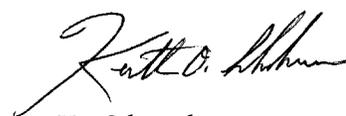
**Brian Roy**  
Deputy Director  
Kentucky Association of Counties



**Rodney Brewer**  
Commissioner  
Kentucky State Police



**Chuck Melville**  
Director of Training  
Dept. of Criminal Justice Training



**Ken Schwendeman**  
Director of Government Relations  
Dept. of Criminal Justice Training



**John Bizzack**  
Commissioner  
Dept. of Criminal Justice Training



**Dana Todd**  
General Counsel  
Dept. of Criminal Justice Training

# ACKNOWLEDGEMENTS

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## GUESTS

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Director of Governmental Relations  
Kentucky Association of Counties

**Ellen Williams**

Legislative Lobbyist

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# EXECUTIVE SUMMARY AND OVERVIEW OF THE REPORT

**A**t the direction of Justice Secretary J. Michael Brown, a working group composed of Department of Criminal Justice Training, Kentucky State Police, Kentucky Association of Counties, Kentucky League of Cities, Kentucky Law Enforcement Council, Kentucky Association of Chiefs of Police and Kentucky Sheriffs Association assembled to review statutes, history, surveys, and media coverage concerning constables. The working group was charged with answering one basic research question:

**Q: Is the position of constable as a law enforcement function in modern society essential to the Commonwealth of Kentucky?**

**A: The answer was determined to be: NO**

**METHOD:** Six surveys were hosted statewide: Judge Executives, County Attorneys, Chiefs of Police, Sheriffs and Kentucky State Police were surveyed; over 1,400 responses were completed statewide with representation from all counties in the Commonwealth.

*The overwhelming consensus of all surveyed was that the office of constable should be stripped of law enforcement authority; a majority of groups believed that the office should be abolished outright.*

Constables were surveyed with the cooperation of the Kentucky Constables Association. There are 586 Constable/Magisterial Districts. 509 Constables occupied seats in 2011; 204 responded to the survey. Constables' responses were inconsistent with the other five groups surveyed. **Of the 202 constables who responded to the working group's survey, 137 indicate they are employed in a capacity other than being a constable. As for law enforcement functions, constables represent a statistically insignificant role according to existing records from the Kentucky State Police. While constables could represent as much as 5% of all officials with law enforcement authority in Kentucky, they perform only 0.02% of recorded law enforcement work.** For the most part, constables perform security guard functions, direct traffic at events, or serve civil process. As none of these functions require law enforcement authority, their authorized (and sometimes unauthorized) behavior creates liabilities and risks to counties.

**BONDING:** KRS70.130 requires a minimum of \$10,000 surety bond for constables. Fiscal courts may choose to elevate this state minimum requirement to protect their county's interests against losses from actions that constables perform inadequately or inappropriately while acting in the color or authority of their office.

The broad consensus from Chiefs of Police, Sheriffs, Kentucky State Police, County Attorneys and Judge Executives: the office of Constable is a tenuous anachronism that should have been relegated to at least a role with **no law enforcement authority if not abolished outright** years ago. **The office of constable serves no value to Kentucky law enforcement, exposes the citizens of Kentucky to unnecessary risk of injury or violation of rights, but can be effectively neutered by legislation.** Constables that perform no law enforcement functions would not be affronted by this direction; counties that have not confronted the liabilities brought to them by constables performing law enforcement functions would be saved from considerable liability exposure from potential negligence claims.

## IN BRIEF

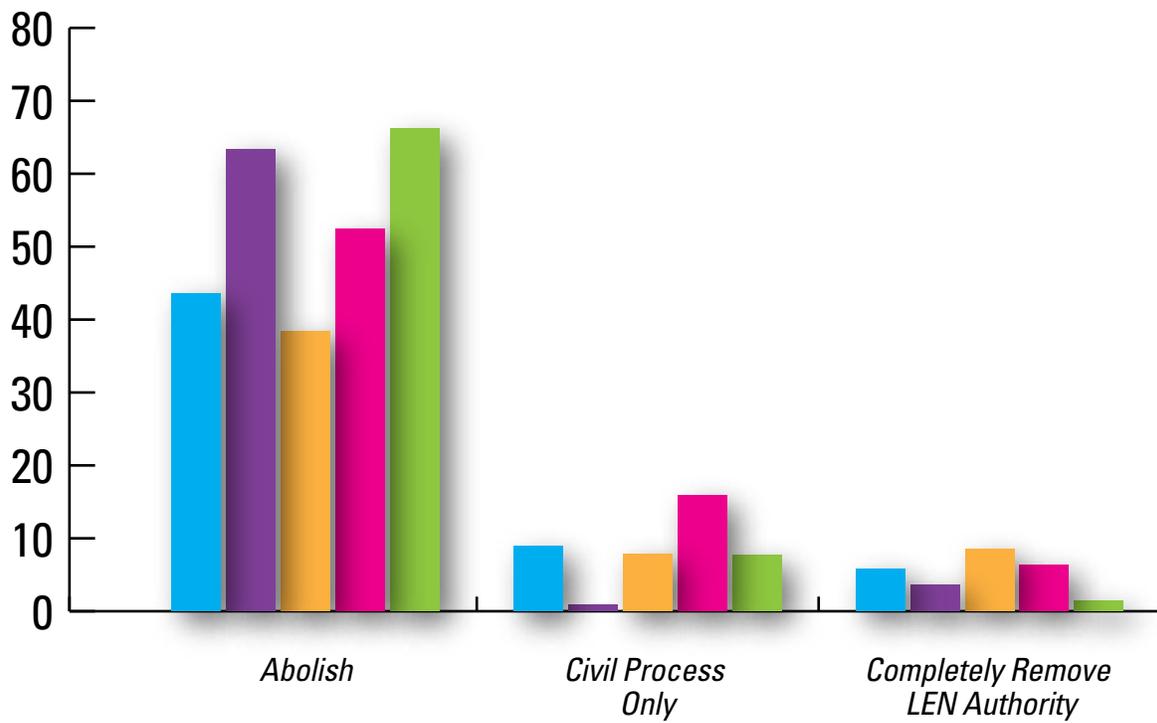
**HISTORY:** The office of constable is established in the Kentucky Constitution; originally the office appears in Kentucky's Third Constitution (1850). Authority for the office **does not** come from constitutional provisions; rather, law enforcement and other authority come from Kentucky Revised Statutes. As such, the General Assembly could remove or replace law enforcement authority of constables by legislation.

**OTHER STATES:** Most states have outright abolished the office of constable, have limited the functions of constables, imposed restrictions or obligations upon the office, or provided for local control to accomplish each of the preceding options. Kentucky is one of only 12 states that have left the office to persist.

**LEGISLATION** has been introduced that would abolish the office by constitutional amendment; other legislation has sought to restrict the office's functions, expand its authority and role, and place restrictions upon it. None have been successful.

**MEDIA ATTENTION** has for years consistently depicted constables in a negative light. Most recently, a constable in Jefferson County plead guilty for using deadly force in an altercation with a shoplifter. Another high profile case revolves around a former officer with the Kentucky Constables' Association who has allegedly had inappropriate contact with a female citizen in Franklin County and missed his own bail hearing.

**Suggestions for the role of Constable statewide**



- KSP
- Sheriff
- Police Department
- County Attorney
- County Judge Executive



# **INTRODUCTION**



## INTRODUCTION

Secretary J. Michael Brown of the Justice and Public Safety Cabinet directed the Department of Criminal Justice Training to coordinate the creation and operation of a working group composed of stakeholders in professional law enforcement. This group, created in April 2012, was directed (Appendix A) to explore the question :

### **Is the position of constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?**

In order to answer the specific research question, commonly held assumptions required substantiation or refutation. A common theme revealed during the development of the working group appears to be emblematic of much of the consternation about constables: many individuals and groups have strongly held opinions, but few understand existing constitutional provisions, statutes, and other issues.

The 2012 regular session of the General Assembly saw several bills introduced affecting constables. Floor amendments and committee actions were numerous compared to previous legislative sessions. Despite the heightened legislative activity, no bill became law in 2012 that directly affected constables.

A cursory review of media coverage of constables indicated little understanding of the office, despite a noticeably increased level of coverage.

#### **MAKE-UP OF WORKING GROUP**

Stakeholder participants in the working group each have a unique perspective on the role of constables. For the working group, stakeholders in professional law enforcement were named as:

**Department of Criminal Justice Training:** Kentucky Revised Statute 15A.070 (1) prescribes that the DOCJT shall establish, supervise and coordinate training programs and schools for law enforcement personnel, and any other justice or non-law-enforcement-

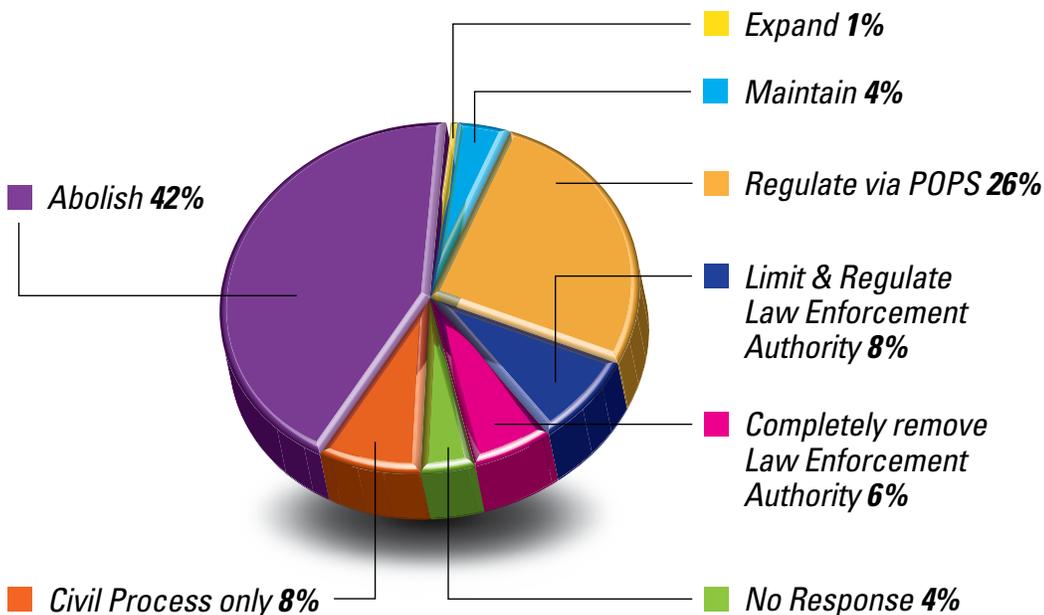
## COMMENTS FROM SURVEYS

*I really think in most cases they are a liability to Fiscal Court due to lack of training.*

*...commend them to the ash heap of history. It is an outdated feudal office whose usefulness waned from about the time cities went from town marshals to police departments.*

## KENTUCKY STATE POLICE: SURVEY ANALYSIS

### Suggestions for the role of Constable statewide



# WHAT'S THE PROBLEM? A Kentuckian's Experience

WPSD TV — PADUCAH  
SEPTEMBER 19, 2012

"A late night trip home turned into sheer terror for a local family who say a constable in an unmarked car with no lights went way too far trying to pull them over.

A woman was behind the wheel with her two children and her mother in the car. They say a constable chased them, shined a blinding light in their rear view mirror, then cut in front of them and slammed on his brakes, forcing them to stop. Sheriff's deputies arrested constable Jeffery Burnett of Graves County on four counts of wanton endangerment. The Graves County Deputy Sheriff said Burnett's alleged actions could have killed an innocent family of four and could lead to mistrust of law enforcement everywhere.

Graves County deputies say Burnett could've killed the family he was trying to stop late Friday night.

They were on their way home from a ballgame traveling along Kentucky 1748, Burnett told investigators the driver crossed the center line. The people in the car say he closely followed them, shined a blinding light in their rear view mirror, then got in front of them, slamming on his brakes, forcing them to stop. The family said they put their car in reverse to get away, but Burnett reversed his car too, then hopped out of his car with a bright light and a gun.

"It diminishes public trust in who's out there at night, who's trying to stop them with what's going on," Graves County Chief Deputy Davant Ramage said.

Ramage's office arrested Burnett and said if found he's guilty, he would no longer be allowed to serve as constable.

"We could've had four people seriously injured or even killed," Ramage said."

(1 of 3)

## INTRODUCTION

related personnel as prescribed by the secretary. (2) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justices subjects related to law enforcement training.

**Kentucky State Police** has more than 1,000 sworn law enforcement officers who cover all 120 counties in Kentucky and are the most visible law enforcement agency in the Commonwealth.

**Kentucky Association of Chiefs of Police** has a membership of more than 500 Kentucky law enforcement executives. The association was formed more than 40 years ago to represent the best interests of law enforcement in Kentucky.

**Kentucky Sheriffs' Association** was formed in 1929 to, among other things, continue the education of the various sheriffs and their deputies within the Commonwealth of Kentucky in all phases of law enforcement practice, procedure and technique; to resist the constant efforts to curtail the efforts of law enforcement officers to preserve law and order

within the Commonwealth of Kentucky; to educate the public in the observance of law and order; and to do any and all things to promote the enforcement of law and order and the suppression of crime.

**Kentucky Law Enforcement Council** governs training for all of the state's law enforcement. The council is charged with certifying or approving law enforcement training schools, training instructors and curriculum, as well as administering the Peace Officer Professional Standards (POPS) certification process and monitoring the Kentucky Law Enforcement Foundation. Authorized by KRS in 1966, council members are appointed by the governor.

**Kentucky Association of Counties** has been representing the needs of county government in legislative matters and offering a variety of services to promote the progress of county government. KACo provides insurance, research and planning, legislative, and financial planning information to Kentucky's county governments. Insurance services underwritten by KACo have been a valuable

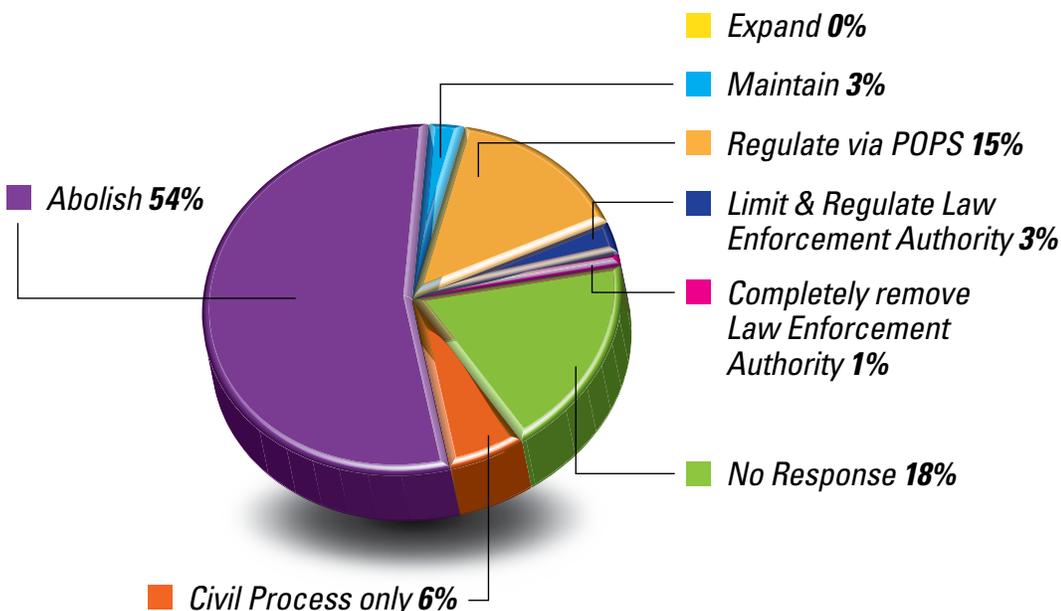
## COMMENTS FROM SURVEYS

*The best thing would be to abolish the position. If that is not possible, completely remove ALL law enforcement authority.*

*I have not really had interaction with the constables in this county.*

## JUDGE EXECUTIVES: SURVEY ANALYSIS

### Suggestions for the role of Constable statewide



*We don't need them!*

*Should be abolished if  
no POPS or basic  
training is in place for  
them.*

## INTRODUCTION

force in promoting professional law enforcement services.

**Kentucky League of Cities** provides insurance, research and planning, legislative, and financial planning services to Kentucky's cities. KLC insurance services tangibly link law enforcement standards and professional training with interests of municipal government. KLC has been a steadfast advocate of efforts to professionalize law enforcement services through validated, job-based standards.

Collectively, representatives from these organizations were tasked with answering the research question by bringing to bear their collective understanding and experiences of the needs and challenges of modern law enforcement.

Pursuant to Secretary Brown's directive, DOCJT was responsible for administrative support to the working group in addition to serving as a stakeholder member. Support would come to include hosting the meetings of the working group, providing administrative

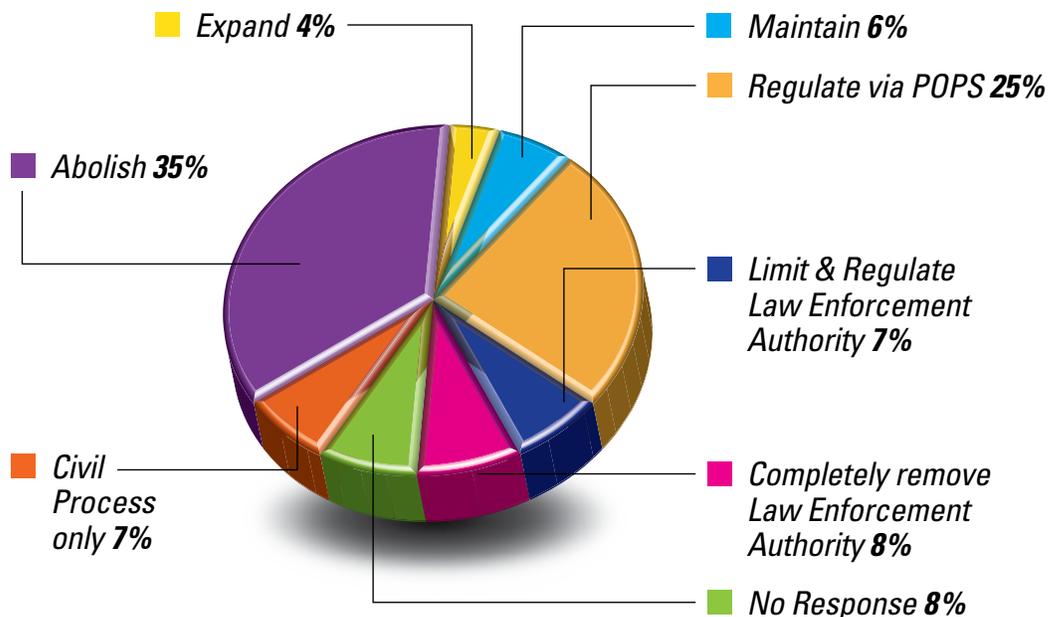
support for meetings, conducting research prior to the initial meeting of the group, conducting survey research for the six identified populations, and development of a consensus report that would be submitted to the Secretary.

Completion of the report was slated for early autumn 2012. This was necessary for the report to have any contributory bearing on the deliberations of the 2013 General Assembly. In order to serve as guidance to any executive branch policy determination, the report would have to be available for dissemination in advance of the legislative session.

Accordingly, the working group agreed upon several meetings throughout the summer of 2012 to refine direction, digest progress of the surveys and consider policy approaches that revealed themselves. The working group met three times during the summer. Each of the meetings was held at DOCJT in Richmond. A final meeting of the working group was held on Sep. 27 to review the draft report. That draft would be formatted and finalized upon consensus agreement of the working group and

## POLICE CHIEFS: SURVEY ANALYSIS

### Suggestions for the role of Constable statewide



## INTRODUCTION

would authorize the production of this report to the Secretary.

Attitudinal surveys of law enforcement personnel, judge executives, and county attorneys were developed to elicit perceptions and descriptions of experiences with constables. As with the sheriffs and chiefs of police,

professional associations were the primary contact for survey administration; each of the associations was enthusiastic in their cooperation with the surveys. Additionally, another survey directed towards constables was developed to provide constables with the opportunity to describe their activities, limitations, and perceptions of their relationships with law enforcement in their jurisdictions. As with the other surveys, the Kentucky Constable's Association was the through-put for contact; the association was helpful and cooperative throughout the process.

*“Specifically, I’d like the (working) group to review and consider: Is the position of constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?”*

J. MICHAEL BROWN —  
SECRETARY / JUSTICE AND PUBLIC SAFETY CABINET

Additional preliminary work focused on:

- historical context
- legislative history, and
- review of other states’ experiences and treatment of constables.

## COMMENTS FROM SURVEYS

*It is amazing the position still exists considering the limits the state goes to so we have trained law enforcement officers doing the work.*

### KENTUCKY 1849:

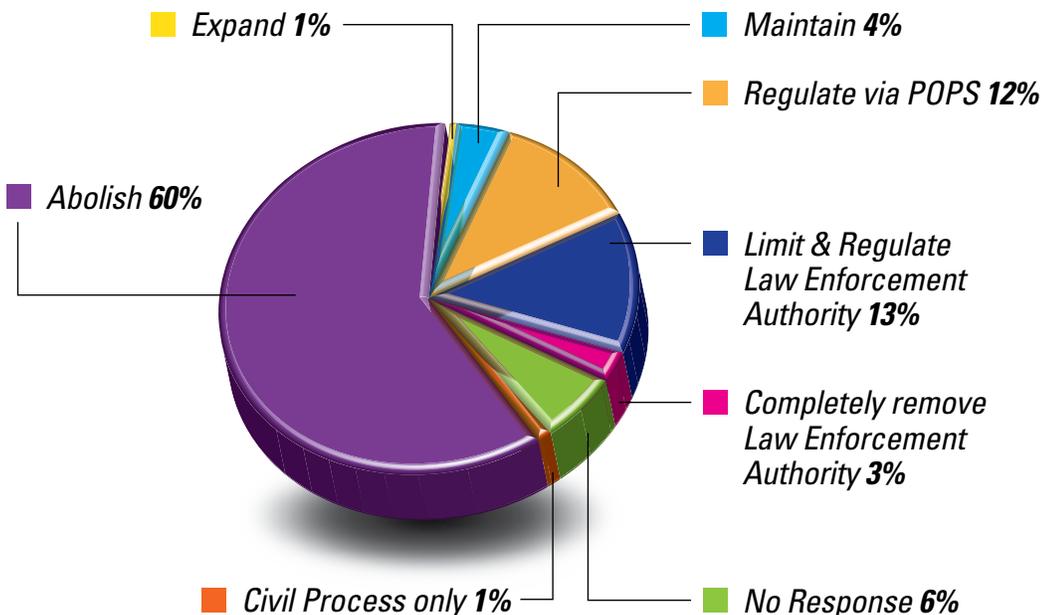
Less than 1 million population

### KENTUCKY 2012:

Over 4 million population

## SHERIFFS: SURVEY ANALYSIS

### Suggestions for the role of Constable statewide



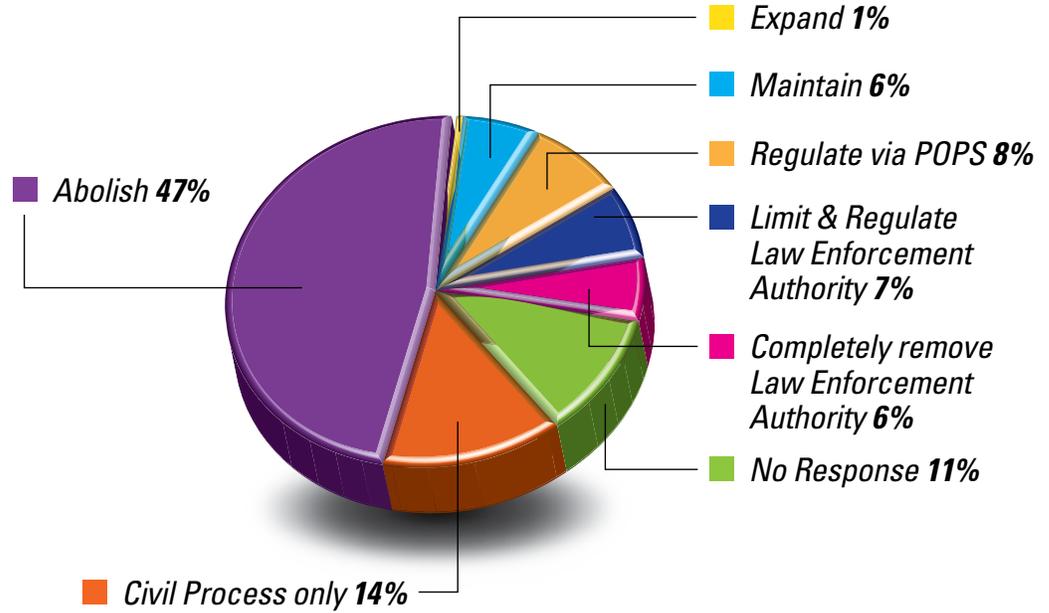
*With my county it is only a title given to someone who wins the election. They have no training in any part of law enforcement and if they weren't here it wouldn't make a difference.*

*The office of constable should be a thing of the past. They are no longer needed.*

INTRODUCTION

COUNTY ATTORNEYS: SURVEY ANALYSIS

Suggestions for the role of Constable statewide



## **INITIAL RESEARCH**

Other than the somewhat common understanding that constables are constitutional officers elected in each magisterial district, there is little common understanding of the nuances of their role, relationship to other county officials, authority, or oversight. As such, DOCJT conducted research that began with the legal inception of constables.

*If we continue to have Constables and not completely do away with the constitutional position, it is a must that they have the same training as any peace officer in the state. Period!!!*

*I feel the position of Constable is a big liability that potentially could get someone hurt.*

## INITIAL RESEARCH

### HISTORY OF THE CONSTABLE IN KENTUCKY

The history of the office of constable in the Commonwealth dates as far back as Dec. 20, 1792, when an act was passed prescribing the duties of Constables and regulating their fees. Chapter LXII, *The Statute Law of Kentucky* (Littell), p. 145-148.

One might conclude that significantly dated historical material is out of context for a contemporaneous study and report. However, nothing is further from the truth; the original stipulations for constables persist today and the debates from 1849 underscore the issue that the General Assembly has had to confront in each effort regarding legislation.

In fact, the historical themes regarding constables thread throughout the open responses of surveyed present day county judge executives, county attorneys and law enforcement personnel. Even many of the constables argue the point that they are equal to sheriffs, coroners, and jailers; they argue their basis is constitutional, and they deserve to be treated accordingly. The context of Kentucky constables begins in 1792 with the first mention of them—constables received the following fees:

For serving a warrant for debt one shilling and six pence; summoning a witness in any case nine pence; for serving a peace or search warrant two shillings; for levying an attachment one shilling and six pence; summoning a garnishee nine pence; for carrying a criminal to jail two pence per mile in going to and returning. (Id. at p. 145.)

Despite this early history, the office of constable was not included in the First Constitution of Kentucky (1792), nor in the Second Constitution (1799), although both of those constitutions included in the office of sheriff<sup>1</sup>, coroners<sup>2</sup>, and justices of the peace<sup>3</sup>. It was not until the Commonwealth's Third Constitution (1850), that the office of constable was made a constitutional office.

There are few books containing the early statutes of Kentucky at the Supreme Court Library, but it appears that there was little change to the duties of the constable over the years leading up to the constitutional convention of 1849-50.

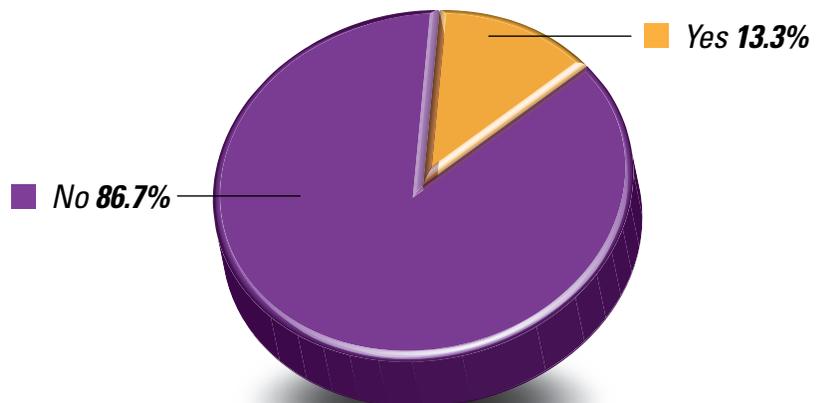
<sup>1</sup> Article VI, §1 (1792), Article III, §31 (1799).

<sup>2</sup> Article VI, §1 (1792), Article IV, §8-9 (1799).

<sup>3</sup> Article V, §6 (1792), Article IV, §8-9 (1799).

## KENTUCKY STATE POLICE

**Is the position of Constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?**



## INITIAL RESEARCH

During the constitutional convention of 1849-50, the office of constable was proposed for inclusion for the very first time in the Kentucky Constitution. William Preston, a Harvard-educated lawyer representing Jefferson County first raised the subject of the necessity of such inclusion:

“I suggest to the chairman of this committee that this is not the appropriate place for regulating the jurisdiction of constables. It does not prevail in any other constitutions, nor does it in our’s [sic]. I am perfectly willing that the legislature shall have full power to regulate their jurisdiction.<sup>4</sup>”

Squire Turner, a delegate from Madison County spoke in opposition to Preston’s suggestion, stating:

“I am opposed to striking out this provision. . . . We cannot always obtain the services of a sheriff in the remote parts of the county, and it is necessary that a constable shall be permitted to execute process; but if he has to

<sup>4</sup> Page 399, *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Kentucky, 1849*

stop and deliver up his authority to another, the criminal may in the meantime escape. . . . [I]t is right and proper, according to the views of the committee, that the constitution should declare that he is a county officer and can do business in any part of the county—that his jurisdiction is co-extensive with the county. If you strike out this provision, the legislature may, if they think proper, confine him to a single district. I desire that he shall be a county officer.<sup>5</sup>”

Preston responded to Mr. Turner in prophetic words:

“There are a great many things that are right and proper in themselves, that nevertheless ought not to be inserted in the constitution. . . . There is not a constitution in any state in the union that prescribes the jurisdiction of a constable, and I do not believe that it should be done here. If such a provision be inserted, it will be beyond the power of the legislature to control the jurisdiction of a constable. I can see no propriety in encumbering the constitution with a provision of this kind.<sup>6</sup>”

<sup>5</sup> *Id.* at Page 399.

<sup>6</sup> *Id.* at Page 399.

## COMMENTS FROM SURVEYS

*We have good constables within our county and they work well with the Sheriff’s Department.*

### KENTUCKY 1849:

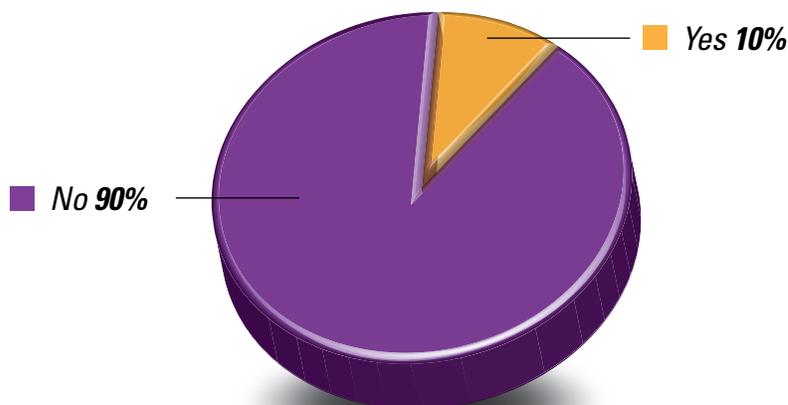
Less than 10 municipal police departments; no state agencies

### KENTUCKY 2012:

280 state, municipal and other full service law enforcement agencies

## JUDGE EXECUTIVES

**Is the position of Constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?**



COMMENTS  
FROM SURVEYS

*The position is antiquated. If the Commonwealth does keep the position, constables should have to be regulated by full POPS.*

*They may still have some use in civil matters. If they want to be cops, they should meet POPS.*

INITIAL RESEARCH

Richard D. Gholson, a delegate from Ballard and McCracken counties, who would later serve as a territorial governor of Washington, expressed his view that a constable's jurisdiction should not just be limited to a district or the county, stating:

“I think, sir, with all deference to the opinions of other gentlemen, that we should be pardoned for attaching some little importance to this matter. Now if a constable be restricted to his particular district, the people are deprived, to a great extent, of his services. So far from being restricted to the district, he should not even be confined to the county; but should be permitted to go to the very extremity of the state, in pursuit of a fugitive from justice.”<sup>7</sup>

Mr. Hamilton, agreeing with William Preston stated:

“It does appear to me, that the regulation of this whole matter, in relation to the jurisdiction of a constable, properly belongs to the legislature. Under the present constitution, those who fill the office of constable discharge the duties of that office in any part

<sup>7</sup> *Id at Page 400.*

of the county, and that is precisely as it should be; but if any change should hereafter be desired, it can be made by the legislature. It should not be done by constitutional provision.”<sup>8</sup>

William Preston further stated, “I do not [want or wish] to usurp every power that the legislature should hereafter exercise. All that I wish is that the constitution shall remain silent upon this subject.”<sup>9</sup>

Squire Turner responded:

“If you do not retain the provision the constructive effect will, in all probability, be that the constable will only have jurisdiction in the district in which he was elected. You make him a constitutional officer and the legislature will have no power to enlarge his jurisdiction, if there be no intimation contained in the constitution, as to its intent and meaning in regard to the jurisdiction of these officers.”

William Johnson, another delegate stated:

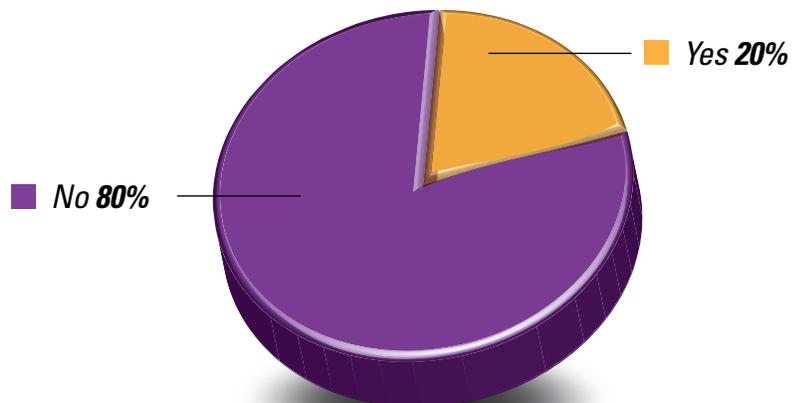
“I believe that this whole subject, about which we have been talking for some time, is an

<sup>8</sup> *Id at Page 400.*

<sup>9</sup> *Id at Page 400.*

POLICE CHIEFS

**Is the position of Constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?**



## INITIAL RESEARCH

improper one for consideration here. I think that the legislature of the country can dispose of this matter of constable, and define how many each county shall have, and far better decide upon all those matters, from time to time, than could any fixed constitutional provision. They had this power under the old constitution, and I think they ought to be continued in its exercise. I should prefer some amendment declaring that the legislature may provide for the election of a suitable number of constables in each county in the state.”

The debates over the office of constable continued on. Ultimately, the delegates to the 1849-1850 Constitutional convention voted to include the office of constable in the third Kentucky Constitution. The sections that address constables are as follows:

### **ARTICLE IV** *Concerning the Judicial Department.*

§36 - Judges of the County Court and justices of the peace, county assessor, attorney for the county, and constables, shall be subject to indictment or presentment for malfeasance or misfeasance in office, or willful neglect in the discharge of their official duties, in such mode

as may be prescribed by law, subject to appeal to the Court of Appeals, and upon conviction, their offices shall become vacant.

### **ARTICLE VI** *Concerning Executive and Ministerial Officers of Counties and Districts.*

§2 - No person shall be eligible to the offices mentioned in this article, who is not at the time twenty-four years old (except Clerks of County and Circuit Courts, Sheriffs, Constables, and County Attorneys, who shall be eligible at the age of twenty-one years), a citizen of the United States, and who has not resided two years next preceding the election in the State, and one year in the county or district for which he is a candidate. No person shall be eligible to the office of Commonwealth's or County Attorney unless he shall have been a licensed practicing attorney for two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of the Circuit Court, a certificate that he has been examined by the clerk of the court, under his supervision, and that he is qualified for the office for which he is a candidate.

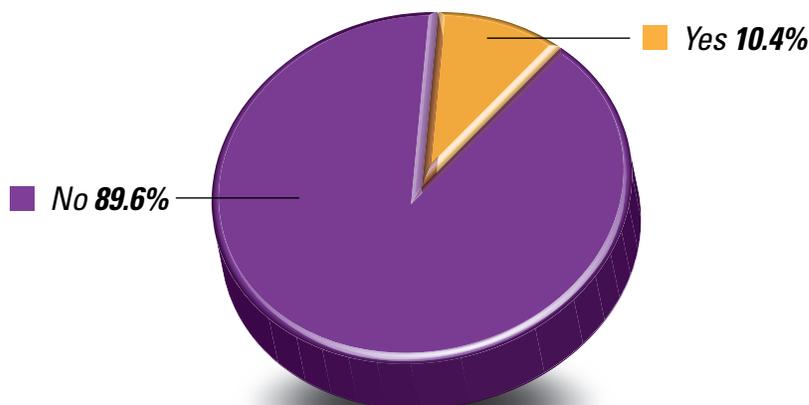
## COMMENTS FROM SURVEYS

*In general, the ones in Northern Kentucky would mark cars, obtain lights without permission from the Judge Executive Office, make traffic stops and yell at people.*

*In our county they are not needed and serve in name only.*

## SHERIFFS

**Is the position of Constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?**



COMMENTS  
FROM SURVEYS

*Their position is not needed in the county for law enforcement. There is not a reason we need them.*

*I feel it is dangerous to allow untrained people to serve in a law enforcement capacity based solely on election results.*

INITIAL RESEARCH

§5 - A Constable shall be elected in every Justice's district,<sup>10</sup> who shall be chosen for two years, at such time and place as may be provided by law, whose jurisdiction shall be co-extensive with the county in which he may reside.

§9 - Clerks, Sheriffs, Surveyors, Coroners, Constables, and Jailers, and such other officers as the General Assembly may, from time to time, require, shall, before they enter upon their duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as shall be prescribed by law.

Compared to constitutional convention of 1849-50, the minutes of the 1890-91 convention indicate that there was little debate regarding the issue of whether the office of constable should or should not be in the Kentucky Constitution. The 1891 Constitution included some changes from the 1850 Constitution, including increasing the

<sup>10</sup> Note: This provision refers to Article IV, §34, which directs that each county of the State be laid off into districts, with two justices of the peace being elected in each district, their jurisdiction being co-extensive with the county. The General Assembly was charged with the duty of establishing "districts of convenient size...."

constables' term in office from two to four years and increasing the minimum age from 21 to 24 years of age. The sections that address constables, are as follows:

**SECTION 99** County officers, justices of the peace, and constables—Election—Term.

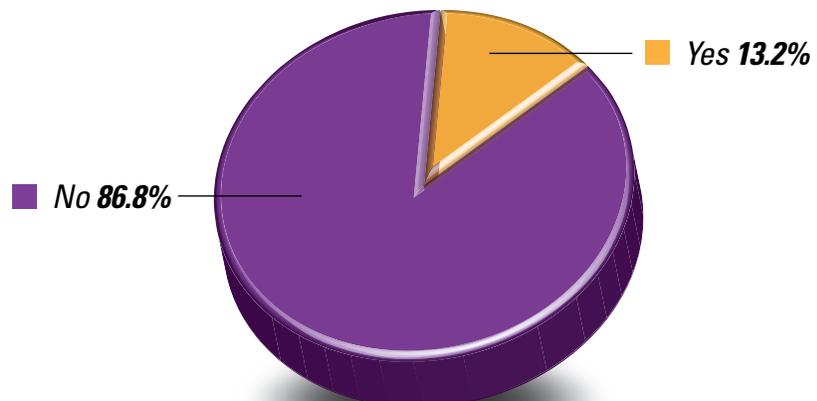
At the regular election in eighteen hundred and ninety-eight and every four years thereafter, there shall be elected in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and who shall hold their offices four years until the election and qualification of their successors.

**SECTION 101** Qualifications and jurisdiction of constables.

Constables shall possess the same qualifications as Sheriffs, and their jurisdictions shall be coextensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

COUNTY ATTORNEYS

Is the position of Constable, as a law enforcement function in modern society, essential to the Commonwealth of Kentucky?





COMMENTS  
FROM SURVEYS

*The Office of Sheriff is a fee office and those monies (service fees) go toward operating the office and revenue for the county. Sheriffs are required to conduct an audit of fees and tax collection. Constables are not required to answer to audits.*

*Prefer to abolish, but if not, remove law enforcement authority unless regulation by full POPS.*

INITIAL RESEARCH

The office of constable has been addressed substantively a number of times by actions of the Kentucky General Assembly; none of these efforts has conclusively established the role or delegated the role statewide. Rather, existing statutes serve as the only guidance concerning the law enforcement capacity of constables. (Appendix B and C)

**RECENT LEGISLATIVE ACTIVITY**

Another element that required review involved the legislative branch's treatment of constables in recent legislative sessions.

There have been a number of bills introduced in the General Assembly that have restricted and expanded the authority of constables over the years. No legislation has yet prevailed that would allow for placement on a general election ballot an amendment that would outright abolish constables despite several legislative efforts to do so.

Conversely, there has been no legislative appetite for expansion of constables' authority or expansion of law enforcement authority.

Among these efforts, Senate Bill 6 was introduced as recently as 2008. With that bill, significant new expenses to state government were identified, and the bill never advanced beyond its first committee assignment.

Similar provisions were proposed during the 2011 legislative session occurring as floor amendments to filed bills (See SFA1 for SB30, 2012 Regular Session). Of particular note, the 2012 Session saw two separate bills introduced (SB30 and HB240) that would have placed a proposal to amend the state Constitution by abolishing the office of constable.

Ultimately, no legislation was passed by the General Assembly in 2012. Summaries of legislation proposed during 2008 to 2012 in the Kentucky General Assembly are included in Appendix B.

Heightened negative media attention of constables has been attributed as a primary cause of the increased legislative interest; examples of media exposure are illustrated throughout this document and in Appendix H.





**CONSTABLES  
ACROSS THE UNITED STATES**

*If they want to have lights and weapons they need to be trained before they can run for office.*

*Completely remove law enforcement authority, civil processes only.*

## CONSTABLES ACROSS AMERICA

### HOW OTHER STATES ADDRESS CONSTABLES

Other states' experiences with constables were passively surveyed through online research. Follow-up research was conducted where warranted by direct contact with respective state agencies responsible for law enforcement standards and training. (Appendix D)

In short, a significant number of states (16) have eliminated constables outright; an equally significant number have removed law enforcement authority or have redirected the primary

role of constables towards civil process. Sixteen states have established a threshold between civil process and law enforcement functions; constables that perform law enforcement functions must attend training.

**Forty-six percent of states have abolished the position of constable on some level.** Some states have abolished the position completely; some have chosen to have the position only in first and second class cities, while others allow the local government entity to abolish the position.

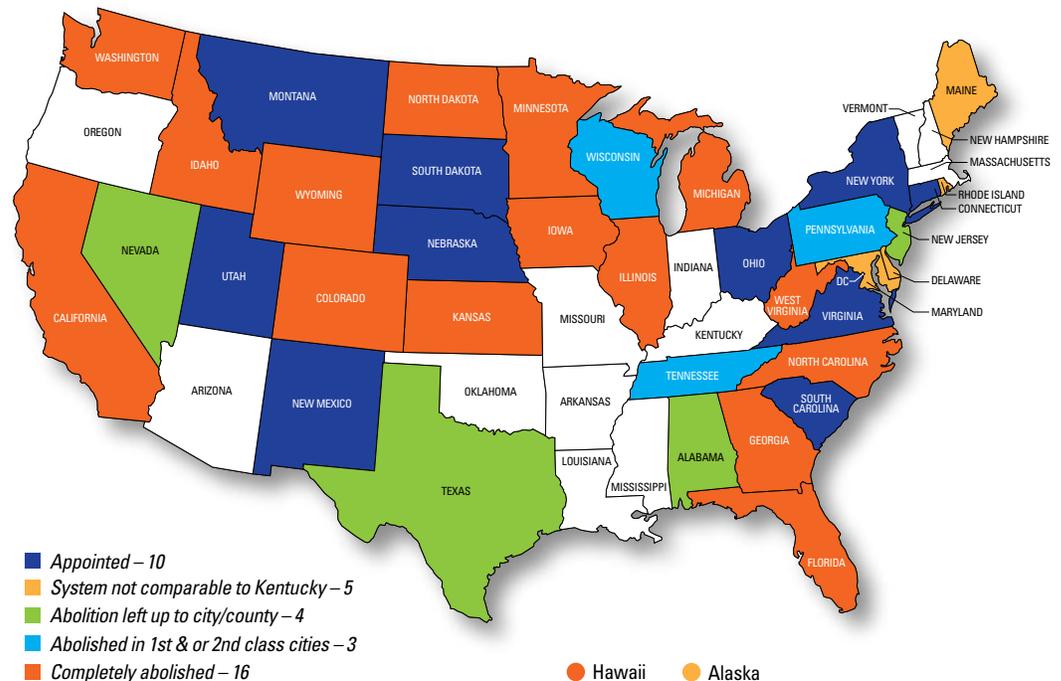
**Hawaii** abolished the position more than 110 years ago while it was still a territory. In the 1890s and again in 2010 **Wyoming** amended its constitution. Other states that have eliminated the constable position include **California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, North Carolina, North Dakota, Washington, and West Virginia.**

**Michigan** abolished the office of constable as a statewide office in 1963. However local governments may elect a constable and have

*“It is unimaginable that in today’s society we have sworn officers with full police powers, no training and little accountability.”*

COMMISSIONER RODNEY BREWER —  
KENTUCKY STATE POLICE

### Other States' Treatment of Constables



the authority to limit or restrict their duties. If the locally-elected constable is to perform law enforcement duties, he must be a certified officer through Michigan Commission on Law Enforcement Standards. Less than 10% of Michigan townships elect constables.

Article 7, Section 4 of the Illinois Constitution allows for the abolition of constables in each county. It would appear that each county has abolished the position of constable, thus eliminating the office from their state. No instances of constables can be found post-1900.

Georgia Code 15-10-100 repealed the office of constable in 1983. County governments may provide for an appointed constable and his salary.

Arkansas State Senator Sue Madison proposed Senate Joint Resolution 1 in 2011 that would have abolished constables. Madison explained, "I just feel it's time that Arkansas move on and realize it's time; we don't need constables. I feel like it is an archaic office. Now we have police departments for cities and towns, we have sheriffs' offices, they're trained, they have expertise in their area."

According to the information compiled by DOCJT staff, seven more states have chosen to abolish the position of constable in some other form in their state. Tennessee, Wisconsin and Pennsylvania have eliminated constables in first and second class cities by statute. Nevada, Texas, Alabama and New Jersey allow the position of constable to be eliminated through city or county governments.

COMMENTS FROM SURVEYS

*I think that the constable should have criteria and requirements on being able to even run for the constable position. Once elected, they should have to take and pass some type of training.*

**KENTUCKY 1849:**  
No statewide law enforcement agency

**KENTUCKY 2012:**  
Kentucky State Police with 1000+ sworn officers, 7 other state agencies with specialized functions and general enforcement training

# Traffic stops by constable thrown out of court

COURT SYSTEM, FISCAL COURT TAKE ISSUE WITH CONSTABLE'S TRAINING, USE OF BLUE LIGHTS.

Richmond Register  
July 28, 2012

...constable ...  
...constable ...  
...constable ...

COMMENTS FROM SURVEYS

*The best move would probably be to abolish the position. However, this would take a vote of the citizenry and getting the General Assembly to place it on the ballot would be difficult.*

*People are elected, get a gun and badge and no training at all. Then there have been many cases of them doing something wrong or getting arrested themselves. They are a major liability. They do not serve for modern-day law enforcement.*

In Texas, a few counties have the authority to eliminate or not fill the position of constable. In 1995 Texas voters passed a constitutional amendment to abolish constable offices in Reagan, Mills and Roberts counties and transfer their powers and duties to those counties' sheriffs. Since 1995 other counties have begun questioning their own need for the position of constable. (Dallas News, July 29, 2011 "Dallas County Needs to Abolish its Constable Offices")

Many states have a system that is not comparable to Kentucky's system of electing constables. In Maryland, constables are attached to the court system and most do civil process work only. However, if they are to perform

law enforcement duties, the constable must have satisfactorily completed a training program from a police training school approved by the Maryland Police Training Commission. (Maryland § 2-606. Duties of constables)

Several states have been identified as appointing constables. These appointments come mainly from the municipal government, although Delaware appoints constables through a statewide board and South Carolina's constables are appointed by the governor. Ten states appoint constables (Montana, Utah, New Mexico, South Dakota, Nebraska, Ohio, Virginia, South Carolina, New York and Connecticut).



Forty percent of the states researched require some sort of training for constables. Connecticut, **Maryland** and **Massachusetts** require extensive training if the constable performs law enforcement duties. For those constables who do not exercise law enforcement duties, no training is required. For example, in **Connecticut**, if constables perform law enforcement duties, they are subject to the state's Peace Officer Standards and Training rules and must complete a POST-approved law enforcement basic training, which is currently 818 hours. Many states place decision of the constable duties at the county level, leaving the sheriffs of those counties without constables accountable for civil processes, bailiff duties, and warrants.

Only four states have an equivalent to a training and ethics standards board for constables. The **Arizona** Constable Ethics Standards & Training Board ensures every constable is meeting their continuing education mandates and investigates citizen complaints on the constable. The **Pennsylvania** Constables' Education and Training Board require that each elected constable pass a firearms training course and attend an additional 80 hours of general training. **South Carolina** classifies constables into three groups

which all must submit an application to the South Carolina Law Enforcement Division before becoming a constable. In **Delaware** constables are hired by a Board of Examiners that may require training and duties and can determine jurisdiction. Delaware utilizes three types of appointed constables: civil process servers, building security for private firms or court security officers/code enforcement officers.

There is no consensus in neighboring states regarding the office of constable. **Indiana** allows each township that has a small claims court to elect a constable who acts as a bailiff, makes arrests and serves papers. In **Ohio** the constable duties are similar to Kentucky's but in most cases, they must undergo police training. **Virginia** appoints constables, although most have been absorbed into sheriffs' offices. In **Tennessee**, constables have been abolished in first and second class cities, and in other counties the county commissioner can decide whether or not to utilize the position of constable and decide on the constable's policing powers. Forty-five percent of counties in Tennessee have either abolished the constable position or do not fill the office of constable. **West Virginia** abolished the office of constable in 1977.

COMMENTS FROM SURVEYS

*They are not accountable to anyone except themselves. At times, could they perhaps get out of control because of this?*

*Constables shouldn't be allowed to have law enforcement authority similar to any sheriff or state police. They should assist in serving civil processes but not much more powers than that.*

# Constable disarmed, barred from contact with woman

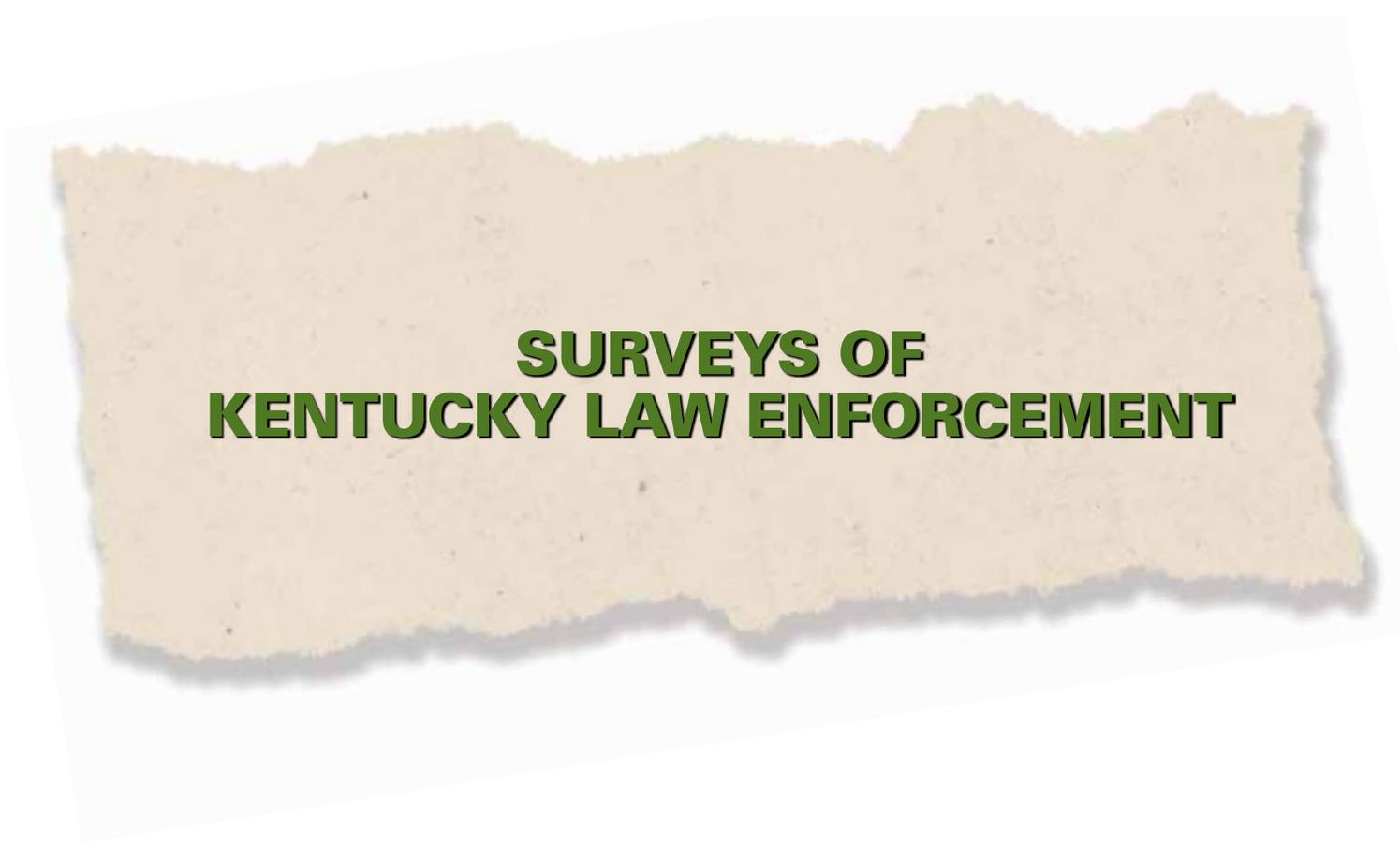
(Frankfort) State-Journal  
August 3, 2012

Frankfort, Ky. (State-Journal) — A constable disarmed a woman and barred her from contact with her child after she refused to sign a custody agreement, a court official said today.

The woman, who was identified only as "Tina," was arrested by Constable [Name] after she refused to sign a custody agreement for her 4-year-old child. The constable disarmed her and took her to the court. The woman's attorney said she was not a lawyer and was not a constable.

The woman is represented by a lawyer and is currently in court. The constable is currently in court with the woman. The woman is currently in court with the constable. The woman is currently in court with the constable.





**SURVEYS OF  
KENTUCKY LAW ENFORCEMENT**

COMMENTS FROM SURVEYS

*I feel that the authority of Constables should be regulated by the state so that each county is working under the same principles.*

*Abolish would be great, but I didn't want to sound mean.*

**SURVEYS CONDUCTED**

Surveys were directed to Kentucky State Police, chiefs of police, and sheriffs initially. A second round of surveys included constables, county judge-executives, and county attorneys. Full texts of each of these surveys are included in Appendix F.

**Kentucky State Police**

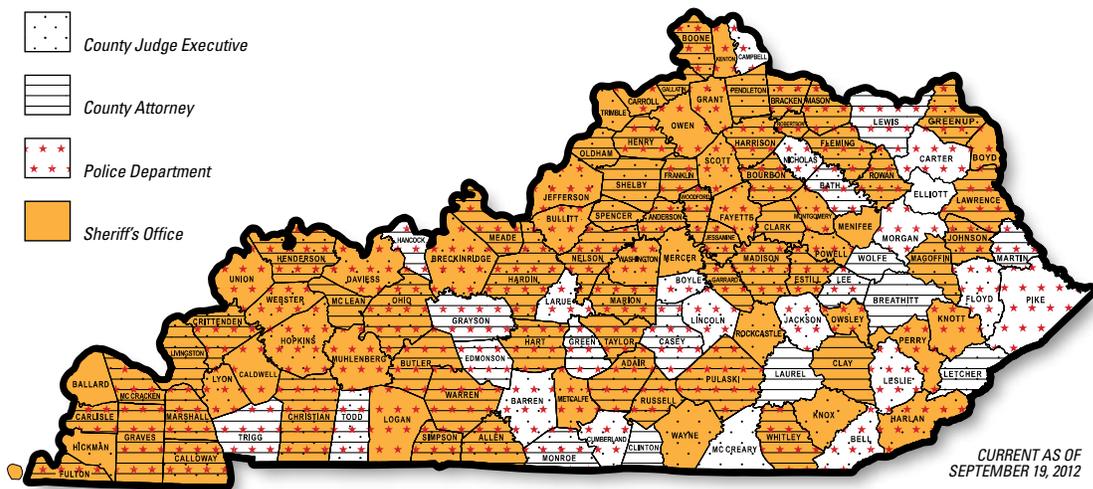
The Kentucky State Police directed surveys to all sworn personnel; nearly 1,000 surveys were distributed electronically with an introduction of the survey from the office of the Commissioner. All communications regarding the survey were directed through channels from KSP. At the conclusion of the working group's reporting cycle, 754 valid responses from the Kentucky State Police were collected and analyzed.

**Chiefs of Police**

Chiefs of police were identified as a member of the working group and as a group that

were clearly of interest for targeted surveys. The Kentucky Association of Chiefs of Police agreed to liaison and coordinate surveys of its members, while non-members were contacted by DOJT personnel. With the assistance of KACP Executive Director Mike Bischoff, and presidents of the association, Chief Rob Ratliff (2011-12) and Chief Bill Crider (2012-2013), 178 chiefs representing 3,925 officers responded to the survey. These chiefs represent 48.5% of all law enforcement officers in Kentucky. While there is no formal relationship with constables, the interaction of constables with municipal officers significantly contributes to the research. Municipal agencies clearly have made significant strides over the years to professionalize services and training. They were one of the first law enforcement groups in Kentucky to self-regulate and impose standards for hiring and selection, promotion and internal controls that exceeded state minimum requirements.

**RESPONSES FROM JUDGE EXECUTIVES, COUNTY ATTORNEYS, POLICE DEPARTMENTS, AND SHERIFFS' DEPARTMENTS**



**Surveys Combined**

The following departments responded to the survey but are not able to be reflected on the map: Campbell County PD, Knott County PD, Letcher County PD, Oldham County PD, Whitley County SO, Heritage Creek PD

**Sheriffs**

Sheriffs are likely the most visible local law enforcement officers in Kentucky and have responsibilities that include law enforcement, court security, taxation and civil matters. The Kentucky Sheriffs' Association leadership—Executive Director Jerry Wagner and President Steve Sparrow, Sheriff of Oldham County—committed considerable effort and resources to distribution and collection of surveys of their member sheriffs. Ultimately, 119 sheriffs provided valid responses to their survey.

Sheriffs have a unique relationship with constables as their jurisdictions are co-extensive. Historically there has been considerable antagonism between the two groups stemming from competition for limited resources, public confusion over differences between the two offices, and public misunderstanding of the roles and statutory regulations of the two different offices.

**Judge Executives**

Judge Executives represent the closest line of authority with constables on the county level. While county judge executives do not control constables, the county is fiscally liable for the actions of the elected constable. The fiscal court in each county has the authority to

sanction certain actions of elected constables (i.e. the use of blue lights/sirens). Kentucky County Judge/Executive Association Executive Director Vince Lang assisted in the survey distribution. Seventy-nine county judge executives completed the survey.

**County Attorneys**

County attorneys prosecute every criminal and misdemeanor case that is heard in district court. In addition to these prosecutorial duties, county attorneys serve as counsel to their counties' fiscal courts, districts, commissions, boards, and county officials in all legal issues (excluding Fayette County). Bill Patrick, executive director of the Kentucky County Attorney Association, assisted in the survey distribution and collection. Seventy-three county attorneys completed the survey.

**REPRESENTATION**

The five categories of county officials and law enforcement represent experiences and perceptions in 119 counties. In all but five counties, more than one response was received from these categories. In short, responses to these five surveys provide data that is representative of the experiences and perceptions of Kentucky; no geographic or other discernible portion of the state is significantly under-represented.

COMMENTS FROM SURVEYS

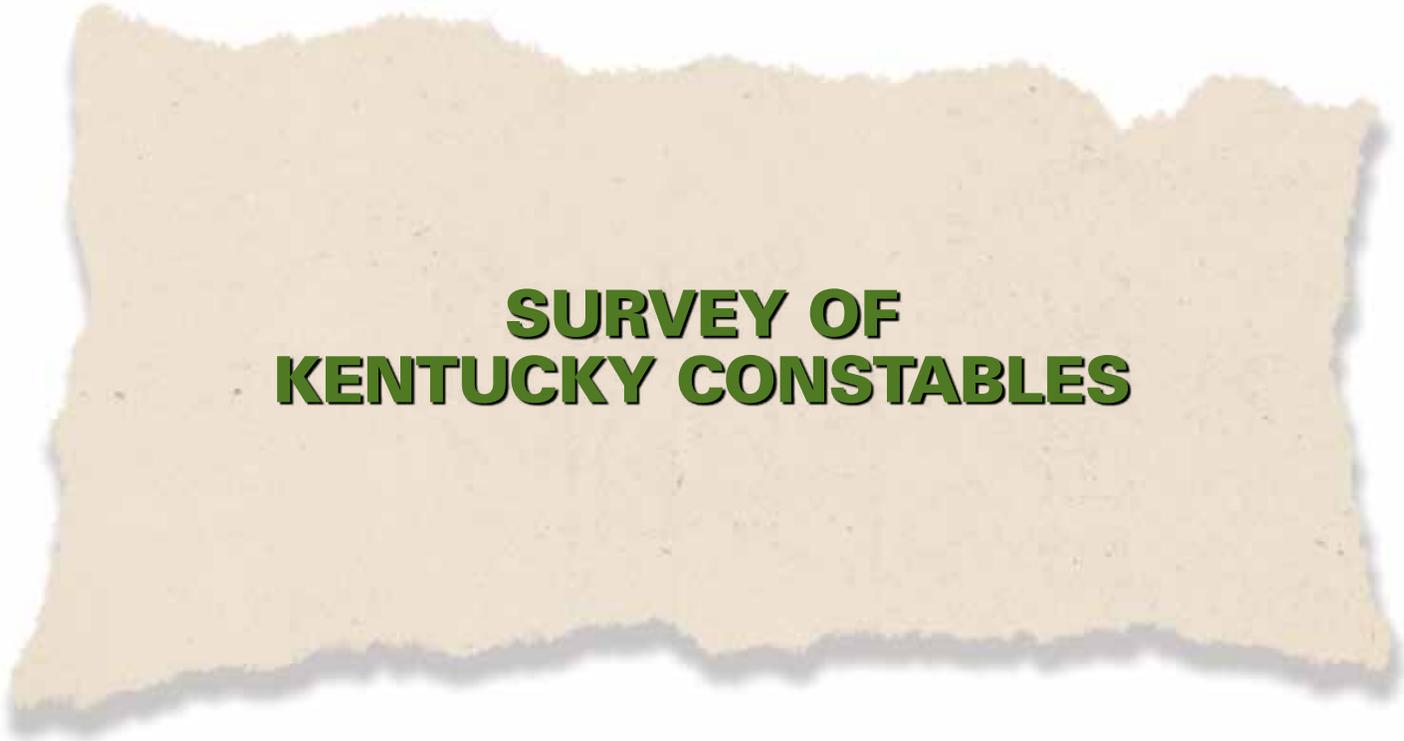
*They need some type of training. Back in my hometown they are just way out of line.*

**Constable receives DUI and other charges**

SURFKY NEWS GROUP  
MUHLENBERG COUNTY  
NOVEMBER 14, 2011

*[Faded newspaper text, likely a news article related to the headline above.]*





**SURVEY OF  
KENTUCKY CONSTABLES**

**CONSTABLES AND STATE CONSTABLES ASSOCIATION PARTICIPATE IN STUDY AND COMMITTEE ACTIVITIES.**

In addition to all constables requested to participate in the survey, the Kentucky Constables Association was invited to address the working group regarding its goals and objectives. Mr. Jason Rector, Adair County Constable and President of KCA, attended a working group meeting on August 22. At that meeting, Rector provided a presentation and discussed training, liability, and other topics.

**CONSTABLES’ SURVEY RESPONSE**

Constables’ self-perceptions, and their views on the relationships between them and law enforcement in their respective communities, were important to the efforts of the working group. The Constable Survey was stylized and formatted similar to a survey of law enforcement agencies conducted periodically by DOCJT to allow for any applicable comparisons that might be fruitful to this inquiry. (Appendix E)

The Kentucky Constables’ Association (KCA) President, Constable Jason Rector from Adair County, was forthcoming and more than willing to participate in the constable survey and coordinate logistics with other constables. Rector is an advocate of training and accountability; he acknowledged from the onset that KCA cannot speak for all constables much less direct the actions of all constables. The KCA is the only Kentucky association that is dedicated to the specific interests of constables.

**RESULTS OF CONSTABLE SURVEY**

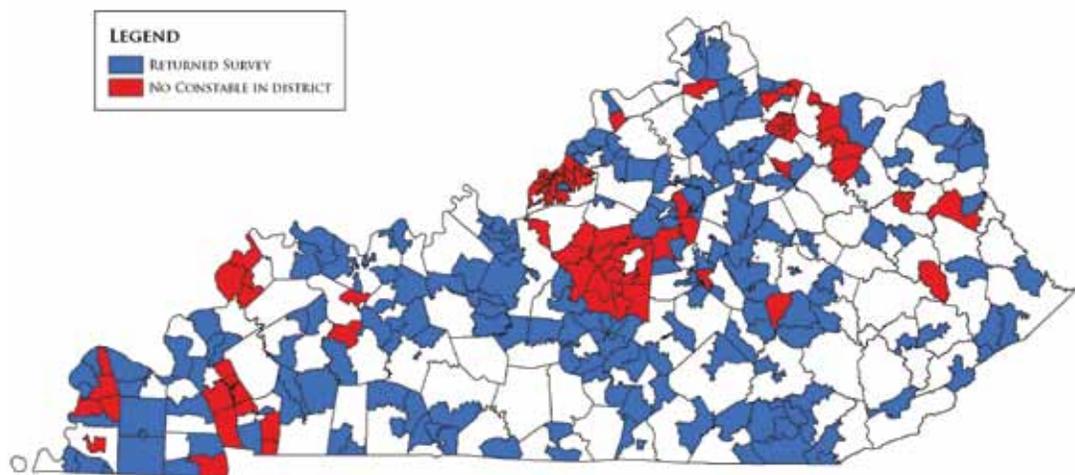
**Summary**

Upon reviewing the aggregated results of six independently run surveys, existing records of law enforcement activity for the past four years, opinions of attorneys general and media articles accumulated over the past several years, the working group reached several consensus declarations. Following this abbreviated list of declarations is a discussion of each relevant section or mode of inquiry.

**Constables are not essential to Kentucky for law enforcement purposes.**

- Constables perform only a negligible amount of law enforcement case work statewide.
- Constables that are active in law enforcement functions are rare; no guarantees of a continued performance of law enforcement role exists or can be compelled of the constable.

**CONSTABLES — RETURNED SURVEY**



**Constables’ Survey Responses by District**

*Of the 586 magisterial districts in Kentucky, 509 have constables in office. 202 constables responded to the survey for an overall response rate of 39.6%. Figure above, graphically depicts responses from constables by magisterial district.*







**SURVEY RESULTS:  
LAW ENFORCEMENT**

## SURVEY RESULTS: LAW ENFORCEMENT

A majority of responses from each of the five groups other than constables surveyed—state police, sheriffs, chiefs, judge executives and county attorneys—agreed that constables should not have law enforcement authority. A common question was asked of each of these five groups: “What are your suggestions regarding the role of constables?”

Responses were aggregated from those categories that would in some form ultimately remove law enforcement authority; those response categories included: abolition of the office of constable outright, specifically removing law enforcement authority, and stipulating civil process only as an approved function. In each of the following tables, response categories are highlighted in orange; with each group, a majority favored removal of law enforcement functions and authority.

**Breaking responses apart, abolition of the office of constable received at least a plurality if not a majority of preferred outcomes in these five groups.** It is worth noting that open responses corresponding to this question indicated that a substantial number of respondents who opted for a response other than “abolish” explained they did not believe abolition would make it onto a general election ballot but it would be a preferred outcome. In this regard, removing law enforcement authority or confining constables to civil process only were essentially second-best choices.

**Holding all things equal, the next most preferred recommendation for constables amongst these five categories was imposition of full Peace Officer Professional Standards (POPS) Act requirements.** For purposes of this report, care should be taken not to read the responses to the surveys beyond only that which was said; in this case in particular, imposing POPS requirements on constables is not commenting on how this requirement would be imposed. As constables are constitutional offices, one cannot assume that they are suggesting that this requirement be accomplished by constitutional amendment or that there be a statutory provision that would compel compliance with POPS if an elected constable were to perform law enforcement functions.<sup>11</sup>

POPS would be particularly onerous to the existing cohort of constables.<sup>12</sup> POPS requires completion of a Kentucky Law Enforcement Council approved Basic Training Course within one year of employment as a peace officer, annual in-service training for incumbents in each year following completion of Basic Training, and 17 pre-employment standards.<sup>13</sup> The current Basic Training course approved by the KLEC at DOCJT is 18 weeks of resident hours and is predicated on rigorous entry-level requirements in terms of physical abilities, aptitude, reading level, and availability.

<sup>11</sup> Other states have imposed this type of condition on constables; see previous section regarding other states’ experiences and actions taken regarding constables on p. 12.

<sup>12</sup> See green bar left.

<sup>13</sup> Peace Officer Professional Standards Act (KRS15.380..400) pre-employment standards may be found at <http://www.lrc.ky.gov/KRS/015-00/382.PDF>

### Kentucky State Police: Suggestions for constables’ role

KENTUCKY STATE POLICE		
314	42%	Abolish
42	6%	Completely Remove Law Enforcement Authority
64	8%	Civil Process Only
199	26%	Regulate by Full POPS
64	8%	Limit and Regulate Law Enforcement Authority
28	4%	Maintain Current System
10	1%	Expand Law Enforcement Authority
33	4%	No Response
754	100%	Total

Of 202 responses to the survey conducted with constables, 137 indicated they are employed in a capacity other than being a constable. As reported to the committee on July 18, 2012, by Jason Rector of the Kentucky Constables Association, this makes it impossible for them to attend regular training due to full-time employment commitments.

Two of the survey respondents indicated they have previous convictions; five indicated they do not have a high school diploma or GED certification.

## SURVEY RESULTS: LAW ENFORCEMENT

### Judge Executives: Suggestions for constables' role

#### JUDGE EXECUTIVES

43	54%	Abolish	
1	1%	Completely Remove Law Enforcement Authority	
5	6%	Civil Process Only	62%
12	15%	Regulate by Full POPS	
2	3%	Limit and Regulate Law Enforcement Authority	
2	3%	Maintain Current System	
0	0%	Expand Law Enforcement Authority	
14	18%	No Response	
79	100%	Total	

### Chiefs of Police: Suggestions for constables' role

#### POLICE CHIEFS

63	35%	Abolish	
14	8%	Completely Remove Law Enforcement Authority	
13	7%	Civil Process Only	51%
44	25%	Regulate by Full POPS	
13	7%	Limit and Regulate Law Enforcement Authority	
10	6%	Maintain Current System	
7	4%	Expand Law Enforcement Authority	
14	8%	No Response	
178	100%	Total	

### Sheriffs: Suggestions for constables' role

#### SHERIFFS

71	60%	Abolish	
4	5%	Completely Remove Law Enforcement Authority	
1	1%	Civil Process Only	71%
14	12%	Regulate by Full POPS	
15	13%	Limit and Regulate Law Enforcement Authority	
5	3%	Maintain Current System	
1	1%	Expand Law Enforcement Authority	
6	6%	No Response	
118	100%	Total	

### County Attorneys: Suggestions for constables' role

#### COUNTY ATTORNEYS

34	47%	Abolish	
4	6%	Completely Remove Law Enforcement Authority	
10	14%	Civil Process Only	67%
6	8%	Regulate by Full POPS	
5	7%	Limit and Regulate Law Enforcement Authority	
4	6%	Maintain Current System	
1	1%	Expand Law Enforcement Authority	
8	11%	No Response	
72	100%	Total	

# WHAT'S THE PROBLEM? A Kentuckian's Experience

**Richmond Register**  
**July 28, 2012**

“RICHMOND — On a chilly January night last winter, Steve Kelly saw several cars intentionally doing snow “doughnuts,” spinning in circles on the slick pavement, in the Hastings parking lot at Richmond Centre.

Kelly drove over to investigate, and he claims one of the cars hit a grass island, nearly hitting his vehicle.

Kelly turned on his blue lights and got out of his vehicle.

He walked up to the stopped car, driven by Abraham Drane, 35, and Drane attempted to drive away, Kelly said. Kelly then opened the car door and turned off the ignition.

“(Drane) punched me in the face,” Kelly said. “... He was ready for war.”

Kelly pulled Drane out of the vehicle and “at that point it was necessary to deploy my Tazer...” the incident report states. Kelly also doused Drane with pepper spray. Kelly reported that Drane had an unopened pocket knife in his hand.

Kelly is not a Richmond or Berea police officer, and he's not employed by the Madison County Sheriff's Department.

Kelly was elected as the constable of District 2 in 2010, and according to the state constitution, he has the same law arresting powers as a county sheriff.

However, Kelly is not required to have any law enforcement training, something that has led to him often being at odds with county officials and the local justice system... The case was dismissed with prejudice.”

(2 of 3)

## SURVEY RESULTS: LAW ENFORCEMENT

Open ended responses that corresponded to the question to which respondents indicated POPS compliance may reveal a more utilitarian understanding of the circumstances of constables in Kentucky than one might otherwise expect. A number of respondents who suggested POPS compliance also commented that law enforcement authority (following POPS) would not be available, that is, constables would not pass pre-employment standards or most constables would not be able to attend and pass Basic Training for 18 weeks.

Respondents preferring limiting of law enforcement authority to POPS compliance also appears to serve another purpose. Open-ended responses pointed to the non-law enforcement services that could be of benefit (i.e. civil process, event security, etc.); elimination of the office would also eliminate those services seen as beneficial by the survey respondents. POPS compliance for law enforcement authority would confine or eliminate the facet of constables that is most vexing to these respondents while preserving elements that are of little concern or are seen as somewhat beneficial.

Respondents suggesting maintaining the present system and practices marginally outpaced those who favored expansion of the law enforcement role of constables. Neither represents a significant portion of responses. Of those that did indicate this preference, open ended responses indicate in several cases that there is a personal relationship between the respondent and one or more constables in the respondent's jurisdiction.

*“Constables are a state-wide issue that has not been properly addressed. Serious consideration of abolishing the office or at least removing law enforcement authority is warranted.”*

KEITH CAIN —  
SHERIFF, DAVIESS COUNTY  
CHAIRMAN, KENTUCKY LAW ENFORCEMENT COUNCIL

“In the past some have suggested a “special” constable course or training class ranging from 40 hours to 80 hours in length. By all logic, this is preposterous. There is no practical outcome of giving abbreviated training to constables to cause them to behave as if they had 18 weeks.”

DR. JOHN W. BIZZACK —  
COMMISSIONER /  
DEPARTMENT OF  
CRIMINAL JUSTICE  
TRAINING

# Woman arrested after shoplifting, fight with constable

Lexington Herald-Leader  
June 11, 2012

Constable arrested a woman suspected of shoplifting at a store in Lexington. She had a fight with the constable. The woman was arrested and taken to the jail. She was charged with shoplifting and assault on a constable.

The woman was arrested after a fight with a constable. She was charged with shoplifting and assault on a constable. She was taken to the jail.

The woman was arrested after a fight with a constable. She was charged with shoplifting and assault on a constable. She was taken to the jail.

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**RESULTS OF  
SURVEY OF CONSTABLES**

## RESULTS OF SURVEY OF CONSTABLES

### CONSTABLES' SURVEY RESPONSES

In the description of the constables' survey in the previous section, responses were plotted on a map indicating magisterial districts (p. 26.) The response rate of the constables provides context and, to some degree, limitations on findings and summaries of constables. It is difficult to generalize about all constables with short of 40% responding to the survey. Conversely, it may not be quantifiable, but the low response rate does lead one to reach suspicions if not conclusions about the incumbents' perceptions of their role.

Constables Survey
509 Recipients
202 Completed Survey
307 Not Responded
39.6% Answered

### Constables' Survey Responses

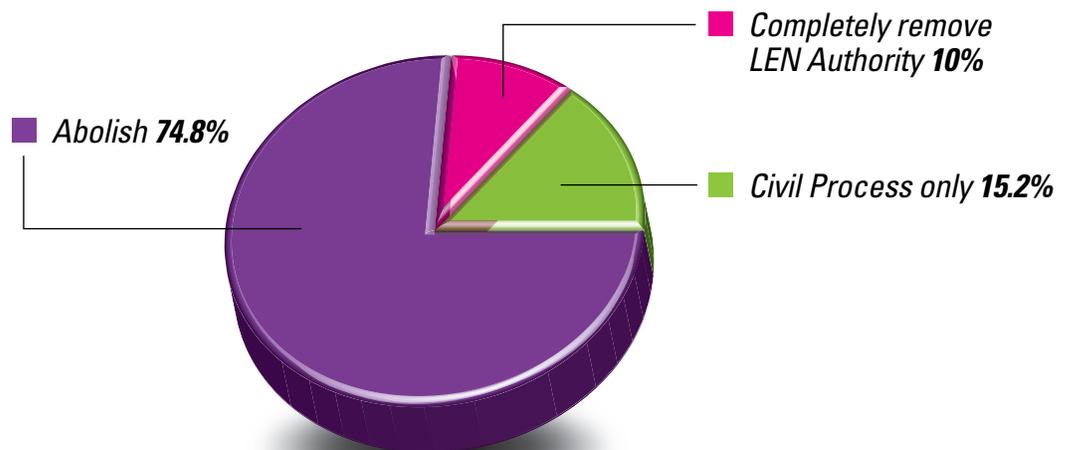
### PREVIOUS LAW ENFORCEMENT EXPERIENCE AND TRAINING

A total of 73 respondents indicated previous law enforcement experience; DOCJT confirmed 14 of these 73 as graduates of basic training with DOCJT, KSP or out-of-state basic training.

- 14 were confirmed as having attended DOCJT Basic Training, KSP Basic Training or an out-of-state basic training that was KLEC approved. (1 out of state, 11 attended DOCJT training prior to inception of POPS, 2 attended DOCJT basic training after POPS)
- Seven cited military experience as law enforcement experience
- Two cited unverified out of state law enforcement experience

## KENTUCKY STATE POLICE

### Eliminate Law Enforcement Functions of Constables



## RESULTS OF SURVEY OF CONSTABLES

- 12 constables cited experience with sheriff departments or police departments, but their experience was part-time, special deputy, auxiliary police or volunteer. In terms of in-service or incumbent officer training, sporadic training was noted; none attended regularly (yearly) and none attended a basic training class
- Two cited private security work
- Two were bailiffs / court security officers
- The remaining constables' information could not be verified.

### DEPUTY CONSTABLES

Kentucky Revised Statutes 70.320 and 81.010 stipulate the conditions and parameters for the use of deputy constables. Fourteen constables indicated that they utilized deputy constables or other personnel. All but one county appeared to be in compliance with the statutory regulations dealing with deputy constables. One constable from a third class city indicated in his survey response that he employed six full time constables in apparent contradiction of KRS 70.320.

Fourteen constables in nine counties reported using of deputy constables:

Boyd (2)	Campbell
Christian (4)	Daviess
Fayette (2)	Kenton
Meade	Taylor <sup>14</sup>
Warren	

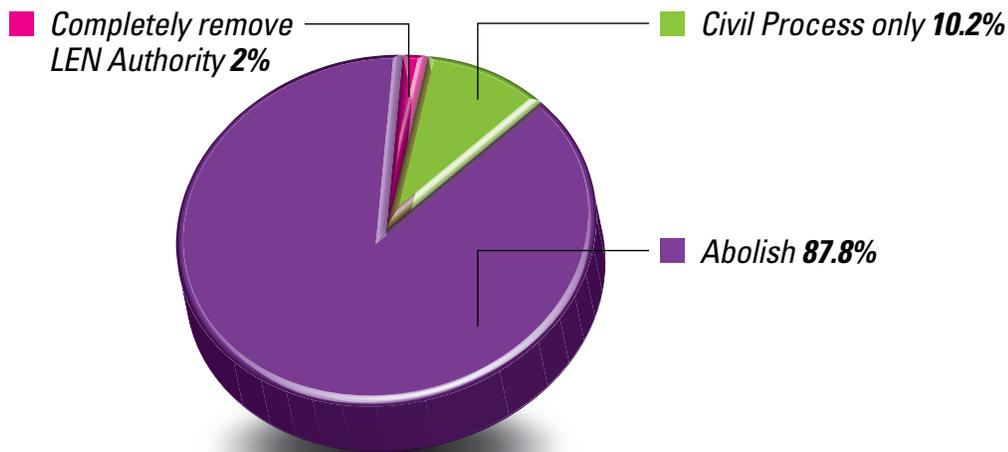
<sup>14</sup> Taylor County does not have a first or second class city; this data is reported from constables' self-report survey.

**KENTUCKY 1849:**  
No organized training for law enforcement

**KENTUCKY 2012:**  
Empirically validated training for 8089 certified peace officers in 400 law enforcement agencies .

## JUDGE EXECUTIVES

### Eliminate Law Enforcement Functions of Constables



## RESULTS OF SURVEY OF CONSTABLES

### KRS 70.320 – Deputy Constables

70.320 Deputy constables in counties containing a city of the first or second class or a consolidated local government.

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city or a consolidated local government. In counties containing a city of the first or second class or a consolidated local government, each constable may appoint one (1) or more deputies with the consent of the county judge/executive or the mayor, in a consolidated local government, as the case may be. The constable and his or her surety are liable on his or her bond for all the acts and omissions of his or her deputies.

(2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county judge/executive or the mayor in a consolidated local government, as the case may be, entered after filing of a written direction by the constable.

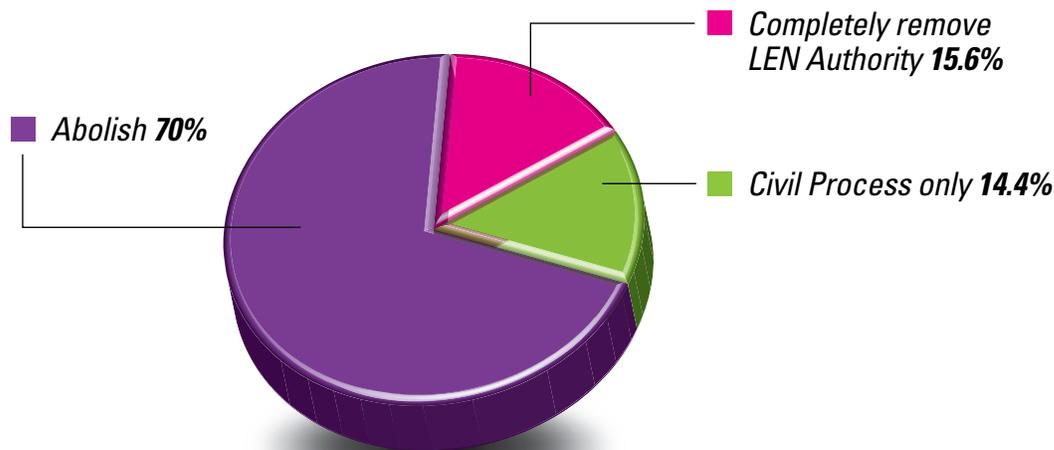
(3) Each deputy constable in counties containing a consolidated local government or city of the first class shall be compensated for his or her services by salary fixed by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 70, effective July 15, 2002. -- Amended 1978 Ky. Acts ch. 384, sec. 161, effective June 17, 1978. -- Amended 1968 Ky. Acts ch. 152, sec. 44. -- Amended 1960 Ky. Acts ch. 241, sec. 1. -- Amended 1954 Ky. Acts ch. 105, sec. 1. -- Amended 1952 Ky. Acts ch. 6, sec. 1. -- Amended 1946 Ky. Acts ch. 165, sec. 1. -- Amended 1942 Ky. Acts ch. 180, secs. 8 and 9. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 425, 1083a-9.

## POLICE CHIEFS

### Eliminate Law Enforcement Functions of Constables



## RESULTS OF SURVEY OF CONSTABLES

### Education Level

	Ky population	Responding Constables	DOCJT Basic Training Graduates 2012
Less than High School	19%	2.7%	0%
High School or equivalent	54%	74.7%	62.7%
Associate Degree	6.6%	13.7%	10.5%
Bachelor Degree	12.1%	8.8%	24.7%
Graduate Degree	8.2%	0%	1.8%

### Comparison of General Population, Constables, and DOCJT Recruits Educational Levels<sup>15</sup>

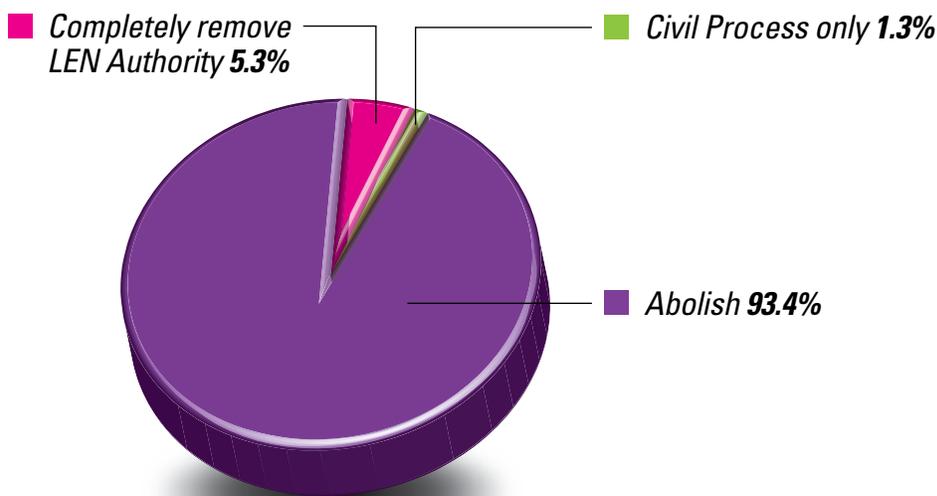
**When comparing education levels of constables to education levels of other Kentucky law enforcement officers, several things stand out.** More than one out of every four 2012 DOCJT Basic Training Graduates have at least a bachelor’s degree, which is significantly higher than the state average, according to the 2010 Census Bureau information. In contrast, one out of approximately 12 constables has attained a bachelor’s degree.

According to the reported constables data, five constables reported not having a high school or equivalent degree. Due to the POPS hiring standards, one does not find that in other areas of law enforcement.

<sup>15</sup> Taken from the United States Census Bureau ([www.census.gov](http://www.census.gov)). Data compiled from the 2010 census. (Adults age 25 and over)

## SHERIFFS

### Eliminate Law Enforcement Functions of Constables



## RESULTS OF SURVEY OF CONSTABLES

### AGE

The age range of constables who responded to the survey is 26 to 86, with a median of 53 and a mean of 52.6.

Age Ranges	
30 and under	8
31-40	21
41-50	54
51-60	55
61-70	46
71-80	8
Over 80	2

### MILITARY EXPERIENCE

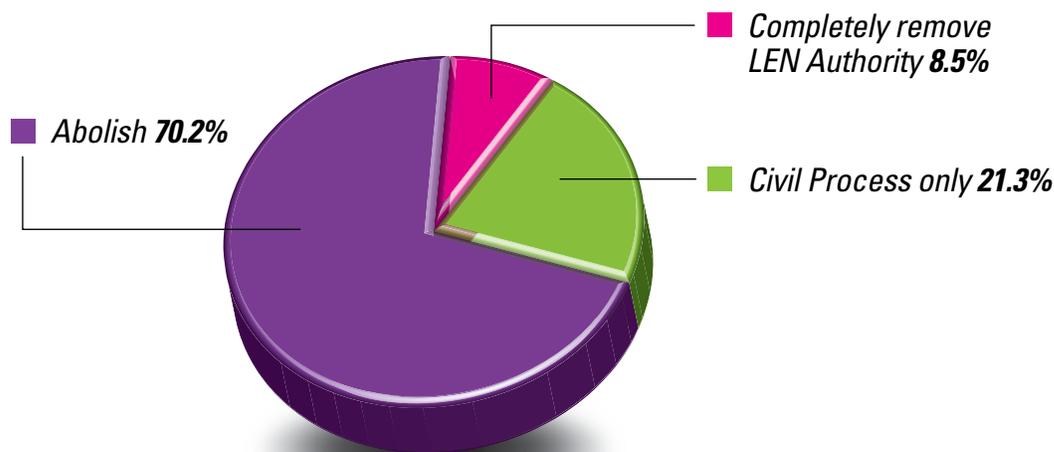
Twenty-seven percent of constables responding to the survey reported previous military experience, this is comparable to data that details almost 24% of DOCJT Basic Training graduates from 1999-2012 have previous military experience. This is higher than the statewide population. According to the U.S. Census Bureau, a little more than 10% of Kentucky's population (adults age 18 and over) have military experience.

Fifty-five constables out of the responding 202 constables reported that they had military experience in the form of Air Force, Army, Coast Guard, Marines, Navy, National Guard or Reserves. It should be noted that 11 of the 55 constables reported service with more than one branch of the military.

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## COUNTY ATTORNEYS

### Eliminate Law Enforcement Functions of Constables





**CONSTABLES AND  
LAW ENFORCEMENT**

**EXISTING RECORDS**

**A common assertion by constables is that they play a significant role in law enforcement services to Kentucky; other entities surveyed clearly disagree with this understanding.**

Another approach, then, to further answering the original research question is to look to existing records for more of an answer. If constables are essential to law enforcement services in Kentucky at present, a commensurate level of official activity would be a matter of record; claims that sheriffs, chiefs of police and KSP felt threatened by constables or resentful of their autonomy might make more sense if constables routinely engage and report criminal cases compared to other law enforcement actions.

At the onset of this inquiry, DOCJT research staff attempted to establish a threshold—an average or median level of activity for official acts and records from which comparisons and generalizations could be drawn. This proved to be an unnecessary exercise; the data speaks clearly for itself.

The Kentucky State Police are, by statute, the official records agent of Kentucky for criminal cases, traffic citations, and other official acts of law enforcement. KSP provided data accumulated over three full years (2009, 2010, 2011) and 2012 partial year that aggregated the official law enforcement activities of constables in each county. The full table and summary table are attached as Appendix G. Records from the yearly Crime in Kentucky<sup>16</sup> report produced by KSP were compared against the accumulated constable data; the **results of that comparison revealed a statistically insignificant impact on the part of constables in law enforcement operations in Kentucky.**

<sup>16</sup> Current and previous year reports available at: <http://www.kentuckystatepolice.org/data.htm#kyucr>



Kentucky State Police classify crime into categories. Part 1 crimes consist of murder, rape, robbery, aggravated assault, burglary, larceny theft, auto theft, and arson. Records show that in 2009 a statewide total of 119,785 Part 1 crimes were reported by law enforcement to KSP. Of those 119,785 crimes; only 1 case was filed by a constable. In 2010, law enforcement reported 121,287 Part 1 crimes; only 2, or 0.00002%, were reported by a constable. In 2011, the reporting process and nomenclature changes renamed Part 1 crimes to Group A crimes. Additional crimes such as kidnapping/abduction, drug/narcotic offenses, prostitution, and weapons law violations were included in the Group A category. In 2011, constables reported 15 Group A/Part 1 crimes, or .00007%, of the 198,889 total for the state. From 2009 to 2011, on average, constables worked approximately 9.75 Part 1 cases per year and an average of 23.6 of all cases per year.

*“The committee’s conclusion emphasizes that the caliber of today’s law enforcement professionals bolstered by consistent, state-wide standards — effectively eliminates the need for constables as defined more than 150 years ago.”*

DR. JOHN W. BIZZACK —  
COMMISSIONER / DEPARTMENT OF  
CRIMINAL JUSTICE TRAINING

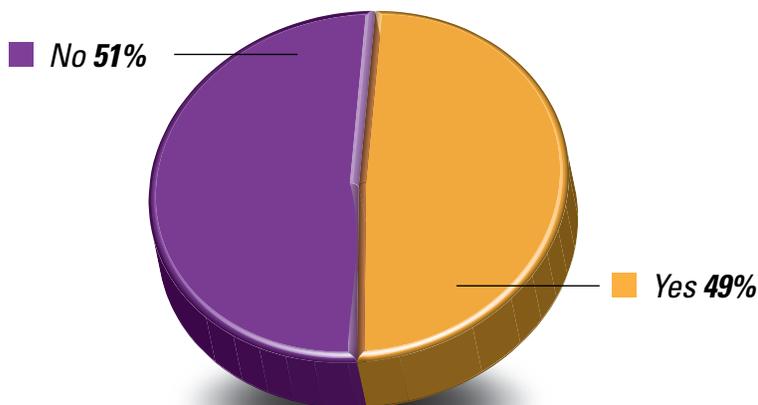
As of September 12, 2012, Kentucky had approximately 8,096 certified peace officers; this total includes deputy sheriffs, city police officers, Kentucky State Police troopers, airport police officers, university police officers, public school police officers, Fish and Wildlife Conservation officers, and other state officers.<sup>17</sup> As a means of comparison, there were approximately 509 constables state-wide.<sup>18</sup>

<sup>17</sup> DOCJT and KLEC records of active certified peace officers pursuant to KRS 15.380..400 (Peace Officer Professional Standards Act).

<sup>18</sup> Kentucky Secretary of State

**KENTUCKY STATE POLICE**

**Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police?**



## CONSTABLES AND LAW ENFORCEMENT

According to the KSP KyOPS database, in 2009 constables from 19 counties had reported activity that accounted for 197 reports statewide. Sixty-nine percent of those reports were citations. Fifteen of the counties reported only one activity leaving 84% of the counties reporting no activity from constables. Fifty of those cases are considered Part 1 Crimes which account for .0004% of all Part 1 crimes reported statewide. Additionally, only one constable per reporting county documented cases from 2009. (Appendix G)

In 2010, reported cases from constables came from 21 counties; in almost all cases, reporting indicated minimal activity (60% of those counties reported one report each for the calendar year). For the year, 83% of the constables statewide reported no activity. For 2010, a total of 120 cases were worked by constables while just 0.06% were Part 1 crimes and 76% of the total cases were indicated as citations.

In 2011, constables from 25 different counties submitted reports to KyOPS for a total of 537 cases. Fifteen of those cases are classified as Part 1 crimes and 98% represented citations. Seventy-nine percent of the counties statewide recorded no activity.

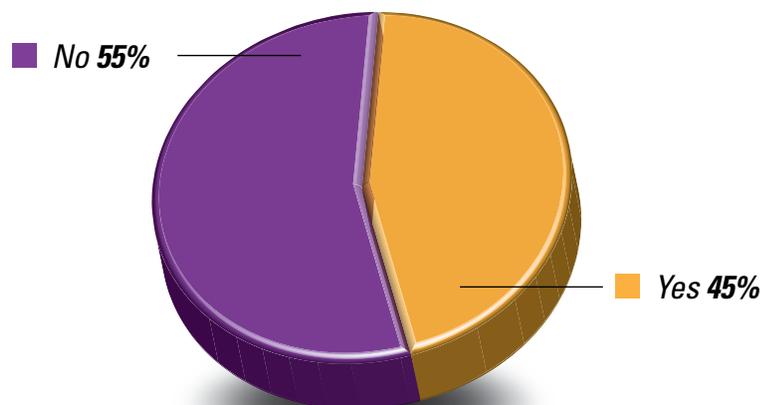
**Where constables are active, it is rarely sustained or consistent.** Data from KSP suggests that there frequently occurs an initial zeal to provide services, but that effort frequently falls off sharply after the first or second year in office. It begs the question whether the public good is well served by having erratic application of the law that could well be described as haphazard and institutionally capricious.

There is, apparently, occasionally more than waning interest that can explain significant variance in law enforcement services provided or undertaken by constables. In 2009, Muhlenberg County Constable District 5 reported 49 crimes to KyOPS; in 2010, six crimes; and in 2011 had zero crimes reported. As a matter of perspective, a total of 607 crimes were reported in 2009 by sworn officers from the Central City Police Department, Greenville Police Department, Powderly Police Department, Muhlenberg County Sheriff's Office, and KSP Post 2. There were 487 crimes in 2010, and 726 crimes in 2011 were recorded. Compared together, almost one percent of Part 1

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## JUDGE EXECUTIVES

**Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police?**





## CONSTABLES AND LAW ENFORCEMENT

To help reconcile apparent contradictions about constables' operational activity, a follow-up research question was posed: How many cases brought or carried by constable cases resulted in convictions?

According to the responses collected from the constable survey, constables indicated they had taken and submitted 36 traffic accidents in the past six months. Kentucky State Police KyOPS data shows only 4 collision reports have been submitted through KyOPS since the beginning of 2012. Constables self-reported 279 misdemeanor arrests by the constable or deputy constable in the past six months, and 137 felony arrests. **Kentucky State Police 2012 records show just 27 crime reports have been submitted by two individual constables statewide.**

An election year for constables, 2010 saw 509 out of 586 district positions were filled. Thirty-six districts reported cases to KyOPS leaving less than one percent of districts showing some activity.

### FUNCTIONS PERFORMED BY CONSTABLES; LIMITS

To further discern the activity level of constables, questions were asked on each survey concerning specific functions constables performed in their respective jurisdictions. In the case of Judge Executives, questions were posed concerning the functions performed and the authority exercised by either the county's fiscal court or the judge executive concerning those functions.

For the constables, 202 respondents answered this question:

**"List your duties as constable. Check all that apply."**

In addition to the following list of possible responses, an open response field was made available to provide an opportunity for clarification or elaboration. The list of possible responses was not intended to be mutually exclusive but was, rather, intended to cover all possible relationships that



## CONSTABLES AND LAW ENFORCEMENT

might exist between constables, judge executives, and fiscal courts concerning the individual roles of constables; accordingly, totals do not equal 100%.

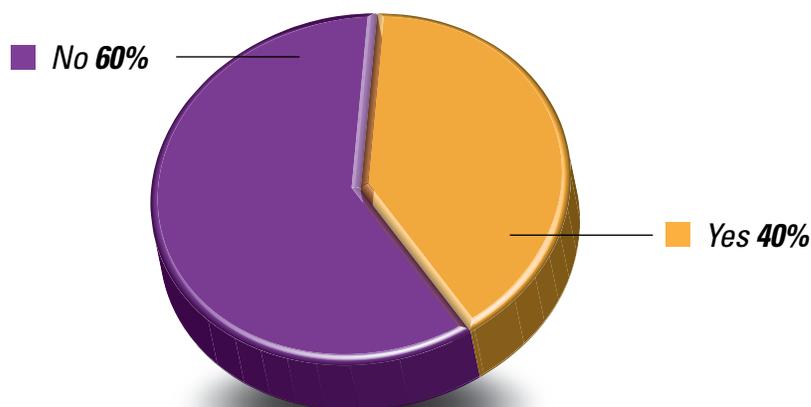
- **23.76 % General law enforcement duties directed by Judge-Executive/Fiscal Court**
- **66.34% General law enforcement duties, at discretion of the Constable**
- **14.85% Limited law enforcement duties; limited by Judge-Executive/Fiscal Court**
- **5.94% No law enforcement duties; limited by Judge-Executive/Fiscal Court**
- **3.96% No law enforcement duties; limited by Constable**
- **13.86% Non-law enforcement duties; at discretion of Constable<sup>21</sup>**
- **8.42% Non-law enforcement duties; agreements/contracts with private sector**

Overall, more than two out of three constables responded that they perform law enforcement duties under their own discretion; that is, they are not limited by another entity as to the content or scope of functions. However, more than 25% of the constables that reported performing law enforcement duties at their own discretion contradicted themselves as to what they do and who limits them. Out of the 133 that reported they perform law enforcement duties at their own discretion, **27** also reported they perform general law enforcement duties directed by the judge-executive/fiscal court, **seven** also reported performing limited law enforcement duties, limited by the fiscal court, and **three** also reported they performed no law enforcement duties, as limited by the fiscal court.

<sup>21</sup> These three categories are mutually exclusive responses amongst constables' responses; accordingly, the sum of these responses indicates the number of constables responding to the survey that do not perform law enforcement functions.

## POLICE CHIEFS

**Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police?**



## CONSTABLES AND LAW ENFORCEMENT

**Almost one in four constables responding reported they do not perform law enforcement duties either at their own discretion or as directed by their fiscal court.**

Close to 15% of the constables responded that their law enforcement duties are limited by their fiscal court.

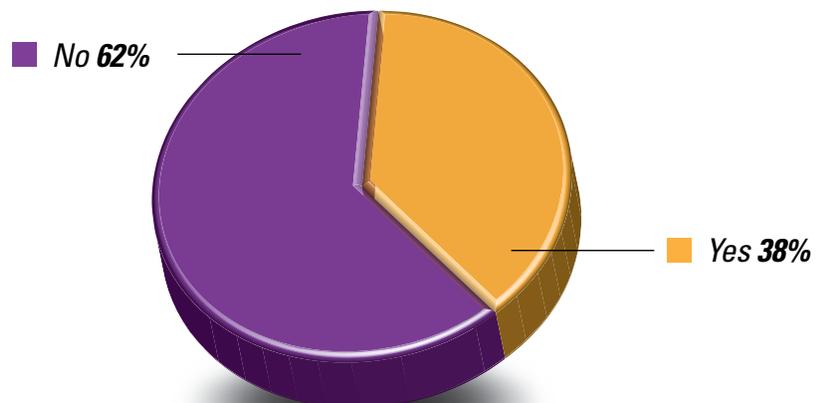
Looking at counties on an individual basis, one finds that 47 counties have constables that significantly differ among themselves as to their roles as constables. Additionally, in 17 counties judge executives and county constables report conflicting information on limitations as to the power of constables and/or who places those limitations on the office of constable.

This difference is compounded by comparing the understanding of judge executives of the role of constables compared to the constables themselves. Twenty-six county judge executives (out of the responding 79) report the fiscal court or judge executive places limits on constables. In many counties, constables' responses contradict or differ on what their duties are or who limits them.

- When reviewing the constable responses, 45 counties have contradictory responses on what types of duties the constables perform, who places the limits on the constable's law enforcement duties or what those limits are.
- 33 Constables in 19 counties disagree with the county judge executive on who limits their duties. Many responded that they performed general law enforcement duties at their own discretion, while the county judge executive reported some type of limit placed on the constable by the fiscal court.
- 29 Constables in 15 counties disagree with the county judge executive on what type of duties the constable is able to perform.

## SHERIFFS

**Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police?**



## CONSTABLES AND LAW ENFORCEMENT

Quantifying contradictions noted between constables and judge executives and with other constables is confusing in and of itself. But the contradictions are present, moreover, the discretion afforded fiscal courts in authorizing constables on a case-by-case basis for various duties and authorities underscores the persistent perception of those surveyed that there is a significant misunderstanding of the general public about constables. This perception of misunderstanding conveys significant negative connotations when open ended responses are folded into the question.

Twenty-nine of the 79 responding county judge executives reported allowing constables to use blue lights, per KRS 189.950. Almost one third of the judge executives who do allow the constables in their county to utilize blue lights place some type of special circumstance on the use. Some of these contingencies include additional vehicle liability insurance, additional bonding requirements or a training requirement (either as a certified peace officer or other annual training).

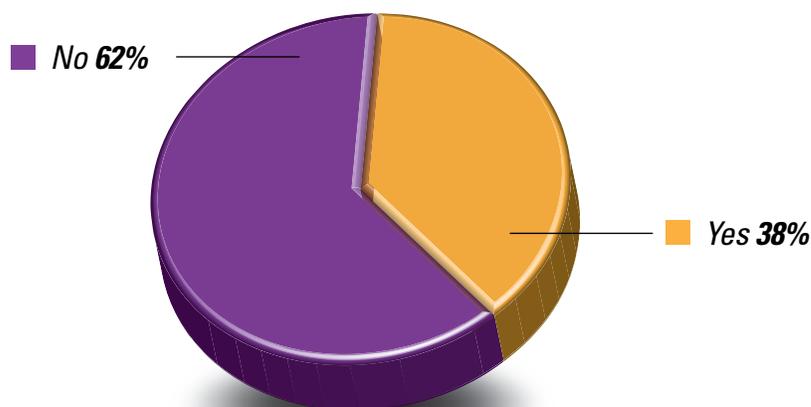
**This is in contrast to the 111 constables in 64 counties who report they have blue lights and/or sirens on their vehicles. According to data collected, constables from 12 counties appear to be in direct conflict with KRS 189.950 when comparing constable's self-reported response and the county judge executive's self-reported response.** Additionally, in five counties without a county judge executive response, the constables from the same county reported conflicting answers with each other. While it may be the case that fiscal court approves one constable but deny another in the same county for use of lights and sirens, the overall variance amongst the population of constables should underscore the confusion on the part of the public.

County fiscal courts' approval of blue lights is wholly discretionary. Whether a fiscal court incurs liability by approving the use of blue lights by constables remains an open question.

Liability does fall on the fiscal court for harm done by a constable if the action of the constable is directly attributable to the use of blue lights or siren and the fiscal court was negligent in approving the use.<sup>1</sup>

## COUNTY ATTORNEYS

**Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police?**



<sup>1</sup> See OAG 86-67.





**EFFORTS TO REGULATE**

## COMPARISON OF HIRING/SELECTION CERTIFICATION STANDARDS

CONSTABLES	SHERIFFS	POPS
<p style="text-align: center;"><b>Qualifications</b></p> <ul style="list-style-type: none"> <li>• 24 years of age</li> <li>• Citizen of the state for 2 years</li> <li>• Resident of county &amp; district 1 year prior to election</li> <li>• Execute minimum \$10,000 bond (approved by fiscal court)</li> <li>• 4 year term in office</li> </ul>	<p style="text-align: center;"><b>Qualifications</b></p> <ul style="list-style-type: none"> <li>• 24 years of age</li> <li>• Citizen of the state for 2 years</li> <li>• Resident of county &amp; district 1 year prior to election</li> <li>• Execute minimum \$10,000 bond (approved by fiscal court)</li> <li>• 4 year term in office</li> <li>• Must take constitutional oath of office</li> </ul>	<p style="text-align: center;"><b>Qualifications</b></p> <p style="text-align: center;">17 STATEWIDE STANDARDS</p> <ul style="list-style-type: none"> <li>• Is a citizen of the United States</li> <li>• Is at least twenty-one (21) years of age;</li> <li>• Is a high school graduate or has successfully completed a General Education Development (G.E.D.) examination;</li> <li>• Possesses a valid license to operate a motor vehicle;</li> <li>• Has been fingerprinted for a criminal background check;</li> <li>• Has not been convicted of a felony;</li> <li>• Is not prohibited by federal or state law from possessing a firearm;</li> <li>• Has been interviewed;</li> <li>• Has undergone a background investigation;</li> <li>• Has taken a polygraph examination;</li> <li>• Has undergone psychological evaluation;</li> <li>• Passes a drug screening test;</li> <li>• Discharged under honorable conditions, if having served in the armed services;</li> <li>• Has received and read the Kentucky Law Enforcement Officer's code of Ethics;</li> <li>• Has passed a medical examination;</li> <li>• Has not had certification as a peace officer revoked in another state;</li> <li>• Meets 5 physical fitness standards and higher graduation standards: <ul style="list-style-type: none"> <li>– Bench Press (% of body weight conversion)</li> <li>– Sit up Test (1 minute time limit)</li> <li>– 300 Meter Run</li> <li>– Push up Test (2 minute time limit)</li> <li>– 1.5 Mile Run</li> </ul> </li> </ul>
<p style="text-align: center;"><b>DUTIES (KRS 70.310-.530)</b></p> <p style="text-align: center;"><b>(Optional not obligatory)</b></p> <ul style="list-style-type: none"> <li>• Powers of arrest</li> <li>• Serve processes</li> </ul>	<p style="text-align: center;"><b>DUTIES (KRS 70.010-.284)</b></p> <p style="text-align: center;"><b>(Obligatory)</b></p> <ul style="list-style-type: none"> <li>• Tax Collection</li> <li>• Election duties</li> <li>• Service to Courts</li> <li>• Law Enforcement</li> <li>• Under certain circumstances may absorb duties of the jailer</li> <li>• Sells forfeiture property</li> </ul>	
<p style="text-align: center;"><b>DEPUTY CONSTABLE</b></p> <ul style="list-style-type: none"> <li>• Only authorized in 1st &amp; 2nd Class cities or consolidated local government</li> <li>• American citizen</li> <li>• 21 years old</li> <li>• Must reside in county for 2 years.</li> <li>• Not been convicted of moral turpitude</li> </ul>	<p style="text-align: center;"><b>DEPUTY SHERIFF</b></p> <ul style="list-style-type: none"> <li>• Must meet all 17 POPS standards and physical fitness requirements</li> </ul>	
<p style="text-align: center;"><b>BY THE NUMBERS</b></p> <ul style="list-style-type: none"> <li>• 586 Magisterial/Constable Districts</li> <li>• 509 filled seats (14% unfilled)</li> <li>• 2 POPS Certified Constables</li> <li>• 0 Constables trained under the 18 week curriculum</li> <li>• 2 Constables trained since POPS (1998)</li> <li>• 16 Constables trained prior to POPS</li> </ul>	<p style="text-align: center;"><b>BY THE NUMBERS</b></p> <ul style="list-style-type: none"> <li>• 120 Sheriffs</li> <li>• No vacancies</li> <li>• 76 POPS Certified Sheriffs</li> <li>• 1733 POPS Certified Deputy Sheriffs</li> </ul>	<p style="text-align: center;"><b>BY THE NUMBERS</b></p> <ul style="list-style-type: none"> <li>• 400 law enforcement agencies required by statute to follow POPS Act</li> <li>• 8089 POPS Certified Officers</li> </ul>

**EXISTING AND PREVIOUS EFFORTS TO REGULATE CONSTABLES****Bonding Requirements**

Public official bonds are “... generally conditioned to guarantee the public officer’s faithful performance of his duties.” Officers whose “duties involve the receipt of disbursement of money, or the investment of public funds, or the seizure and disposition of property, or the arrest or detention of persons, or may otherwise bring them into conflict with the rights of citizens, are generally required by law to furnish bonds to protect those interested in or injured by the exercise of such powers.”<sup>22</sup>

Bonds vary considerably in content and scope; fiscal courts should look carefully at bonds presented to them for approval. Examples within the range of bonding agreements include: “faithful performance bond,” “fidelity bond,” “public employee blanket bond,” and “public employee dishonesty bond”. Within these examples, the same act by a public official may be covered by one type of bond but excluded by another. For example, an act or omission could violate the terms of a faithful performance bond without violating a dishonesty bond.

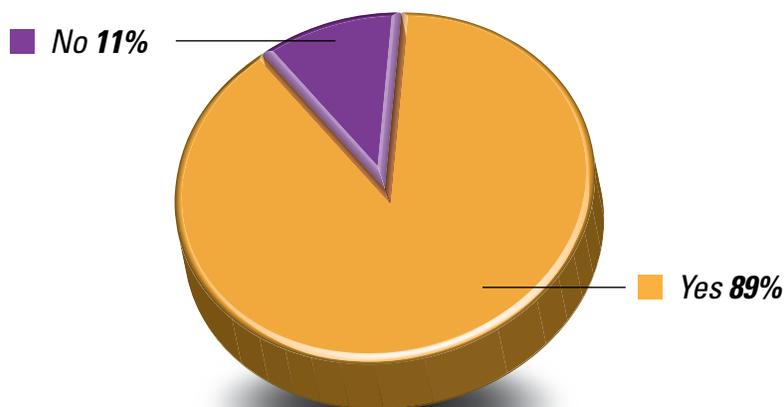
If an act or omission by the principal (Constable) violates the terms of the bond and a loss is incurred, the surety would pay the loss up to the amount of the bond and then pursue repayment. A surety bond is not insurance; rather it is a method of guaranteeing the recovery of losses incurred.

Arguably, the precise language of the bond should serve to alert the fiscal court to its obligation to discover a violation of the terms guaranteed by the bond. Typical language for public official bond documents for constables includes a promise to “well, truly, and faithfully perform” the duties of office. Worth noting also is the duty of the fiscal court to investigate the bond company before accepting a corporate surety bond.

<sup>22</sup> 27 West’s Legal Forms, Specialized Forms s 6:111 (4th ed.) Public Official Bond

**JUDGE EXECUTIVES**

**Are you aware of the financial liabilities associated with constable?**



## EFFORTS TO REGULATE

KRS 70.310 requires a minimum \$10,000 surety bond be secured by constables prior to being sworn and prior to undertaking the duties of office. This minimum bond amount may be raised by fiscal court action. The bond must be renewed biennially, must be recorded by the fiscal court with the county clerk, and the fiscal court's approval of the sureties must be entered in the records of the fiscal court. The only statutory procedural requirement is ten days' notice. Because the fiscal court sets the amount of the bond and approves the sureties, implicitly the fiscal court incurs a duty of diligence to investigate an appropriate amount for the bond and the soundness of the bonding company as a guarantor of the amount of the bond. Because the fiscal court must record the acceptance of the bond and the bond must be posted prior to a constable undertaking his duties of office, it is implicitly the duty of the fiscal court to monitor the posting of the bond prior to both the swearing in and the assumption of the role of office of the constable.

Based upon preliminary research and subsequent discussions among the work group, further review of media and additional legal research, several discussions have focused on the ability of any individual county to safeguard against losses by establishing higher bond requirements for constables. It is important to note that while the minimum bond required is \$10,000, there is no ceiling imposed by statute and, aside from a minimum of ten days' notice, KRS 70.310 imposes no hearing or other procedural requirements before the fiscal court may raise the bond required.

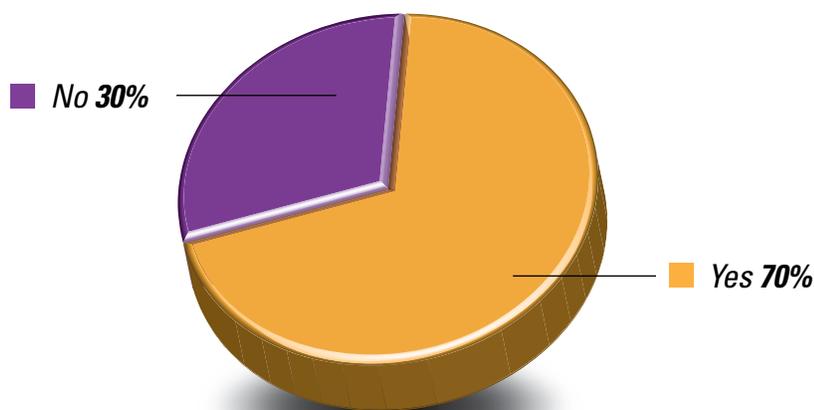
### **SURVEY RESULTS, COMPARISON**

Despite concrete statutory requirements, a striking incongruity within individual counties often emerged upon review of the survey responses relative to the bond requirements imposed on constables. First, among an individual county's constables there was often disagreement. Also, when comparing the responses of constables against those of the same county's other survey respondents, a concerning lack of agreement emerged as well. Additionally, it appears that many respondents regard a surety bond as a mere formality and not worthy of attention.

For example, 93% of constables answered yes to the question "Does your county require a bond?" Per KRS 70.310 all constables are required to have a minimum of \$10,000 surety bond; the seven percent of responding constables indicating "no" to this question are apparently unaware of the requirement.

## COUNTY ATTORNEYS

**Are you aware of the financial liabilities associated with constable?**



## EFFORTS TO REGULATE

Nineteen constables from 17 counties reported their county requires a higher bond than the statutory minimum of \$10,000. However, there was no consensus among the responses of the county judge executives, who, through their fiscal court, would be the entity that requires this higher amount. Eight of the county judge executives did not agree with the response of their own county's constable.

### Does your county require a bond higher than the state minimum for constables? (KRS 70.310)

Answer Options	Response Percent	Response Count
No	90.5%	58
Yes. What is the amount?	9.5%	6
	answered question	64
	skipped question	15

As an example of this incongruity, only one county judge/executive affirmed the higher bonding amount that was reported by a constable. Pendleton County constables from districts one and three, and the Pendleton County Judge Executive all reported the same amount (\$50,000) that was higher than the state minimum. Two Pendleton County constables reported the same surety bond amount while one responded that he only was required to have the state minimum bond. This was a theme throughout the survey—constables from the same county rarely responded with the same information.

### RULINGS AND OPINIONS

An opinion of the attorney general (95-11) discusses and answers a series of specific questions posed from Boyd County. In this opinion, the attorney general elaborates on the autonomy of county fiscal courts in regards to directing the fiscal affairs of counties. Further, OAG 95-11 clearly opines that fiscal courts are in no way obligated to pay the fees for surety bonds of constables in the county.





# WHAT'S THE PROBLEM? A Kentuckian's Experience

**Central Kentucky News**  
**August 14, 2003**

"Shannon Bucknell saw no identification Monday morning, only a car with white lights on top that followed her from Cottonwood subdivision north of Harrodsburg until she finally stopped her car on Tapp Road with her two young children inside.

She got out of her car and went back to find out who he was. He had Rice written on his T-shirt and some kind of badge on his belt. He said he had stopped her because she had made an improper lane change and was speeding and he was concerned about the safety of her and her children.

"I was just trying to take my kids to school," Bucknell said. She said he got on his cell phone and made her think he was calling the police. She asked him who he was calling

and he would not tell her. "I was upset and crying and my children were in the car, and I found out he was talking to his wife."

Rice told her she should have pulled over a long time before she did. In a telephone interview, he said he has a radar gun, but he is not certified to use it. He is confident the speedometer on his car is correct. He also has no proof the radar gun is calibrated.

Bucknell said he was on the road when he started following her; she knew because she passed him. Nevertheless, his actions left her less than comfortable that he was looking out for her safety. She stopped on Tapp Road because she did not want him following her up the drive to Mercer County Elementary School...

"I panicked, I was scared and mad and embarrassed. I was a mess. I think he takes his power a little too far," Bucknell said."

(3 of 3)

those who perform or intend to perform law enforcement functions would be obligated to secure a higher bond while those who confine themselves to non-law enforcement functions could have a less onerous bonding obligation.

Again, a surety bond is not and does not replace professional liability insurance, vehicular liability insurance, errors and omissions insurance, honesty policies, or other indemnification. Requirements, best practices, and utility of policies for constables are not addressed here.

County officials should always seek appropriate counsel concerning liability, bonding and insurance. In sum, it appears that these issues have not been addressed in the Commonwealth of Kentucky at the state level or in any substantial or uniform manner at the county level.

*“Virtually all constables are untrained in the proficiencies of modern, professional law enforcement. Their amateurish approach endangers citizens, law enforcement officers and even the constables themselves. This isn’t a game.”*

JERRY WAGNER —  
EXECUTIVE DIRECTOR  
KENTUCKY SHERIFFS’ ASSOCIATION

### REMOVING LAW ENFORCEMENT AUTHORITY FROM CONSTABLES

The Kentucky Constitution does not describe what powers or functions that constables are to perform. Open responses to survey questions posed to constables and dialogues related from law enforcement officers indicate that some constables suggest that their law enforcement authority emanates from the constitution. Likely this is a misinterpretation of Section 101 that directs that constables “shall possess the same qualifications as Sheriffs...”<sup>25</sup> Qualifications clearly relate to the conditions that an individual must meet or qualify to hold office.

**Constables derive their law enforcement authority from statutory provision, not the Kentucky Constitution.** Law enforcement authority is functionally established by association in statute. In part, KRS 446.010 describes:

(31) “Peace officer” includes sheriffs, constables, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;<sup>26</sup>

Abolition of statutory law enforcement authority would leave only negligible statutory functions. The Kentucky judiciary has taken issue with constitutional offices being legislatively (statutorily) reduced to little or no function.<sup>27</sup> Constables without the statutory provision of law enforcement authority could be construed as an empty shell. While there is no definition offered by the courts as to what precisely constitutes an empty shell, the charge to this working group warrants only this remonstrance for future policy considerations. However, if other functions could be assigned statutorily to the office of constable, an empty shell argument could be effectively averted.

<sup>25</sup> Kentucky Constitution, Section 101.

<sup>26</sup> See KRS 446.010(31) at <http://www.lrc.ky.gov/KRS/446-00/CHAPTER.HTM>

<sup>27</sup> See *Covington Bridge Commission v. City of Covington*, 257 Ky. 813, 79 S.W. 2d 216(1935). Here, the court cordoned off constitutional offices from the reach of legislative action that would remove the original constitutional functions of the office. But shortly later, in *Johnson v. Commonwealth*, 291 Ky. 829, 165 S.W. 2d 820,829(1942), the court allowed for legislative action to provide and constrain the functions of a constitutional office provided that the ultimate result of such action was not the effectual creation of an empty shell.

**PREVIOUS EFFORTS**

**2010 Special Populations Report to KLEC**

A review of perceptions of law enforcement associations' perceptions of constables in 2010 reached similar conclusions as this report. The review was requested by the Kentucky Law Enforcement Council and was intended as preliminary research in anticipation of potential legislation or other action that would change the relationship between certified law enforcement and "special populations" on the periphery of law enforcement; one of the groups reviewed was constables.

Of particular note, there was no articulable appetite for providing law enforcement training to constables other than training available now. Likewise, the 2010 report discussed a layered system of peace officer certification whereby constables and others could, presumably, be fitted into the existing law enforcement community with various reduced requirements or training standards. No appetite was discovered by any of the professional associations canvassed for that report for such an initiative in Kentucky. Likewise, no proposal from constables or their association rose to a substantive level sufficient to further dialogue.

**2007 KENTUCKY LAW ENFORCEMENT SYMPOSIUM**

A 2007 study by the Department of Criminal Justice Training on the Future of Law Enforcement in Kentucky identified several issues of concern for Kentucky law enforcement professionals and the general public. Noted alongside high profile issues such as recruitment, retention, training standards, were constables.





# RECOMMENDATIONS/ DISPOSITION

**R**andomly interviewing one individual from the five groups surveyed during the course of this project, one would have the greatest chances of finding a:

- Judge Executive who regards constables as a liability to their county and likely does not believe that they should exist as a county officer,
- County attorney who will likely not prosecute their cases (if any are brought to them at all) and are highly concerned about the liability to which they potentially expose the county,
- Sheriff who adamantly wants them excised from the Constitution and worries that the general public will confuse them with the sheriff's deputies,
- Chief of Police who has little contact or little regard for them, and
- State Police trooper who thinks they are a nuisance; a potentially dangerous one.

And constables have appeared in less than glowing terms in media articles and stories over the past several years. The General Assembly has seen more bills and more substantial bills introduced that would restrict or outright abolish constables in the past several years than ever before.

Ordinarily, a broad consensus from these groups would be sufficient to carry the day with legislative proposals and popular direction. But constables persist.

Kentucky finds itself in the same situation that was described during the constitutional convention of 1849 by William Preston, quoted previously. The Constitution provides for constables; the General Assembly has the authority to define their roles by statute. The consensus of the Kentucky law enforcement community and parallel orientation from Judge Executives and County Attorneys would eliminate law enforcement functions of constables if not the office altogether.

But to the point of the original research question, the working group confines itself to the question of law enforcement and the utility of constables in this domain.

By acclamation, the working group concludes that the constable is far from essential to modern law enforcement in the Commonwealth of Kentucky. The working group commends these recommendations to its constituent members and to the Secretary such that a conclusive voice is clearly articulated.



# APPENDIX

## TO THE 2012 CONSTABLE REPORT

**APPENDIX A:**

Letter of Authorization  
from Justice and Public  
Safety Cabinet Secretary

**APPENDIX B:**

Legislative Action  
Regarding Constables

**APPENDIX C:**

Constables Referenced  
in the Kentucky Revised Statutes

**APPENDIX D:**

Constables in other States

**APPENDIX E:**

2012 Constables' Surveys

**APPENDIX F:**

Law Enforcement Surveys

**APPENDIX G:**

KyOPS Report — Excerpts

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Kentucky Media Articles  
on Constables

**APPENDIX I:**

2007 Kentucky Law Enforcement  
Magazine Special Edition —  
Section on Constables



# **APPENDIX A**

**LETTER OF AUTHORIZATION FROM  
JUSTICE AND PUBLIC SAFETY CABINET SECRETARY**





**JUSTICE AND PUBLIC SAFETY CABINET**

**Steven L. Beshear**  
Governor

125 Holmes Street  
Frankfort, Kentucky 40601  
(502) 564-7554  
(502) 564-4840 (fax)

**J. Michael Brown**  
Secretary

April 24, 2012

Commissioner John Bizzack  
Department of Criminal Justice Training  
Funderburk Building  
Eastern Kentucky University  
521 Lancaster Avenue  
Richmond, KY 40475

Commissioner Bizzack:

Over the past several months considerable attention has been devoted to the constitutional office of constable, and the broader issue of their authority, relevance and function. News stories regarding the actions of a constable, and the introduction of legislation concerning the position, have expanded that attention in recent weeks.

As a result, I have been contacted by a number of individuals and law enforcement groups questioning the powers, training, and necessity of constables. In addition, having regularly attended and addressed Kentucky Law Enforcement Council meetings during my tenure, I am also aware that in February the KLEC voted to ask its general counsel to initiate legal research regarding statutory and regulatory changes that would restrict law enforcement authority of constables. After reviewing the Council's 2010 report on special populations, I have a better understanding of the concerns that the Council and law enforcement associations have regarding constables.

Given the issues that have been raised, I would like DOCJT to convene and support a working group to more narrowly address the question from the standpoint of the Cabinet's and DOCJT's statutory responsibilities. Specifically, I'd like the group to review and consider: **is the position of constable, as a law enforcement function, in modern society essential to the Commonwealth of Kentucky?**

I propose that the working group be composed of representatives of the following organizations:

- Department of Criminal Justice Training
- Kentucky State Police
- Kentucky Law Enforcement Council
- Kentucky Sheriff's Association
- Kentucky Association of Chiefs of Police
- Kentucky Association of Counties
- Kentucky League of Cities

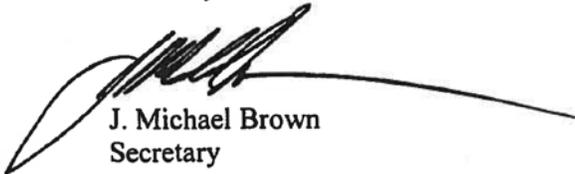
In addition to providing background research and administrative support for this working group, I ask that DOCJT develop and conduct two surveys:

1. With all constables, concerning their job, understanding and position on issues, hiring and selection standards, training, and other related issues, and
2. With all sheriffs, chiefs of police and state police concerning their specific interactions and working relationships with constables.

Taking these surveys' results into account with background material, the working group should provide practical recommendations specific to law enforcement functions of constables. The conclusions and report of the working group will, upon my review, be provided to the Kentucky law enforcement community and other interested parties.

I look forward to discussing this project further with you.

Sincerely,



J. Michael Brown  
Secretary

# **APPENDIX B**

**LEGISLATIVE ACTION  
REGARDING CONSTABLES**



## **Appendix B                    Legislative Action Regarding Constables**

### **2012 Regular Session**

**HB 437** (BR 1429) - F. Nesler, J. Jenkins, R. Crimm, D. Graham, D. Keene, A. Koenig, M. Marzian

AN ACT relating to Constables.

Create a new section of KRS 65.003 to 65.158 to allow the legislative bodies of counties, charter counties, urban-county governments, unified local governments, and consolidated local governments to adopt ordinances specifying the duties of constables; provide that duties shall not exceed those in the KRS, nor shall all duties be removed; provide that any changes of duties that relate to compensation not take effect until after the terms of constables serving at the time of adoption.

#### **HB 437 - AMENDMENTS**

**HCS** - Retain original provisions; add prohibition that county legislative bodies shall not remove authority of constables to issue citations for nonmoving motor vehicle offenses, including, but not limited to, those related to KRS 186.020, 186.042, 186.050, 186.0425, 189.456, 189.458, and 189.459.

**HFA (1)**, B. Farmer) - Delete all provisions of original bill; direct staff of the LRC to research applicable training programs and costs for county constables and to present findings to Interim Joint Committee on Veterans, Military Affairs and Public Protection by November 30, 2012.

**HFA (2)**, B. Farmer) - Delete all provisions of original bill; direct staff of the LRC to research applicable training programs and costs for county constables and to present findings to Interim Joint Committee on Veterans, Military Affairs and Public Protection by November 30, 2012.

Feb 22-introduced in House

Feb 23-to Local Government (H)

Mar 12-posted in committee

Mar 21-reported favorably, 1st reading, to Calendar with Committee Substitute

Mar 22-2nd reading, to Rules; floor amendment (1) filed to Committee Substitute, floor amendment (2) filed

Mar 27-recommitted to Appropriations & Revenue (H)

**SB 30/LM** (BR 449) - J. Denton

AN ACT proposing to amend Section 99 of the Constitution of Kentucky relating to the office of Constable.

Propose to amend Section 99 of the Constitution of Kentucky to abolish the office of Constable; submit to the voters of the Commonwealth for approval or disapproval.

## SB 30 - AMENDMENTS

SCS - Delete original provisions; create a new section of KRS 65.003 to 65.158 to allow the legislative bodies of counties, charter counties, urban-county governments, unified local governments, and consolidated local governments to adopt ordinances specifying the duties of constables; provide that duties shall not exceed those in the KRS, nor shall all duties be removed; provide that any changes of duties that relate to compensation not take effect until after the terms of constables serving at the time of adoption.

SCA (1/Title, D. Thayer) - Make title amendment.

SFA (1, J. Higdon) - Retain original provisions; exempt classified and certified constables from the provisions of this section if they meet voluntary training requirements; require classified constables to meet training requirements in basic officer skills, Kentucky Penal code, constitutional issues and procedures, and driver training if authorized to attach blue lights to a vehicle under KRS 189.950; require that classified constable training be organized and funded by organization designated to represent constables; require Kentucky Law Enforcement Council to train a minimum of five constables who shall in turn provide classified constable training; require that the council oversee the curriculum, issue certificates, and promulgate regulations; define a certified constable as a certified peace officer under KRS 15.380 to 15.404; specify that a certified constable shall have all the duties and responsibilities of certified peace officers; specify that the cost of training be borne by the Kentucky Law Enforcement Council.

(Prefiled by the sponsor(s).)

Jan 3-introduced in Senate; to State & Local Government (S)

Feb 15-reported favorably, 1st reading, to Calendar with Committee Substitute, committee amendment (1-title)

Feb 16-2nd reading, to Rules

Feb 28-recommitted to State & Local Government (S); floor amendment (1) filed to Committee Substitute

**HB 240/LM** (BR 436) - J. Jenkins, A. Koenig

AN ACT proposing to amend the Constitution of Kentucky relating to the office of constable.

Propose to amend the Constitution of Kentucky to abolish the office of constable; submit to the voters of the Commonwealth for approval or disapproval.

Jan 11-introduced in House

Jan 12-to Elections, Const. Amendments & Intergovernmental Affairs (H)

Jan 26-posted in committee

Feb 14-reported favorably, 1st reading, to Calendar

Feb 15-2nd reading, to Rules

Feb 23-posted for passage in the Regular Orders of the Day for Friday, February

24, 2012

Mar 23-taken from the Regular Orders of the Day; recommitted to Appropriations & Revenue (H)

### **2011 Regular Session**

**HB 360/LM/AA** (BR 361) - A. Koenig, A. Webb-Edgington, R. Meeks

AN ACT proposing to amend and create sections of the Constitution of Kentucky relating to the office of Constable.

Propose to create a new section of the Constitution of Kentucky allowing the legislative body of a county to abolish the office of constable; amend Section 99 of the Constitution of Kentucky to conform.

Feb 7-introduced in House

Feb 8-to Elections, Const. Amendments & Intergovernmental Affairs (H)

**SB 134/LM** (BR 1145) - J. Schickel

AN ACT relating to service of process.

Amend KRS 454.140 relating to service of process in legal proceedings to require the Circuit Clerk to first direct all process to the sheriff, and then to other named officers; amend KRS 70.350 relating to service of process of constables to direct process to the sheriff first, and then to named persons including the constable; amend KRS 454.145 relating to a court appointing a person to serve process to require a court to first direct the process to the sheriff; repeal KRS 205.782 relating to service of process by constable in county containing a city of the first class; repeal KRS 421.135 relating to special bailiff to compel testimony of witness in felony case.

Feb 9-introduced in Senate

Feb 11-to Judiciary (S)

**2010 Regular Session** - No constable legislation filed

### **2009 Regular Session**

**HB 398/LM** (BR 317) - L. Combs

AN ACT relating to constables.

Amend KRS 16.220, relating to providing protective vests, tasers, and other items to police departments under the Kentucky State Police program, to add constables as eligible participants.

Feb 10-introduced in House

Feb 11-to Local Government (H)

Feb 12-posted in committee

## **2008 Regular Session**

### **HB 561** (BR 1429) - J. Crenshaw

AN ACT relating to fees.

Amend KRS 64.090 relating to fees which may be collected by sheriffs, to add constables in urban-county governments.

### HB 561 - AMENDMENTS

HCS/LM - Retain the original provisions of the bill but make technical corrections.

HFA (1, B. Farmer) - Amend to provide that authority granted to constables only applies to constables that have been certified pursuant to KRS 15.380 to 15.404.

Feb 19-introduced in House

Feb 21-to Local Government (H)

Mar 14-posted in committee

Mar 18-reported favorably, 1st reading, to Calendar with Committee Substitute

Mar 19-2nd reading, to Rules

Mar 21-floor amendment (1) filed to Committee Substitute

Mar 24-posted for passage in the Regular Orders of the Day

### **SB 6/LM** (BR 104) - D. Seum

AN ACT relating to constables.

Amend KRS 15.315, relating to the Kentucky Law Enforcement Council, to add two constables to the council KRS 16.220 to include constables among the recipients of grants from firearm sales; amend KRS 61.315, relating to death benefits for peace officers, to include constables and deputy constables; amend KRS 61.362, relating to agreements with peace officers and residential property owners, to enforce law on residential property to include constables; amend KRS 64.200, relating to constable financial record management, to specify that the

constable pays funds to the county treasurer for inclusion in a constable account to be used by the constable for expenses; amend KRS 65.255, relating to cooperative utilization of peace officers, to add a constable who is a certified peace officer or qualified constable; amend KRS 70.036, relating to sheriff uniforms, to include constable uniforms and require county to pay for uniform for certified peace officer constables and qualified constables and deputies and "qualified" constable basic training; amend KRS 70.320, relating to deputy constables, to specify salaries for the constable and qualified deputy constables, to permit specified numbers of qualified deputy constables, to permit a qualified deputy constable to serve without salary; and to specify that excess fees are returned to the county each fiscal year; create a new section of KRS Chapter 70 to create a course of 40 hours and an annual 40-hour in-service training to maintain the qualified status for constables and deputy constables; specify that a constable who is a certified peace officer is automatically a qualified constable; create a new section of KRS Chapter 422, relating to service of process, to have person seeking process to elect the method of serving process; create a new section of KRS Chapter 65 to require a local government which maintains a public safety radio system or public safety answering point to permit constable and deputies to utilize the system and to require the county to pay costs of utilization; amend KRS 70.310, relating to bond for constables and deputies, to require all bonds to be paid by the county; amend KRS 70.320, relating to deputy constables, to permit specified numbers of deputy constables to be appointed for each constable; amend KRS 70.330 to require the Kentucky Constable Association to recommend candidates to fill a vacancy in the office of constable; amend KRS 70.430, relating to fiscal reporting by some constables, to require fiscal reporting to the county clerk by all constables; amend KRS 70.440, relating to false reporting by some constables, to include all constables; amend KRS 189.950, relating to use of blue lights and sirens by various officials, including constables, to permit use of blue lights and sirens on vehicles operated by a constable certified as a peace officer or listed as a qualified constable; amend KRS 431.005, relating to arrests, to permit constables and deputy constables who are certified peace officers or qualified constables and qualified deputy constables to make domestic violence arrests without viewing the commission of the offense; amend KRS 431.007, relating to peace officers operating in another jurisdiction in Kentucky, to make arrests to include a constable or deputy constable certified as a peace officer and a constable and deputy constable listed as a qualified constable or qualified deputy constable; amend KRS 64.200 to conform; repeal KRS 64.190, relating to constable fees.

(Prefiled by the sponsor(s).)

Oct 3-To: Interim Joint Committee on Local Government  
Jan 8-introduced in Senate; to Judiciary (S)



# **APPENDIX C**

**CONSTABLES REFERENCED  
IN THE KENTUCKY REVISED STATUTES**



## Appendix C

### Constables referenced in the Kentucky Revised Statutes

(The year at the end of each statute indicates last revision date)

#### **KRS 15.380 Officers required to be certified -- Officers permitted to be certified -- Exemptions.**

(1) The following officers employed or appointed as full-time, part-time, or auxiliary officers, whether paid or unpaid, shall be certified:

- (a) Department of Kentucky State Police officers, but for the commissioner of the Department of Kentucky State Police;
- (b) City, county, and urban-county police officers;
- (c) Court security officers and deputy sheriffs, except those identified in KRS 70.045 and 70.263(3);
- (d) State or public university safety and security officers appointed pursuant to KRS 164.950;
- (e) School security officers employed by local boards of education who are special law enforcement officers appointed under KRS 61.902;
- (f) Airport safety and security officers appointed under KRS 183.880;
- (g) Department of Alcoholic Beverage Control field representatives and investigators appointed under KRS 241.090;
- (h) Division of Insurance Fraud Investigation investigators appointed under KRS 304.47-040; and
- (i) County detectives appointed in a county containing a consolidated local government with the power of arrest in the county and the right to execute process statewide in accordance with KRS 69.360.

(2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be incorporated by the Personnel Cabinet for job specifications.

(3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for all peace officers possessing arrest powers who have specialized law enforcement responsibilities shall be the responsibility of the employing agency.

(4) The following officers may, upon request of the employing agency, be certified by the council:

- (a) Deputy coroners;
- (b) **Deputy constables**;
- (c) Deputy jailers;
- (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
- (e) Officers appointed under KRS 61.360;

- (f) Officers appointed under KRS 61.902, except those who are school security officers employed by local boards of education;
  - (g) Private security officers;
  - (h) Employees of a correctional services division created pursuant to KRS 67A.028 and employees of a metropolitan correctional services department created pursuant to KRS 67B.010 to 67B.080; and
  - (i) Investigators employed by the Department of Charitable Gaming in accordance with KRS 238.510; and
  - (j) Commonwealth detectives employed under KRS 69.110 and county detectives employed under KRS 69.360.
- (5) The following officers shall be exempted from the certification requirements but may upon their request be certified by the council:
- (a) Sheriffs;
  - (b) Coroners;
  - (c) **Constables**;
  - (d) Jailers;
  - (e) Kentucky Horse Racing Commission security officers employed under KRS 230.240; and
  - (f) Commissioner of the State Police.
- (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404. (2010)

#### **KRS 15.420 Definitions for KRS 15.410 to 15.510.**

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

- (1) "Local unit of government" means any city or county, combination of cities and counties, state or public university, or county sheriff's office of the Commonwealth.
- (2) "Police officer" means a full-time member of a lawfully organized police department of county, urban-county or city government, a sheriff or full-time deputy sheriff, including any providing court security or appointed under KRS 70.030, or a state or public university police officer who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but does not include Department of Kentucky State Police, any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any **constable, deputy constable**, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510.
- (3) "Council" means the Kentucky Law Enforcement Council.
- (4) "Validated job task analysis" means the core job description which describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth which is based upon an actual survey and study of police officer duties and responsibilities conducted by an entity recognized by the Kentucky Law Enforcement Council as being competent to conduct such a study. (2007)

**KRS 15.707 Subpoena power of Prosecutors Advisory Council.**

The Prosecutors Advisory Council shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of any matter that it is authorized to consider or reasonably necessary therefor. Subpoenas may be signed and oaths administered by any member of the council. Subpoenas so issued shall be served by any sheriff, **constable**, police officer, or other peace officer at the request of the council, and a return of subpoena shall be made to the council in the same manner as similar process in the Circuit Court. Any person who refuses to testify, testifies falsely, or fails to appear when subpoenaed, or fails or refuses to produce documents, records, or other such material when subpoenaed, or fails or refuses to serve a subpoena or execute a return thereon, upon citation by the Franklin Circuit Court and after hearing by the court, shall be subject to the same order and penalties to which persons before that court are subject. Any Circuit Court, upon application of the council or the Attorney General, may compel the attendance of witnesses, the production of documents, records, or other such material, and the giving of testimony before the council. (1990)

**KRS 16.060 Powers and duties of commissioner and officers.**

It shall be the duty of the commissioner, each officer of the department, and each individual employed as a Trooper R Class to detect and prevent crime, apprehend criminals, maintain law and order throughout the state, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth. To this end the commissioner, each officer of the department, and each individual employed as a Trooper R Class is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, **constables** and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, **constables** and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the commissioner, any officer of the department, and each individual employed as a Trooper R Class. (2009)

**\*KRS 35.010 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "National Guard" means the Kentucky Army National Guard and the Kentucky Air National Guard;
- (2) "Active militia" means a volunteer defense unit other than the National Guard;
- (3) "Officer" means a commissioned officer, including a warrant officer;
- (4) "Superior commissioned officer" means a commissioned officer superior in rank or command;

- (5) "Enlisted person" means any person who is serving in an enlisted grade in any force of the National Guard or active militia;
- (6) "State active duty" means full-time military duty in the active service of the state under an order of the Governor, including travel to and from the duty;
- (7) "Military court" means a court-martial, a court of inquiry, a provost court, or a military commission;
- (8) "Military judge" means an official of general and special courts-martial detailed in accordance with KRS 35.125;
- (9) "Subject person" means person subject to this chapter;
- (10) "Code" means this chapter;
- (11) "Commissioned officer" includes a commissioned warrant officer;
- (12) "Commanding officer" includes only commissioned officers;
- (13) "Grade" means a step or degree in a graduated scale of office or military rank that is established by law or regulation;
- (14) "Rank" means order of precedence among members of the National Guard or active militia;
- (15) "Duty status" includes state active duty and any other type of state military duty, including travel to and from the duty;
- (16) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the National Guard or active militia;
- (17) "Accuser" means a person who signs and swears to charges, any person who directs that charges normally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused;
- (18) "Military" refers to any or all of the Armed Forces;
- (19) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being or a successor in command; and
- (20) "Peace officer" as used in this chapter means any sheriff, deputy sheriff, **constable, deputy constable**, sworn police officer, sworn enforcement officer of the Department of Kentucky State Police or other duly authorized state law enforcement agency, and other persons with similar authority to make arrests under the provisions of the Kentucky Revised Statutes. (2007)

#### **KRS 43.070 Audit of accounts of county officers.**

- (1) To determine whether any unauthorized, illegal, irregular, or unsafe handling or expenditure of revenue or other improper practice of financial administration has occurred and to assure that all proper items have been duly charged, taxed, and reported, the Auditor shall audit annually:
  - (a) The funds contained in each county's budget; and
  - (b) The books, accounts, and papers of all county clerks and sheriffs.
- (2)
  - (a) The Auditor may audit the books, accounts and papers of all county judges/executive, county attorneys, coroners and **constables**; and
  - (b) The Auditor shall not conduct an audit pursuant to subsection (1)(a) or (b) of this section if the fiscal court or the elected official notifies the

Auditor that a certified public accountant has been employed to audit the books, accounts and papers of the county or the fee office, in accordance with KRS 64.810.

(3) The county shall bear one-half (1/2) of the actual expense of the audit conducted pursuant to subsection (1)(a) of this section and shall bear the total actual expense of the audit conducted pursuant to subsections (1)(b) and (2) of this section. No county shall be required to bear the expense for more than one (1) audit of the same fund or office annually pursuant to subsection (1)(a) or (b) of this section except as provided for in KRS 64.810(4).

(4) Within a reasonable time after the completion and distribution of the audit reports authorized by subsection (1) of this section, the Auditor of Public Accounts shall bill the county for the expenses incurred pursuant to subsection (3) of this section. A copy of this bill shall be forwarded to the secretary of the Finance and Administration Cabinet. Should the fiscal court within sixty (60) days following receipt of said bill determine the charge to be excessive or otherwise improper it shall submit its objection to the secretary of the Finance and Administration Cabinet and to the State Treasurer for resolution of the controversy in accordance with subsection (5) of this section. If the amount billed has not been paid within sixty (60) days from date of billing, and no objection has been filed, the Auditor shall notify the secretary of the Finance and Administration Cabinet and the secretary of revenue who shall cause said amount to be deducted from the next payment or return of moneys provided by KRS 47.110 by the state to the county or counties. Deductions shall continue until the total amount due the Auditor's office has been paid. All moneys received pursuant to this section shall be credited to the trust and agency account of the Auditor of Public Accounts. When an objection to the bill has been filed with the secretary of the Finance and Administration Cabinet and the State Treasurer in accordance with subsection (5) of this section the amount found to be equitable and just shall become payable immediately upon the entry of the final decision.

(5) Any controversy over the amount of the bill for the actual expenses incurred shall be submitted by the fiscal court to the secretary of the Finance and Administration Cabinet and the State Treasurer for a decision as to the proper amount. In the event that these two (2) arbitrators fail to agree, then the controversy shall be submitted to the Attorney General, whose decision shall be final. (1986)

#### **KRS 61.080 Incompatible offices.**

(1) No person shall, at the same time, be a state officer, a deputy state officer, or a member of the General Assembly, and an officer of any county, city, consolidated local government, or other municipality, or an employee thereof.

(2) The offices of justice of the peace, county judge/executive, surveyor, sheriff, deputy sheriff, coroner, **constable**, jailer, and clerk or deputy clerk of a court, shall be incompatible, the one (1) with any of the others. The office of county judge/executive and county school superintendent are incompatible.

(3) No person shall, at the same time, fill a county office and a municipal office. Notwithstanding the fact that consolidated local governments have both

municipal and county powers, persons who hold the office of mayor or legislative council member of a consolidated local government shall not thereby be deemed to hold both a county office and a municipal office. Officers of consolidated local governments shall not, at the same time, fill any other county or municipal office.

(4) No person shall, at the same time, fill two (2) municipal offices, either in the same or different municipalities.

(5) The following offices shall be incompatible with any other public office:

- (a) Member of the Public Service Commission of Kentucky;
- (b) Member of the Workers' Compensation Board;
- (c) Commissioner of the fiscal court in counties containing a city of the first class;
- (d) County indexer;
- (e) Member of the legislative body of cities of the first class;
- (f) Mayor and member of the legislative council of a consolidated local government;
- (g) Mayor and member of the legislative body in cities of the second class; and
- (h) Mayor and member of council in cities of the fourth class.

(6) No office in the Kentucky active militia shall be incompatible with any civil office in the Commonwealth, either state, county, district, or city.

(7) Service as a volunteer firefighter in a volunteer fire department district or fire protection district formed pursuant to KRS Chapter 65, 75, 95, or 273 shall not be incompatible with any civil office in the Commonwealth, whether state, county, district, or city. (2007)

#### **KRS 61.098 Practice of law prohibited.**

(1) No county clerk or circuit clerk shall maintain a law partnership or association with an attorney-at-law.

(2) No circuit clerk, county clerk, justice of the peace, **constable**, or recorder shall keep his office with that of an attorney-at-law. (1976)

#### **KRS 61.170 Malfeasance or neglect of county officers -- Penalty.**

(1) County judges/executive, justices of the peace, sheriffs, coroners, surveyors, jailers, county attorneys, and **constables** may be indicted in the county in which they reside for misfeasance or malfeasance in office, or willful neglect in the discharge of official duties, and if convicted they shall be fined not less than one hundred (\$100) nor more than one thousand dollars (\$1,000), and the judgment of conviction shall declare the office held by such person vacant.

(2) Any sheriff, deputy sheriff, policeman, or other peace officer who fails to enforce any provision of KRS Chapter 242 after receiving information of a violation thereof, or having knowledge of a violation thereof and failing to act thereon, may be indicted for nonfeasance or malfeasance in office, and if convicted shall be fined not less than fifty (\$50) nor more than two hundred dollars (\$200), and the judgment of conviction shall declare the office held by such person vacant.

(3) In the absence of good cause shown, a member of the fiscal court who fails to attend fifty percent (50%) of the regular terms of the fiscal court within a six (6) month period or who fails to attend two (2) consecutive terms of the fiscal court shall be charged with neglect of office and upon conviction shall forfeit his office. (1998)

**KRS 61.300 Nonelective peace officer or deputy -- Qualifications.**

No person shall serve as a deputy sheriff, **deputy constable**, patrol or other nonelective peace officer, or deputy peace officer, unless:

- (1) He is a citizen of the United States and is twenty-one (21) years of age or over;
- (2) If a **deputy constable**, he has resided in the county wherein he is appointed to serve for a period of at least two (2) years;
- (3) If a deputy sheriff, he shall be a resident of the Commonwealth of Kentucky. A sheriff may require his or her deputies to reside in the county in which they serve. Any deputy sheriff appointed pursuant to this section who has not been a resident of the county in which he serves for a period of at least two (2) years shall not be an active participant in any labor dispute and shall immediately forfeit his position if he violates this provision;
- (4) He has never been convicted of a crime involving moral turpitude;
- (5) He has not within a period of two (2) years hired himself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen, or private guards, or advertised or solicited any such business in connection with any labor dispute; and
- (6) He has complied with the provisions of KRS 15.334. (2005)

**KRS 61.310 Compensation of peace officers -- Other employment -- Gratuities -- Penalties.**

- (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, **constable, deputy constable**, patrol or any other peace officer or deputy peace officer except those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board of education.
- (2) A peace officer shall not receive any compensation or remuneration, directly or indirectly, from any person for the performance of any service or duty, except that he or she may be compensated for employment authorized by subsection (4) of this section and accept donations in accordance with subsection (8) of this section. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.
- (3) (a) Peace officers shall receive for the performance of their services and duties only such compensation or remuneration as is regularly provided and paid out of the public funds to the amount and in the manner provided by law, except that they may be compensated from private funds for employment authorized by subsection (4) of this section and accept

donations of private funds in accordance with subsection (8) of this section.

(b) Except as set out in subsection (8) of this section, donations made by persons to any governmental unit or officer thereof do not constitute public funds within the meaning of this subsection.

(4) A peace officer may, while in office, and during hours other than regular or scheduled duty hours, act in any private employment as guard or watchman or in any other similar or private employment. However, he may not participate directly or indirectly, in any labor dispute during his off-duty hours. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.

(5) No principal peace officer shall appoint or continue the appointment of any deputy contrary to the provisions of this section. When it appears by the affidavit of two (2) citizens, taxpayers of the county, filed with any principal peace officer, that there is reasonable cause to believe that any of his deputies are receiving compensation from private sources contrary to the provisions of this section, the peace officer shall forthwith investigate the charges contained in the affidavit, and if he finds the charges are true he shall forthwith remove any such deputy from office. Failure to do so shall constitute neglect of duty on the part of the principal peace officer, and he may be removed from office under the provisions of KRS 63.170.

(6) In addition to being subject to removal from office, any peace officer who violates any of the provisions of this section shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or confined in jail for not more than one (1) year, or both.

(7) Except as provided in subsection (8) of this section and KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation for the performance of any public duty shall be fined not less than five hundred (\$500) nor more than five thousand dollars (\$5,000).

(8) (a) A sheriff may accept a donation of money or goods to be used for the public purposes of his or her office if the sheriff establishes a register for recording all donations that includes, at a minimum:

1. The name and address of the donor;
  2. A general description of the donation;
  3. The date of acceptance of the donation;
  4. The monetary amount of the donation, or its estimated worth;
- and
5. Any purpose for which the donation is given.

The register shall constitute a public record, be subject to the provisions of KRS 61.870 to 61.884, and be made available to the public for inspection in the sheriff's office during regular business hours.

(b) Any donation to a sheriff shall only be used to further the public purpose of the office and shall not be used for the private benefit of the sheriff, his or her deputies, or other employees of the office.

(c) All donations made in accordance with this subsection shall be expended and audited in the same manner as other funds or property of the sheriff's office.

(d) For the purposes of this section and KRS 521.060, a donation shall not be construed to mean a campaign contribution made to the sheriff for his or her reelection. (2005)

### **KRS 61.900 Definitions for KRS 61.902 to 61.930.**

As used in KRS 61.902 to 61.930:

(1) "Commission" means a commission issued to an individual by the secretary of justice and public safety, entitling the individual to perform special law enforcement duties on public property;

(2) "Council" means the Kentucky Law Enforcement Council;

(3) "Cabinet" means the Justice and Public Safety Cabinet;

(4) "Public property" means property currently owned or used by any organizational unit or agency of state, county, city, metropolitan government, or a combination of these. The term shall include property currently owned or used by public airport authorities;

(5) "Secretary" means the secretary of the Justice and Public Safety Cabinet;

(6) "Special law enforcement officer":

(a) Means one whose duties include the protection of specific public property from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass;

(b) Means one whose duties include the prevention, observation, or detection of, or apprehension for, any unlawful activity on specific public property;

(c) Means one whose special duties include the control of the operation, speed, and parking of motor vehicles, bicycles, and other vehicles, and the movement of pedestrian traffic on specific public property;

(d) Means one whose duties include the answering of any intrusion alarm on specific public property;

(e) Shall include the Capitol police, the Capital Plaza police, public school district security officers, public airport authority security officers, and the officers of the other public security forces established for the purpose of protecting specific public property; and

(f) Shall not include members of a lawfully organized police unit or police force of state, county, city, or metropolitan government, or a combination of these, who are responsible for the detection of crime and the enforcement of the general criminal law enforcement of the state; it shall not include any of the following officials or officers:

1. Sheriffs, sworn deputy sheriffs, city marshals, **constables**, **sworn deputy constables**, and coroners;

2. Auxiliary and reserve police appointed under KRS 95.160 or 95.445, or citation and safety officers authorized by KRS 83A.087 and 83A.088;
3. State park rangers and officers of the Division of Law Enforcement within the Department of Fish and Wildlife Resources;
4. Officers of the Transportation Cabinet responsible for law enforcement;
5. Officers of the Department of Corrections responsible for law enforcement;
6. Fire marshals and deputy fire marshals;
7. Other officers not mentioned above who are employed directly by state government and are responsible for law enforcement;
8. Federal peace officers;
9. Those campus security officers who are commissioned under KRS 164.950;
10. Private security guards, private security patrolmen, and investigators licensed pursuant to state statute; and
11. Railroad policemen covered by KRS 277.270 and 277.280; and

(7) "Sworn public peace officer" means one who derives plenary or special law enforcement powers from, and is a full-time employee of, the federal government, the Commonwealth, or any political subdivision, agency, department, branch, or service of either, or of any municipality. (2007)

**KRS 63.220 Vacancies in county offices.**

- (1) A vacancy in the office of sheriff, coroner, surveyor, county clerk, county attorney, jailer, or **constable**, shall be filled by the county judge/executive, or by the mayor in a consolidated local government.
- (2) Appointments to fill vacancies under this section shall be until the successor is elected, as provided in Section 152 of the Constitution, and qualified. (2002)

**\*KRS 64.060 Peace officers generally.**

- (1) Sheriffs, **constables**, coroners, marshals, and policemen shall be paid out of the State Treasury for the following services the following fees:
  - (a) Apprehending a person on charge of felony, or a fugitive from justice charged with a felony in this state ..... \$10.00
  - (b) Executing a process of contempt in a criminal case when the court excuses the contempt ..... 1.60
  - (c) Executing a summons upon a witness in behalf of the Commonwealth in a felony case ..... 3.00
  - (d) Summoning a jury, on order of a court, in a county other than that in which the action is pending, a reasonable allowance to be fixed by the court.
  - (e) Summoning and attending a jury in a case of felony ..... 2.50

(2) No claim for services incidental to examining courts shall be allowed to any sheriff, deputy sheriff, **constable**, marshal, policeman, or other officer authorized

to execute process in felony cases until the grand jury has returned an indictment for a felony. (1996)

**\*KRS 64.190 Constables.**

**Constables** may collect for the following services the following fees:

Making arrests for violations involving a motor vehicle on the public highways .....	\$0.50
Taking up a vagrant .....	.50
Killing a mad dog .....	1.00
Killing and burying a distempered horse, ass or mule .....	3.00
Killing and burying any other cattle, per head .....	2.00
Altering a stud, jackass or bull .....	1.00

Any other services, the same fees allowed sheriffs for similar services. (1978)

**KRS 64.200 Constables in counties of over 250,000 population.**

(1) In counties containing a population of over 250,000, for the performance of the duties of his office, each **constable** shall be exclusively compensated by a salary of nine thousand six hundred dollars (\$9,600) per annum to be paid in equal monthly installments out of the county treasury.

(2) Each **constable** and **deputy constable** shall daily deliver or cause to be delivered to the recorder for the justice's district in which he holds office all moneys received or collected by him by virtue of his office, or the recorder may receive such moneys for the officer, and in either event the recorder shall daily issue to each officer a receipt for moneys received from or for him. Each recorder shall keep such records of each daily transaction, in such manner and form, and showing such information, as the fiscal court of the county requires.

(3) All moneys received or collected on account of or resulting from the performance of the duties or the exercise of the powers incident to the offices of **constable** and **deputy constable** shall be paid into the county treasury.

(4) Before the tenth day of each calendar month the recorder for each justice's district shall prepare a sworn statement showing the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of **constable** and **deputy constable**. The statement shall be in the form and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one (1) or more copies of the monthly statement to the fiscal court, or such person as the fiscal court designates, and at the same time deliver by certified check, payable to the order of the county treasurer, the total sum of money received by the recorder under the provisions of this section during the next preceding calendar month. During

the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this section in a bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances. (1974)

**\*KRS 64.210 Allowance to constables and deputies in counties containing first-class city.**

Fiscal courts of counties containing a city of the first class shall authorize the payment of two hundred dollars (\$200) per month out of the county treasury to **constables** and **deputy constables** using their own automobile in the performance of their official duties. (1974)

**KRS 64.250 Justices of the peace in counties of over 250,000 population not containing a consolidated local government.**

(1) Except for a county containing a consolidated local government, in counties containing a population of over two hundred fifty thousand (250,000), each justice of the peace shall be exclusively compensated for the performance of the duties of his office by a salary to be determined by the fiscal court at a rate no less than nine thousand six hundred dollars (\$9,600) per annum but no greater than twelve thousand dollars (\$12,000) per annum, which shall be paid, in equal monthly installments, out of the county treasury.

(2) The provisions of subsections (2), (3), and (4) of KRS 64.200 shall apply to justices of the peace in counties containing a population of over two hundred fifty thousand (250,000) except in a county containing a consolidated local government, the same as to **constables**, and the recorder shall perform the same duties and functions in regard to moneys collected by or for justices of the peace as they are required by KRS 64.200 to perform in regard to moneys collected by or for **constables**. (2002)

**KRS 64.400 Constable may distrain for fees -- Duty concerning.**

A **constable** may distrain for his own fees, or may place his fees in another officer's hands for collection, and may distrain for other officers' fees placed in his hands for collection. He shall account for officers' fees six (6) months after they are placed in his hands. (1942)

**KRS 64.527 Annual computation of consumer price index for determination of rate of adjustment of compensation of certain elected county officials.**

In order to equate the compensation of jailers who do not operate full service jails, **constables** in counties having an urban-county form of government, justices of the peace, county commissioners, and coroners with the purchasing power of the dollar, the Department for Local Government shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with Section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than seven thousand two hundred dollars (\$7,200) per annum. The Department for Local Government

shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled in accordance with the increase or decrease in the consumer price index. Upon notification from the Department for Local Government, the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the Department for Local Government. (2010)

**KRS 64.530 Compensation of county officers, employees, deputies and assistants, and members of fiscal court -- Excess fees -- Applicability of KRS 64.368 if population decreases below 70,000**

(1) Except as provided in subsections (5) and (6) of this section, the fiscal court of each county shall fix the reasonable compensation of every county officer and employee except the officers named in KRS 64.535 and the county attorney and jailer. The fiscal court may provide a salary for the county attorney.

(2) For the purposes of this section, justices of the peace and **constables** in all counties shall be deemed to be county officers and deputies or assistants of county officers shall be deemed to be county employees, but employees of county boards or commissions which are now authorized by law to fix the compensation of their employees shall not be deemed to be county employees for the purposes of this section.

(3) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the reasonable maximum compensation that any officer except the officers named in KRS 64.535 may receive from both sources. The fiscal court may also fix the reasonable maximum amount that the officer may expend each year for expenses of his office. The fiscal court shall fix annually the reasonable maximum amount, including fringe benefits, which the officer may expend for deputies and assistants, and allow the officer to determine the number to be hired and the individual compensation of each deputy and assistant. Any revenue received by a county clerk in any calendar year shall be used exclusively for the statutory duties of the county clerk and budgeted accordingly. At the conclusion of each calendar year, any excess fees remaining shall be paid to the fiscal court pursuant to KRS 64.152.

(4) In the case of county officers elected by popular vote and the county attorney, in the event the fiscal court provides him a salary, the monthly compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court, consistent with the provisions of subsection (3) of this section, not later than the first Monday in May in the year in which the officers are elected, and the compensation of the officer shall not be changed during the term but the compensation of his deputies or assistants may be reviewed and adjusted by the fiscal court not later than the first Monday in May of any successive year upon the written request of the officer. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for the county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.

(5) Nothing in this section shall apply to property valuation administrators or their deputies, assistants, and expenses, in any county, or to the circuit court clerk, county clerk, sheriff, jailer, and their deputies, assistants, and expenses, in counties having a population of seventy thousand (70,000) or more. If a county's population that equaled or exceeded seventy thousand (70,000) is less than seventy thousand (70,000) after the most recent federal decennial census, then the provisions of KRS 64.368 shall apply.

(6) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third, or fourth class, shall be paid for their services, out of the county treasury, not to exceed the maximum compensation allowable under KRS 64.527. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first class shall not exceed nine thousand six hundred dollars (\$9,600) per year; in counties containing cities of the second class it shall not exceed nine thousand dollars (\$9,000) per year; and in counties containing cities of the third or fourth class it shall not exceed twenty percent (20%) more than the annual compensation paid in the county for the calendar year immediately preceding 1974; and all of said annual salaries shall be payable monthly. Justices of the peace and county commissioners shall not receive any compensation for their services on the fiscal court, other than as provided by this section; provided, however, justices of the peace and county commissioners may receive no more than three thousand six hundred dollars (\$3,600) annually or three hundred dollars (\$300) per month as an expense allowance for serving on committees of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation except as provided in KRS 64.285 shall be effective as to any member of a fiscal court during his term of office.

(2010)

**KRS 65.003 Codes of ethics for city, county, charter county, urban-county government, and consolidated local government officials and employees -- Interlocal agreements.**

(1) The governing body of each city, county, urban-county, consolidated local government, and charter county, shall adopt, by ordinance, a code of ethics which shall apply to all elected officials of the city, county, urban-county, consolidated local government, or charter county, and to appointed officials and employees of the city, county, urban-county, consolidated local government, or charter county government, or agencies created jointly, as specified in the code of ethics. The elected officials of a city, county, or consolidated local government to which a code of ethics shall apply include the mayor, county judge/executive, members of the governing body, county clerk, county attorney, sheriff, jailer, coroner, surveyor, and **constable** but do not include members of any school board. Agencies created jointly may include planning or administrative commissions or boards. Candidates for the local government elective offices

specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

(2) Any city, county, or consolidated local government may enter into a memorandum of agreement or an interlocal agreement with one (1) or more other cities, counties, or consolidated local governments for joint adoption of a code of ethics which shall apply to all elected officials of the cities, counties, or consolidated local governments, and to appointed officials and employees as specified by each of the cities, counties, or consolidated local governments which enters into the agreement. Interlocal agreements shall be executed pursuant to the Interlocal Cooperation Act in KRS 65.210 to 65.300. The interlocal agreement or memorandum of agreement may provide for but shall not be limited to:

(a) The provision of administrative services relating to the implementation of a code of ethics;

(b) The creation of a regional ethics board which serves independently to provide advice to member governments and their officials and provides for the enforcement of locally adopted codes of ethics; and

(c) Contracting by a memorandum of agreement with an area development district for the provision of administrative services relating to the implementation of a code of ethics.

Candidates for the city, county, or consolidated local government elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

(3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or amended as provided by subsection (4) of this section, shall include but not be limited to provisions which set forth:

(a) Standards of conduct for elected and appointed officials and employees;

(b) Requirements for creation of financial disclosure statements, which shall be filed annually by all candidates for the city, county, or consolidated local government elective offices specified in subsection (1) of this section, elected officials of each city, county, or consolidated local government, and other officials or employees of the city, county, or consolidated local government, as specified in the code of ethics, and which shall be filed with the person or group responsible for enforcement of the code of ethics, provided that nonpaid members of jointly created agencies may be exempted from filing financial disclosure statements;

(c) A policy on the employment of members of the families of officials or employees of the city, county, or consolidated local government, as specified in the code of ethics;

(d) The designation of a person or group who shall be responsible for enforcement of the code of ethics, including maintenance of financial disclosure statements, all of which shall be available for public inspection, receipt of complaints alleging possible violations of the code of ethics, issuance of opinions in response to inquiries relating to the code of ethics, investigation of possible violations of the code of ethics, and imposition of penalties provided in the code of ethics.

(4) The code of ethics ordinance adopted by a city, county, or consolidated local government may be amended but shall not be repealed.

(5) (a) Within twenty-one (21) days of the adoption of the code of ethics required by this section, each city, county, or consolidated local government shall deliver a copy of the ordinance by which the code was adopted and proof of publication in accordance with KRS Chapter 424 to the Department for Local Government. The Department for Local Government shall maintain the ordinances as public records and shall maintain a list of city, county, or consolidated local governments which have adopted a code of ethics and a list of those which have not adopted a code of ethics.

(b) Within twenty-one (21) days of the amendment of a code of ethics required by this section, each city, county, or consolidated local government shall deliver a copy of the ordinance by which the code was amended and proof of publication in accordance with KRS Chapter 424 to the Department for Local Government, which shall maintain the amendment with the ordinance by which the code was adopted.

(c) For ordinances adopting or amending a code of ethics under this section, cities of the first class and consolidated local governments shall comply with the publication requirements of KRS 83A.060(9), notwithstanding the exception contained in that statute.

(6) If a city, county, or consolidated local government fails to comply with the requirements of this section, the Department for Local Government shall notify all state agencies, including area development districts, which deliver services or payments of money from the Commonwealth to the city, county, or consolidated local government. Those agencies shall suspend delivery of all services or payments to the city, county, or consolidated local government which fails to comply with the requirements of this section. The Department for Local Government shall immediately notify those same agencies when the city, county, or consolidated local government is in compliance with the requirements of this section, and those agencies shall reinstate the delivery of services or payments to the city, county, or consolidated local government. (2010)

**KRS 70.065 Sheriff, deputy sheriff, constable, and county police officer prohibited from requesting or requiring victim of alleged sexual offense to submit to polygraph or other examination -- Other prohibitions.**

No sheriff, deputy sheriff, **constable**, or county police officer shall:

(1) As a condition of proceeding with an investigation or prosecution of a case, request or require a victim of an alleged sexual offense to submit to a polygraph examination or any other device designed for the purpose of determining whether a person is telling the truth; or

(2) Charge or threaten to charge the victim of an alleged sexual offense with prosecution for a criminal offense for refusing to submit to a polygraph examination or other device designed for the purpose of determining whether a person is telling the truth. (2008)

**\*\*KRS 70.310 Bond and oath of constable -- Minimum -- Record.**

(1) Every **constable** shall execute bond in the minimum amount of ten thousand dollars (\$10,000), with good sureties approved by the fiscal court.

(2) The bond shall be recorded by the fiscal court with the county clerk, and the approval of the sureties shall be entered on the records of the fiscal court.

(3) The bond shall be renewed biennially, and more often if required by the fiscal court. When additional security is required of the **constable**, he shall be given ten (10) days' notice. (1996)

**\*\*KRS 70.320 Deputy constables in counties containing a city of the first or second class or a consolidated local government.**

(1) The appointment of **deputy constables** shall be authorized only in counties containing a first or second class city or a consolidated local government. In counties containing a city of the first or second class or a consolidated local government, each **constable** may appoint one (1) or more deputies with the consent of the county judge/executive or the mayor, in a consolidated local government, as the case may be. The **constable** and his or her surety are liable on his or her bond for all the acts and omissions of his or her deputies.

(2) **Deputy constables** may be removed at any time for any cause deemed sufficient by the **constable** by order of the county judge/executive or the mayor in a consolidated local government, as the case may be, entered after filing of a written direction by the **constable**.

(3) Each **deputy constable** in counties containing a consolidated local government or city of the first class shall be compensated for his or her services by salary fixed by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county. (2002)

**KRS 70.330 Vacancy in constable's office in district containing city of sixth class -- Marshal may act as.**

In any magisterial district in which there is no qualified **constable**, and in which there is situated a city of the sixth class, the marshal of the city may perform all the duties pertaining to the office of **constable** coextensive with the magisterial district so long as the office of **constable** is vacant, but no longer. (1942)

**KRS 70.340 Powers after leaving office.**

(1) A **constable** who vacates or is removed from office shall return and account for all claims, processes and papers in his hands, in the same manner as if he had continued in office, or he may be required by the county judge/executive to deliver them to his successor or to the county judge/executive.

(2) The **constable** shall, after the expiration of his term of office, execute and return all processes or precepts in his hands at the termination of his office, and may replevy or collect all executions and fee-bills then in his hands. (1978)

**\*KRS 70.350 Execution of process -- Jurisdiction.**

(1) **Constables** may execute warrants, summons, subpoenas, attachments, notices, rules and orders of court in all criminal, penal and civil cases, and shall return all process placed in his hands to the courts or persons issuing them, on or before the return day, noting the time of execution on them.

(2) A **constable** may exercise the duties of his office in any part of the county, but shall not execute any process in which he is personally interested except fee-bills for his own service. He shall not levy on or sell land, or any interest therein.

(3) The **constable** shall not be compelled to receive a precept, fee-bill or order for witness attendance, or other claim against any person who is known to be and to reside out of his district, unless the precept is in behalf of the Commonwealth or is a precept against property in his district. But if a **constable** voluntarily receives such precept, fee-bill, order for witness attendance or other claim, he and his sureties shall be accountable for the same as if the person it is against resided or was in his district, or had property therein. (1942)

#### **KRS 70.360 Return of "not found."**

No **constable** shall return on any process that the defendant is not found, unless he has actually been to the defendant's residence and has not found him, if the defendant is a resident of the county. (1942)

#### **KRS 70.370 Precedence of levying and satisfying writs.**

Executions, fee-bills, orders of witnesses' attendance, distress warrants and attachments, shall be levied and satisfied by the **constable** according to the priority of time in which they are placed in his hands. The **constable** shall, in every case, indorse the time of reception. (1942)

#### **KRS 70.380 Staying or delay of process -- When constable excused by.**

It shall be no defense to any action or motion against a **constable** or his sureties that the process or other authority under which he acted, or it was his duty to act, was stayed or in any manner delayed, unless it was done in writing signed by the plaintiff, his agent or attorney. (1942)

#### **KRS 70.390 To collect, return and receipt for claim.**

(1) The **constable** shall collect all claims placed in his hands for collection, when by proper diligence they may be collected.

(2) When a **constable** fails to collect a claim placed in his hands for collection, he shall upon demand return the claim, properly indorsed, to the person entitled thereto within six (6) months from the time it is placed in his hands for collection.

(3) The **constable** shall give a receipt, stating the amount paid, for each claim or demand he collects. (1942)

#### **KRS 70.400 Claims placed in hands -- Not to become interested in.**

No **constable** shall buy, or become interested by contract in, any claim against another put into his hands for collection. Any such purchase or contract may be relied on by a defendant in bar of a suit on such claim, or as a ground for vacating a judgment or quashing an execution thereon. (1942)

**KRS 70.410 Motion against constable -- Notice.**

Recovery on the **constable's** bond may be had by motion. Ten (10) days' notice, specifying the grounds of the motion, shall be given. If not executed on all persons liable on the bond, the motion may proceed against those notified. (1942)

**KRS 70.420 Recovery for failure to pay over money collected.**

(1) For **constable's** failure, upon proper demand, to pay over money collected by him, the plaintiff shall recover the amount collected by the officer, and interest from the time of demand, and ten percent (10%) damages thereon, and the costs of his motion or action.

(2) In such action or motion a receipt given by the **constable** to the person placing the claim or demand in his hands shall be presumptive evidence, after one hundred and twenty (120) days from its date, that such demand has been collected. (1942)

**KRS 70.430 Constables in counties of 250,000 population -- Duties -- Monthly report.**

(1) **Constables** in counties containing a population of over 250,000 on or before the tenth day of each calendar month shall make a report to the county clerk concerning the performance of the duties of office by himself and his deputies during the next preceding calendar month.

(a) Under the heading of civil matters, the report shall contain a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed.

(b) Under the heading of criminal matters, the report shall contain a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the **constable** and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the **constable** and his deputies for execution, noting the name and address of the person obtaining each warrant; the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the **constable** and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the **constable** and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned, and not executed.

- (c) Under the heading of other matters, the report shall contain a brief but adequate report upon all other acts of the **constable** and his deputies performed under authority, or under color of authority, of office.
- (2) Each monthly report shall be subscribed and sworn to by the **constable** and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. The clerk shall cause attested copies thereof to be promptly delivered to the county judge/executive, the county attorney, and the attorney for the Commonwealth. (1978)

**KRS 70.440 False entries in books and reports.**

No **constable** or **deputy constable** in any county containing a population of over 250,000 shall make, participate in making, or knowingly permit another to make a false entry, or omit, or participate in or permit the omission of, any proper entry, in his official books or records, or knowingly make or participate in the making of any false statement or report, with intent to cheat or defraud the state, the county or any person. (1942)

**KRS 70.990 Penalties.**

- (1) If the sheriff fails to renew the bond required of him by KRS 70.020 when ordered to do so by the county judge/executive, the county judge/executive shall suspend him from acting until he conforms with the order, or may vacate his office.
- (2) If the sheriff violates any of the provisions of KRS 70.140, he shall be guilty of a violation.
- (3) Any sheriff who knowingly makes a false or illegal return on any process or fee-bill, by color of his office, shall be guilty of a Class A misdemeanor and liable to the person injured for treble the damage caused thereby.
- (4) If the **constable** fails to give additional security or to renew his bond when ordered to do so by the county judge/executive, the county judge/executive shall enter an order declaring his office vacant.
- (5) Any **constable** who executes any process, other than a fee-bill for his own service, in which he is personally interested shall be guilty of a violation.
- (6) Any **constable** who violates any of the provisions of KRS 70.390 shall be guilty of a violation. If he violates subsections (1) or (2) of KRS 70.390, he shall be liable for the amount of the claim.
- (7) Any **constable** or **deputy constable** in any county containing a population of over 250,000 who violates any of the provisions of KRS 70.440 shall be guilty of a Class D felony.
- (8) If the **constable** fails to return any process, placed in his hands, by the return day, the plaintiff may recover five dollars (\$5) from him upon motion before the court from which the process issued.
- (9) If a **constable** fails without reasonable excuse to return process placed in his hands for collection within twenty (20) days after the return day, he shall be liable for the amount of the process plus ten percent (10%). (1992)

**\*KRS 95.019 Chief of police and police force to have common law and statutory powers of constables and sheriffs.**

(1) The chief of police and all members of the police force in cities of the first through fifth classes shall possess all of the common law and statutory powers of **constables** and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, anywhere in the county in which the city is located, but shall not be required to police any territory outside of the city limits.

(2) The chief of police and all members of the police force in cities of the sixth class shall possess all of the common law and statutory powers of **constables** and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, only within the corporate boundaries of the city and within the boundaries of any real property owned by the city which is located outside of its corporate boundaries.

(3) The chief of police and all members of the police force in all cities shall be entitled to the same fees, and the same remedies for collecting them, that are allowed to sheriffs and other officers for similar services, but all fees shall be paid into the city treasury. (1994)

**KRS 95.950 Definitions for KRS 95.951 to 95.964.**

As used in KRS 95.951 to 95.964, unless the context requires otherwise:

(1) "Police officer" means a person who is employed as a sworn law enforcement officer by a city, urban-county, or charter county government law enforcement agency, excluding sheriffs, deputy sheriffs, **constables**, **deputy constables**, jailers, coroners, correctional officers, marshals, and special local peace officers.

(2) "Auxiliary police officer" means a person who is appointed as a member of an auxiliary police force created under KRS 95.445 and who has the authority to carry deadly weapons or make arrests. (1992)

**KRS 118.215 Certification of candidates or slates by Secretary of State -- Order of listing county offices -- Use of supplemental paper ballots -- Approval of State Board of Elections -- Ballot position unalterable.**

(1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's

attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and **constable**. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:

(a) Not later than the second Monday after the filing deadline for the primary;

(b) Not later than the second Monday after the filing deadline for the general election, except as provided in paragraph (c) of this subsection; and

(c) Not later than the Monday after the Friday following the first Tuesday in September preceding a general election, for those years in which there is an election for President and Vice President of the United States.

(2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.

(3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.

(4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.

(5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting machines currently in use by the county, he shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the general election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper

ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the machine ballot or on the paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.

(6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk. (2008)

**KRS 148.056 Commissioner of parks may commission park rangers -- Powers as peace officers.**

(1) The commissioner of parks, in his discretion, may employ and commission park rangers as the commissioner deems necessary to secure the parks and property of the Department of Parks and to maintain law and order and such employees, when so commissioned, shall have all of the powers of peace officers and shall have on all parks property and on public highways transversing such property in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, **constables** and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, **constables** and police officers in any suit brought against them in consequence of acts done in the course of their employment.

(2) The designation of any such employee as a peace officer shall be governed by the provisions of KRS 61.300 except that he shall not be required to have resided in the county wherein he is to serve for a period of at least two (2) years, and he shall be required to file his photograph and affidavit only with the Franklin county clerk.

(3) Any employee so commissioned shall be required to execute bond, subject to the provisions of KRS 62.170, for the faithful and lawful performance of his duties. (1982)

**KRS 150.100 Execution of process by commissioner, department personnel and persons appointed by commissioner.**

The commissioner, all personnel of the department and all officers and other persons appointed by the commissioner may execute any process issued by a court, enforcing the provisions of this chapter or any law relating to the propagation or protection of fish and wildlife in the same manner as any **constable** or sheriff. To accomplish that purpose they may call any peace officer or other person to their aid. (1952)

**KRS 150.390 Restrictions on hunting wild elk, deer, wild turkey, or bear -- Depredation permits -- Administrative regulations.**

(1) No person shall possess, take, pursue, or attempt to take or pursue or otherwise molest any wild elk, deer, wild turkey, or bear in any manner contrary to any provisions of this chapter or its regulations.

(2) No person shall use a dog to chase or molest wild elk or deer in any manner, at any time, or at any place. Any conservation officer, peace officer, sheriff, or **constable** may take necessary steps to stop, prevent, or bring under control any dog or dogs found chasing or molesting wild elk or deer at any time.

(3) The department shall establish by administrative regulation the conditions under which depredation permits may be issued without cost to persons suffering damage from wild elk to allow the taking of wild elk.

(4) If Kentucky's wild elk population reaches a level that will sustain limited hunting, the department may establish by administrative regulations the conditions and permits that would allow the controlled taking of wild elk. (1998)

### **KRS 164.955 Safety and security officers -- Powers and duties.**

(1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective institution employing them. Without limiting the generality of the foregoing, such safety and security officers are hereby specifically authorized and empowered, and it shall be their duty:

(a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage; and

(b) To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

(2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:

(a) When in hot pursuit of an actual or suspected violator of the law; or

(b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section; or

(c) When requested to act by the chief of police of the city or county in which the institution's property is located; or

- (d) When requested to act by the sheriff of the county in which the institution's property is located; or
- (e) When requested to act by the commissioner of the Department of Kentucky State Police; or
- (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d) or (e) above; or
- (g) When requested to assist a state, county or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or
- (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

(3) Safety and security officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the university. Where desirable and at the discretion of the institution of higher education's police officials, the university safety and security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

(4) Safety and security departments created and operated by the governing boards of public institutions of higher education shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.

(5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, **constable**, or other peace officer either on the property of an institution of higher education or otherwise. (2007)

**KRS 183.881 Powers and duties of safety and security officers.**

(1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing airport board. Without limiting the generality of the foregoing, such safety and security officers are hereby specifically authorized and empowered, and it shall be their duty:

(a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the airport facility of their respective airport board, and to protect all persons and property located thereon from injury, harm and damage;

(b) To enforce, and to assist officials of their respective airport boards in the enforcement of the lawful rules and regulations of said airport board, and to assist and cooperate with the law enforcement agencies and officers.

Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or occupied by their respective airport boards including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the airport board owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

(2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:

- (a) When in hot pursuit of an actual or suspected violator of the law;
- (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;
- (c) When requested to act by the chief of police of the city or county in which the airport board's property is located;
- (d) When requested to act by the sheriff of the county in which the airport board's property is located;
- (e) When requested to act by the commissioner of the Department of Kentucky State Police;
- (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d) or (e) above;
- (g) When requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties;
- or
- (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

(3) Safety and security officers appointed pursuant to KRS 183.110 and 183.880 to 183.886 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the airport board. Where desirable and at the discretion of the airport board's police officials, the airport board's safety and security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

(4) Safety and security departments created and operated by the airport boards shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.

(5) Nothing in KRS 183.110 and 183.880 to 183.886 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, **constable**, or other peace officer either on the property of an airport board or otherwise.

(2007)

**\*KRS 189.950 Prohibitions -- Exceptions.**

(1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal.

(2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle any red or blue flashing, revolving, or oscillating light or place a red light on the front thereof. This subsection shall not apply to the use of red flashing lights on school buses or to stop lights or turn signals at the rear of any motor vehicle.

(3) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public safety vehicles, shall be equipped with, nor shall any person use upon any vehicle any yellow flashing, revolving, or oscillating light. This subsection shall not apply to the use of yellow lights for turn signals; or to emergency flasher lights for use when warning the operators of other vehicles of the presence of a vehicular traffic requiring the exercise of unusual care in approaching, overtaking, or passing; or to vehicles operated by mail carriers while on duty; funeral escort vehicles and church buses.

(4) Any person who is a regular or voluntary member of any fire department furnishing fire protection for a political subdivision of the state or any person who is a regular or voluntary member of a rescue squad may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been given permission, in writing, to do so by the chief of the fire department or rescue squad. He may use such lights and equipment only while proceeding to the scene of a fire or other emergency or to a location where another emergency vehicle is on emergency call in the performance of his official duties as a member of a fire department or rescue squad.

(5) Any **constable** may, upon approval of the fiscal court in the county of jurisdiction, equip vehicles used by said officer as emergency vehicles with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric condition from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any **constable** authorized by the fiscal court to utilize blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.

(6) Any person who is a paid or voluntary member of any ambulance service furnishing emergency medical services for a political subdivision of the state may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been given permission, in writing, to do so by the chief or director of the ambulance service. He may use such lights and equipment only while proceeding to the scene of an emergency, a medical facility, or to a location where another emergency vehicle is on emergency call in

the performance of his official duties as a member of the ambulance service.  
(1986)

**KRS 205.782 Service of process by constable in county containing city of the first class.**

In a county containing a city of the first class, the provisions of KRS 454.140 notwithstanding, including those provisions related to priority of other officers, all forms of legal process may be served in any child support action by a **constable** of the county upon direction by the initiating party. A **constable** shall not be automatically deemed an interested party in litigation merely by virtue of serving process on behalf of the Commonwealth. (1988)

**KRS 230.240 Additional employees for regulation of race meetings --  
Administrative regulations as to duties, qualifications, and training --  
Compensation.**

(1) In addition to the employees referred to in KRS 230.230, the executive director of the racing commission may employ, dismiss, or take other personnel action and determine the reasonable compensation of stewards, supervisors of mutuels, veterinarians, inspectors, accountants, security officers, and other employees deemed by the executive director to be essential at or in connection with any horse race meeting and in the best interest of racing. Three (3) thoroughbred stewards shall be employed at each thoroughbred race meeting. Two (2) stewards shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) thoroughbred steward shall be employed and compensated by the racing association hosting the race meeting. Three (3) standardbred judges shall be employed at each standardbred race meeting. Two (2) standardbred judges shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) standardbred judge shall be employed and compensated by the racing association hosting the race meeting. The security officers shall be peace officers and conservators of the peace on racing commission property and at all race tracks and grounds in the Commonwealth and shall possess all the common law and statutory powers and privileges now available or hereafter made available to sheriffs, **constables**, and police officers for the purpose of enforcing all laws relating directly or indirectly to the conduct of horse racing and pari-mutuel wagering thereon, or the enforcement of laws relating to the protection of persons or property on premises licensed by the racing commission. The racing commission, for the purpose of maintaining integrity and honesty in racing, shall prescribe by administrative regulation the powers and duties of the persons employed under this section and qualifications necessary to competently perform their duties. In addition, the racing commission shall be responsible for seeing that racing officials employed under the provisions of this section have adequate training to perform their duties in a competent manner.

(2) The racing commission shall promulgate administrative regulations for effectively preventing the use of improper devices, and restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. The racing commission may acquire, operate, and maintain, or contract for the maintenance and operation of, a testing laboratory and related facilities, for the purpose of saliva, urine, or other tests, and to purchase supplies and equipment for and in connection with the laboratory or testing processes. The expense of the laboratory or other testing processes, whether furnished by contract or otherwise, together with all supplies and equipment used in connection therewith, shall be paid by the various associations licensed under this chapter in the manner and in proportions as the racing commission shall by administrative regulation provide.

(3) The compensation of the employees referred to in this section shall be paid by the licensee conducting the horse race meeting in connection with which the employees are utilized or employed. The salary of the executive director to the racing commission shall be prorated among and paid by the various associations licensed under this chapter in the manner as the racing commission shall, by administrative regulation, provide. Except for the thoroughbred steward and the standardbred judge authorized in subsection (1) of this section, the employees referred to in this section shall be deemed employees of the racing commission, and are paid by the licensee or association for convenience only.

(4) Each person, as a condition precedent to the privilege of receiving a license under this chapter to conduct a horse race meeting, shall be deemed to have agreed to pay expenses and compensation as provided in this section and as may be actually and reasonably incurred.(2010)

**KRS 277.280 Bond, powers and compensation of railroad policemen.**

(1) Each railroad policeman shall, before he enters upon the discharge of the duties of his office, execute bond, with good security, conditioned for the faithful performance of his duty as such policeman, and take and subscribe an oath of office. The bond shall be executed in the county in which the policeman resides, or in which the railroad has its registered process agent, if any, within the state, or in which the policeman performs any duties as a railroad policeman, and the bond shall be approved, and the oath administered, by the county judge/executive. The bond and oath shall be entered of record by the county clerk, and the execution of the bond and the taking of the oath shall be indorsed upon the commission of the person so qualifying. Each policeman so appointed and commissioned shall, throughout the counties through which the railroad operates, have and exercise the powers of sheriffs and **constables** in making arrests for public offenses committed upon or about railroad property, and in serving process in criminal and penal prosecutions for such offenses, and shall be subject to all the liabilities of sheriffs or **constables**.

(2) The compensation of railroad policemen shall be fixed and paid by the railroad company for which they are appointed. (1986)

**\*KRS 281.765 Enforcement of motor vehicle laws -- Arrests -- Bail bonds.**

Any peace officer, including sheriffs and their deputies, **constables** and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles and boats or boating, now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles and boating, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe the commission of the offense. When in pursuit of any offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than one hundred dollars (\$100), conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six (6) days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen (18) hours after taking such bond. (1974)

**KRS 335B.070 Exceptions.**

The provisions of KRS 335B.020 to 335B.060 shall not apply to:

- (1) The practice of law; but nothing in this section shall be construed to preclude the Supreme Court in its discretion, from adopting the policies set forth in KRS 335B.020 to 335B.060.
- (2) Deputy sheriffs, **deputy constables**, patrol or other nonelective peace officers or deputy peace officers, for whom qualifications are set forth in KRS 61.300. (1978)

**KRS 364.020 Fees for taking up drifts, logs and timber -- Lien -- Sale.**

(1) Whenever any boat, raft or platform, or any timber prepared for market, whether branded or unbranded, is taken up by a person not the owner thereof, the person who takes it up and secures it and delivers it to the owner shall have a claim against the owner for the following fees:

Each freight boat or other heavy boat .....	\$.	1.00
Each jack boat, skiff or canoe .....		.25
Each fleet of timber .....		10.00
Each raft of not less than forty (40) logs .....		4.00
Each platform of not less than ten (10) logs .....		1.00
Each sawlog or other log or tree prepared for sale .....		.25
Each cross or railroad tie .....		.03

Boards or planks caught in rafts or large body, per 1,000 feet board measure:  
For 20,000 board feet or less ..... 50  
For over 20,000 board feet ..... 25

Boards or planks, loose and scattered, per 1,000 board feet measure ..... 2.50  
Staves and heading, for each 1,000 merchantable pieces ..... 3.00

(2) The taker-up shall have a lien upon the property taken up by him for the fees and charges provided for by this chapter. If the owner of any such property taken up fails to pay the sum charged thereon within sixty (60) days from the day it was taken up, the property shall, at the instance of the person to whom the charges are due, be sold by a **constable**, sheriff or other officer of the county in which the property was taken up. The sale shall be made by public auction, at the courthouse door to the highest bidder, upon thirty (30) days' written or printed notice, posted at the front door of the courthouse of the county in which the sale is to be made and at two (2) other public places in the county, giving the time and place of sale and a description of the property and any marks or brands thereon.  
(3) The **constable** or other officer making the sale shall pay to the taker-up his legal fees and charges, after deducting his own commission, which shall be the same as though he had sold the property under execution; and if the proceeds of the sale exceed the charges, fees and commission, he shall deposit the excess with the county clerk of the county in which the sale is made, and take his receipt therefor. If the owner, within one (1) year from the date of the sale, appears before the county judge/executive of the county where the money is deposited with the clerk, and establishes to the satisfaction of the court his right to the money, the clerk shall, upon the order of the county judge/executive, pay the money over to the owner; otherwise it shall be paid into the State Treasury.  
(1942)

**KRS 365.475 Law inapplicable to judicial or farm sales.**

The provisions of KRS 365.410 to 365.480 and 365.992 shall not apply to sheriffs, **constables**, or other public or court officers, or to any other person or persons acting under the direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties. Nor shall the provisions of KRS 365.410 to 365.480 and 365.992 apply to any bona fide farmer who holds any complete or partial dispersement sale of any land, farm machinery, livestock or any other farm implements or produce. (1966)

**KRS 365.655 Application of KRS 365.650 to 365.695.**

The provisions of KRS 365.650 to 365.695 shall not apply to:

- (1) Sales at wholesale to retail merchants by commercial selling agents in the usual course of business;
- (2) Wholesale trade shows or conventions;
- (3) Sales of goods, wares or merchandise by sample catalogue or brochure for future delivery;
- (4) Participants in fairs and convention center activities when the participants' businesses are conducted primarily for amusement or entertainment;

- (5) Any general sale, fair, auction or bazaar sponsored by any religious, educational, public service or charitable organization;
- (6) Garage sales held on premises devoted to residential use;
- (7) Sales of crafts or items made by hand and sold or offered for sale by the person making such crafts or handmade items;
- (8) Sales of locally grown agricultural products;
- (9) Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises;
- (10) Sheriffs, **constables**, or other public or court officers, or any other person or persons acting under the direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties;
- (11) Flea market vendors who can demonstrate compliance with KRS 139.550;
- (12) Professions and occupations licensed and regulated by the state when the activities are performed within the scope of their respective statutory and regulatory authority; and
- (13) Temporary sales at another location by businesses with a permanent business location within the State of Kentucky. (1986)

**KRS 376.350 Enforcement of lien on property of guest.**

Any person in whose favor a lien created by KRS 376.340 exists may, before the District Court of the county where the debt was created, by himself, agent or attorney, make affidavit of the amount due him and in arrear for services to the person receiving them and describing, as nearly as possible, the baggage or other personal property owned and brought in by the guest. The court shall then issue a warrant directed to the sheriff or any **constable** or town marshal of the county, authorizing him to levy upon and seize the property described in the affidavit for the amount due, with interest and costs. If the property has been removed with the consent of the landlord, the lien shall not continue longer than ten (10) days from and after the removal. (1978)

**KRS 376.410 Enforcement of lien for care of livestock.**

Any person in whose favor a lien provided for in KRS 376.400 exists may, before the District Court of the county where the cattle were fed or grazed, by himself or agent, make affidavit of the amount due him and in arrears for keeping and caring for the cattle, and describing as nearly as possible the cattle so kept by him. The court shall then issue a warrant, directed to the sheriff or any **constable** or town marshal of the county, authorizing him to levy upon and seize the cattle for the amount due, with interest and costs. If the cattle are removed with the consent and from the custody of the livery stable keeper or the person feeding or grazing them, the lien shall not continue longer than one (1) year from and after the removal, nor shall the lien in case of such removal be valid against a bona fide purchaser without notice at any time after the removal. The warrant may be issued to a county other than that in which the cattle were fed or grazed, and the lien may also be enforced by action as in the case of other liens. (1984)

**KRS 383.210 Issual and form of warrant -- Jury not summoned unless demanded.**

(1) Upon complaint by a person aggrieved by a forcible entry or detainer to the District Court of the county in which the land or tenement, or a principal part thereof, lies, a warrant shall issue to the sheriff or any **constable**, in substance as follows: "The Commonwealth of Kentucky to the sheriff (or any **constable**) of .... county: Whereas, A B hath made complaint that C D and E F did, on the .... day of ....., forcibly enter into (or forcibly detain from the said A B) one (1) house and field on the waters of ....., in the county aforesaid (or other general description of the lands or tenements), which were in the peaceable possession of A B (or which the said C D and E F, tenants of the said A B, now hold against him): You are, therefore, commanded to summon a good and lawful jury of your county to meet on the premises, or at a place convenient thereto, on the .... day of ....., to inquire into the forcible entry (or forcible detainer) aforesaid; and give to the said C D and E F at least three (3) days' notice of the time and place of the meeting of the jury; and have then there this writ. Witness, etc."

(2) In the trial of writs of forcible entry, forcible detainer or forcible entry and detainer, if neither party, in person or by agent or attorney, demand a jury, the trial thereof shall be by the court. No such writ shall hereafter direct the summoning of a jury, and the sheriff or other officer to whose hands such writ may come to do execution thereof shall not summon a jury in such proceedings, unless he be by either party notified in writing that a jury is demanded. At the calling of the cause for trial either party may demand a jury. (1978)

**KRS 383.245 Proceedings upon failure to file appeal -- Form and issual of warrant of restitution.**

If the party against whom the inquisition is found fails to file an appeal of the inquisition with the court, on or before the seventh day after the finding of the inquest, the court shall, on request, issue execution for the costs; and, if the inquisition be in favor of the plaintiff, it shall also issue a warrant of restitution in substance as follows: ".... County. To the sheriff (or any **constable**) of .... county, Whereas, C D and E F have been found guilty of a forcible entry in (or detainer of) one house and field, lying on the waters of ....., in the county aforesaid (or other general description of the possessions), to the injury of A B: You are, therefore, in the name of the Commonwealth of Kentucky, commanded that, with the power of the county if necessary, you put the said A B in the possession of said premises; and make return within .... days, how you have executed this warrant. Given under my hand this .... day of ....., 1978  
.....District Judge" (1978)

**KRS 413.090 Action upon judgment, contract or bond -- Fifteen-year limitation -- Action for child support arrearages -- Time to commence action tolled until obligations cease as to last child on order.**

Except as provided in KRS 396.205, 413.110, 413.220, 413.230 and 413.240, the following actions shall be commenced within fifteen (15) years after the cause of action first accrued:

- (1) An action upon a judgment or decree of any court of this state or of the United States, or of any state or territory thereof, the period to be computed from the date of the last execution thereon;
- (2) An action upon a recognizance, bond, or written contract;
- (3) An action upon the official bond of a sheriff, marshal, clerk, **constable**, or any other public officer, or any commissioner, receiver, curator, personal representative, guardian, conservator, or trustee appointed by a court or authority of law;
- (4) An action upon an appeal bond or bond given on a supersedeas, attachment, injunction, order of arrest or for the delivery of property or for the forthcoming of property, or to obey or perform an order or judgment of court in an action, or upon a bond for costs, or any other bond taken by a court or judge or by an officer pursuant to the directions of a court or judge, in an action or after judgment or decree, or upon a replevin, sale, or delivery bond taken under execution or decree, upon an indemnifying bond taken under a statute, or upon a bond to suspend a proceeding, or upon a bond or obligation for the payment of money or property or for the performance of any undertaking; and
- (5) An action to recover unpaid child support arrearages, which may be initiated as one (1) cumulative action for all child support arrearages owed under a court order, with the time to commence an action under this subsection being tolled until all current child support obligations cease as to the last child covered by that order. (2008)

**KRS 426.460 Executions that may be replevied -- Form of bond.**

- (1) Any execution on a judgment, which could be replevied before the execution issued, may be replevied for three (3) months at any time before a sale of property under the same, by the defendant giving to the officer a bond with good surety payable to the plaintiff, for the amount thereof including interest, costs, and half commission up to that time.
- (2) The bond shall be in substance as follows: "We, A B, principal, and E F, surety, do bind ourselves, three (3) months after the date hereof, to pay C D, the plaintiff in execution, the sum of \$ ....., to bear interest from this date, being the amount of an execution which issued from the clerk's office of the .... court, on the .... day of .... in favor of the said C D, for the sum of \$ .... debt or damages, \$ .... interest, \$ .... cost of suit, \$ .... sheriff's (or **constable's**) half commission, amounting in the whole to the sum of \$ .... aforesaid, against the said A B; and we, A B and E F, his surety have hereby replevied the same. Witness our hands this .... day of ....., 19..." (1978)

**KRS 426.490 Sale bond -- Where no replevin and sale made on three months' time -- Form.**

- (1) If the right to replevy exists and is not exercised, sales under execution shall be on a credit of three (3) months, upon the purchaser giving bond with good surety to the plaintiff in execution for the payment of the sale money, bearing interest from date.

(2) The bond shall be in substance as follows: "We, A B, principal, and C D, surety, do bind ourselves to pay to E F, within three (3) months from the date hereof, the sum of \$ ....., with interest thereon from this date, being the purchase money for (here set out the several items of the property so purchased, with the price of each) which was this day sold by G H, sheriff (or **constable** and so forth, as the case may be), of .... County, in satisfaction of an execution which issued from the office of the clerk of the .... court on the .... day of ....., in favor of E F against M O, for the sum of \$ ....., debt of damages, with interest and costs. Given under our hands this .... day of .... 19..." (1978)

**\*KRS 431.007 Arrest powers of peace officers assisting in another county -- Exception.**

(1) A peace officer certified pursuant to KRS 15.380 to 15.404, who is directly employed as a police officer by a Kentucky city, county, or urban-county government and whose department meets the requirements of KRS 15.440 and a sheriff, or deputy sheriff who has been certified pursuant to KRS 15.380 to 15.404, who is officially requested by a law enforcement agency in another county in Kentucky to assist in any matter within the jurisdiction of the requesting agency shall possess, while responding to and for the duration of the matter for which the request was made, the same powers of arrest in the requesting county as he possesses in the county in which he is a police officer.

(2) The provisions of this section shall not:

- (a) Authorize assistance in any labor dispute or strike;
- (b) Authorize assistance by a **constable** or **deputy constable**;
- (c) Authorize assistance by a special local peace officer; or
- (d) Authorize assistance by a special deputy sheriff. (2007)

**KRS 439.390 Board may issue subpoenas -- Penalty for false testimony or failure to comply with subpoena -- Circuit Court may compel the attendance of witnesses, production of documents and giving of testimony before board.**

The board shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the board. Subpoenas so issued shall be served by any sheriff, **constable**, police, parole or probation officer, or other peace officer and a return made to the board in the same manner as similar process in the Circuit Court. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce documents, records, or other such material when subpoenaed, upon citation by the Circuit Courts where the board meets and after hearing by that court, shall be subject to the same order and penalties to which persons before that court are subject. Any Circuit Court, upon application of the board, may compel the attendance of witnesses, the production of documents, records or other such material, and the giving of testimony before the board. (1956)

**\*KRS 446.010 Definitions for statutes generally.**

As used in the statute laws of this state, unless the context requires otherwise:

- (1) "Action" includes all proceedings in any court of this state;
- (2) "Animal" includes every warm-blooded living creature except a human being;
- (3) "Attorney" means attorney-at-law;
- (4) "Bequeath" and "devise" mean the same thing;
- (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;
- (6) "Case plan" means an individualized accountability and behavior change strategy for supervised individuals that:
  - (a) Targets and prioritizes the specific criminal risk factors of the individual based upon his or her assessment results;
  - (b) Matches the type and intensity of supervision and treatment conditions to the individual's level of risk, criminal risk factors, and individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;
  - (c) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations; and
  - (d) Specifies positive and negative actions that will be taken in response to the supervised individual's behaviors;
- (7) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex;
- (8) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company, or association;
- (9) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company, or association;
- (10) "Criminal risk factors" are characteristics and behaviors that, when addressed or changed, affect a person's risk for committing crimes. The characteristics may include but are not limited to the following risk and criminogenic need factors: antisocial behavior; antisocial personality; criminal thinking; criminal associates; dysfunctional family; low levels of employment or education; poor use of leisure and recreation; and substance abuse;
- (11) "Cruelty" as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted;
- (12) "Directors," when applied to corporations, includes managers or trustees;
- (13) "Domestic," when applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state;
- (14) "Domestic animal" means any animal converted to domestic habitat;
- (15) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism when implemented competently;
- (16) "Federal" refers to the United States;

- (17) "Foreign," when applied to a corporation, partnership, business trust, or limited liability company, includes all those incorporated or formed by authority of any other state;
- (18) "Generally accepted accounting principles" are those uniform minimum standards of and guidelines to financial accounting and reporting as adopted by the National Council on Governmental Accounting, under the auspices of the Municipal Finance Officers Association and by the Financial Accounting Standards Board, under the auspices of the American Institute of Certified Public Accountants;
- (19) "Graduated sanction" means any of a wide range of accountability measures and programs for supervised individuals, including but not limited to electronic monitoring; drug and alcohol testing or monitoring; day or evening reporting centers; restitution centers; disallowance of future earned compliance credits; rehabilitative interventions such as substance abuse or mental health treatment; reporting requirements to probation and parole officers; community service or work crews; secure or unsecure residential treatment facilities or halfway houses; and short-term or intermittent incarceration;
- (20) "Humane society," "society," or "Society for the Prevention of Cruelty to Animals," means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
- (21) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;
- (22) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;
- (23) "Legatee" and "devisee" convey the same idea;
- (24) "May" is permissive;
- (25) "Month" means calendar month;
- (26) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;
- (27) "Owner" when applied to any animal, means any person having a property interest in such animal;
- (28) "Partnership" includes both general and limited partnerships;
- (29) "Peace officer" includes sheriffs, **constables**, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;
- (30) "Penitentiary" includes all of the state penal institutions except the houses of reform;
- (31) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies;
- (32) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;
- (33) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication;

- (34) "Regular election" means the election in even-numbered years at which members of Congress are elected and the election in odd-numbered years at which state officers are elected;
- (35) "Risk and needs assessment" or "validated risk and needs assessment" means an actuarial tool scientifically proven to determine a person's risk to reoffend and criminal risk factors, that when properly addressed, can reduce that person's likelihood of committing future criminal behavior;
- (36) "Shall" is mandatory;
- (37) "State" when applied to a part of the United States, includes territories, outlying possessions, and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;
- (38) "State funds" or "public funds" means sums actually received in cash or negotiable instruments from all sources unless otherwise described by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of any form of state organization, authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization whether or not the money has ever been paid into the Treasury and whether or not the money is still in the Treasury if the money is controlled by any form of state organization, except for those funds the management of which is to be reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605, and 42.615;
- (39) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail;
- (40) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;
- (41) "Treatment" when used in a criminal justice context, means targeted interventions that focus on criminal risk factors in order to reduce the likelihood of criminal behavior. Treatment options may include but shall not be limited to community-based programs that are consistent with evidence-based practices; cognitive-behavioral programs; faith-based programs; inpatient and outpatient substance abuse or mental health programs; and other available prevention and intervention programs that have been scientifically proven to produce reductions in recidivism when implemented competently. "Treatment" does not include medical services;
- (42) "United States" includes territories, outlying possessions, and the District of Columbia;
- (43) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;
- (44) "Violate" includes failure to comply with;
- (45) "Will" includes codicils; "last will" means last will and testament;
- (46) "Year" means calendar year;

- (47) "City" includes town;
- (48) Appropriation-related terms are defined as follows:
- (a) "Appropriation" means an authorization by the General Assembly to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in KRS Chapter 48;
  - (b) "Appropriation provision" means a section of any enactment by the General Assembly which is not provided for by KRS Chapter 48 and which authorizes the expenditure of public funds other than by a general appropriation bill;
  - (c) "General appropriation bill" means an enactment by the General Assembly that authorizes the expenditure of public funds in a branch budget bill as provided for in KRS Chapter 48;
- (49) "Mediation" means a nonadversarial process in which a neutral third party encourages and helps disputing parties reach a mutually acceptable agreement. Recommendations by mediators are not binding on the parties unless the parties enter into a settlement agreement incorporating the recommendations;
- (50) "Biennium" means the two (2) year period commencing on July 1 in each even-numbered year and ending on June 30 in the ensuing even-numbered year;
- (51) "Branch budget bill" or "branch budget" means an enactment by the General Assembly which provides appropriations and establishes fiscal policies and conditions for the biennial financial plan for the judicial branch, the legislative branch, and the executive branch, which shall include a separate budget bill for the Transportation Cabinet; and
- (52) "AVIS" means the automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator's licenses and personal identification cards. (2011)

**KRS 454.140 Officers to whom process to be directed -- Provisional remedies.**

- (1) Every process in an action or proceeding shall be directed to the sheriff of the county; or, if he be a party, or be interested, to the coroner; or, if he be interested, to the jailer; or, if all these officers be interested, to any **constable**.
- (2) The summons or an order for a provisional remedy, in an action or proceeding, may, at the request of the party in whose behalf it is issued, be directed to any of the officers named in subsection (1) of this section who is not a party to nor interested in the action. (1953)

## **Constables referenced in the Kentucky Administrative Regulations**

### **503 KAR 5:080. Definitions.**

RELATES TO: KRS 15.410-15.510

STATUTORY AUTHORITY: KRS 15.450(1)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation provides definitions of certain terms as used in 503 KAR Chapter 5, which pertains to the Law Enforcement Program Foundation Fund. This administrative regulation also repeals the administrative regulations previously in this chapter.

Section 1. Definitions. The following definitions shall apply in this chapter:

- (1) "Cabinet" means the Kentucky Justice Cabinet.
- (2) "Secretary" means the Secretary of the Kentucky Justice Cabinet.
- (3) "Council" means the Kentucky Law Enforcement Council as established in KRS 15.315.
- (4) "Fund" means the Law Enforcement Foundation Program Fund of the Kentucky Justice Cabinet as established in KRS 15.430.
- (5) "Fund administrator" means the person responsible for administering the fund. KRS 15.450(1) provides that the fund shall be administered by the secretary or his designated representative.
- (6) "Salary supplement funds" means money disbursed from the fund to local units of government for salary supplement purposes. A "salary supplement" is the fund money disbursed by a local unit of government to an individual police officer.
- (7) "Local unit" means the local unit of government of any city or county, or any combination of cities and counties of the Commonwealth.
- (8) "Police officer" means a "full-time member" (defined in subsection (9) of this section) of a "lawfully organized police department" (defined in subsection (11) of this section) of county, urban-county, or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws

of the state, but does not include Kentucky State Police, any elected officer, sheriff, deputy sheriff, **constable**, **deputy constable**, district detective, deputy district detective, special local peace officer, auxiliary police officer or any other peace officer not specifically authorized in KRS 15.410 to 15.510.

(9) "Full-time member" means a sworn police officer who is paid a salary by the local unit for "working regularly" (defined in subsection (10) of this section) as a law enforcement officer.

(10) "Working regularly" means the officer is working a minimum of forty (40) hours a week according to a uniform weekly schedule that is standard for police officers employed by that employing agency. No local unit shall arrange, by reduction of weekly hours or otherwise, the employment of a person who is otherwise considered a police officer so as to subvert the intent and purpose of KRS 15.410 to 15.510 or these administrative regulations.

(11) "Lawfully organized police department" means a law enforcement unit organized in accordance with statutory authority, and one which has a separate and identifiable physical and management identity from other law enforcement units, including a separate chief. (1985)

### **503 KAR 3:030. Training charges.**

RELATES TO: KRS 15.340

STATUTORY AUTHORITY: KRS 15A.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.340 authorizes the Department of Criminal Justice Training to determine whether certain persons to whom it offers training or agencies employing such persons must bear any of all costs of training. This administrative regulation prescribes training charges and identifies those who must pay for training.

Section 1. Definition. As used in this administrative regulation "eligible category" includes:

- (1) City police departments;
- (2) County police departments;

- (3) Urban-county police departments;
- (4) Public airport authority police departments established pursuant to KRS 183.880;
- (5) Department of Kentucky State Police;
- (6) State or public university departments of safety established pursuant to KRS 164.950;
- (7) Local boards of education, limited to school security officers who are special law enforcement officers appointed pursuant to KRS 61.902;
- (8) Sheriffs' departments, except for those deputy sheriffs identified in KRS 70.045 and 70.263(3);
- (9) **Constables;**
- (10) Coroners;
- (11) Department of Alcoholic Beverage Control, limited to field representatives and investigators appointed pursuant to KRS 241.090;
- (12) Department of Insurance - Division of Insurance Fraud Investigation, limited to insurance fraud investigators appointed pursuant to KRS 304.47-040;
- (13) State agencies that have adopted certification pursuant to KRS 15.380(2), limited to those peace officers for whom the certification requirements of KRS 15.380 to 15.402 have been incorporated into their job specifications;
- (14) Officers who are certified by the Kentucky Law Enforcement Council pursuant to KRS 15.380(4) or (5), and are presently employed in the capacity for which certification was obtained.

Section 2. Basic Training. While participating in a basic training course conducted by the department:

- (1) Persons employed full time as sworn law enforcement officers in an eligible category, shall be eligible to receive free tuition, housing at facilities to be provided by the department, and meals, not to exceed the amounts established in Section 7 of this administrative regulation:
- (2) Persons employed part time in an eligible category, whether sworn or unsworn, shall be eligible to receive free tuition.

Section 3. In-service Training. Persons employed in an eligible category, whether sworn or unsworn, while participating in in-service training courses conducted by the department shall be eligible for free tuition, limited to a maximum of eighty (80) hours during a calendar year. When calculating the maximum number of free training hours to which the person is eligible:

(1) The hours associated with an in-service training course that is substituted for a failed in-service training course, shall not be included;

(2) If a person has accumulated fewer than eighty (80) hours of in-service training at the time of registration for an additional in-service training course, and subsequently completes the course, which brings the in-service training total to more than eighty (80) hours, the person shall not be required to pay fees for the training which exceeds eighty (80) hours.

Section 4. Telecommunications.

(1) Persons employed full-time in an eligible category to dispatch law enforcement units by means of radio communications or to operate teleprocessing equipment associated with the law information network of Kentucky (LINK), shall be eligible to receive:

(a) Free tuition, housing at facilities to be provided by the department, and meals, not to exceed the amounts established in Section 7 of this administrative regulation, while participating in the Telecommunications Academy conducted by the department;

(b) Free tuition and housing at facilities to be provided by the department, while participating in the telecommunications basic course, Criminal Justice Information Systems (CJIS) - full access course, or CJIS - inquiry only course, conducted by the department;

(c) Free tuition while participating in other telecommunications courses conducted by the department, limited to a maximum of eighty (80) hours during a calendar year. When calculating the maximum number of free training hours to which the person is eligible:

1. The hours associated with the Telecommunications Academy, telecommunications basic course, CJIS - full access course, or CJIS - inquiry only course shall not be added;

2. The hours associated with a telecommunications course that is substituted for a failed telecommunications course, shall not be added;

3. If a person has accumulated fewer than eighty (80) hours of telecommunications training at the time of registration for an additional telecommunications course, and subsequently completes the course, which brings the telecommunications training total to more than eighty (80), the person shall not be required to pay fees for the training which exceeds eighty (80) hours;

(2) Persons employed part time in an eligible category to dispatch law enforcement units by means of radio communications or to operate teleprocessing equipment associated with the law information network of Kentucky (LINK), shall be eligible to receive free tuition while participating in telecommunications courses conducted by the department, limited to a maximum of eighty (80) hours during a calendar year. The calculation of the maximum number of free training hours to which the person is eligible, shall be made as established in this administrative regulation in subsection (1)(c)1 through 3 of this section.

Section 5. Fees in Reciprocation. If an agency or person has provided training services to the department, the commissioner may waive some or all fees for training provided by the department, when requested by the agency or person. The commissioner shall advise in writing, prior to the start date of the requested training, of the specific training which shall be provided and the fees which shall be waived. The waiver of fees shall be limited to the terms as described in writing by the commissioner.

Section 6. Payment of Fees Required.

(1) A person who is not eligible for free fees as determined in Sections 2 through 5 of this administrative regulation, shall be required to pay all applicable fees as established in Section 7 of this administrative regulation.

(2) A person who repeats a training course conducted by the department, within three (3) years from the start date of the original course, whether the first course was passed or failed, shall be required to pay all applicable fees as established in Section 7 of this administrative regulation for the repeated course. A training

course that is substituted for a failed training course shall be considered retraining, for which all applicable fees must be paid.

(3) If a person participates in a training course, for which it is determined prior to participation that fees are required, but fails the course, full fees are due.

(4) If a person participates in a training course, for which it is determined prior to participation that fees are required, but withdraws from training for reasons other than those which constitute extenuating circumstances as defined in 503 KAR 1:110 or 503 KAR 5:090, training fees shall be assessed based upon that training which was received. If payment has been received by the department, the person, or the agency responsible for the payment of training fees, shall be reimbursed the amount in excess of the actual training fees which were incurred.

(5) If a person participates in a training course, for which he is eligible for free fees, but withdraws from training for reasons other than those which constitute extenuating circumstances as defined in 503 KAR 1:110 or 503 KAR 5:090, full fees shall be required for that portion of training received prior to the withdrawal if the person repeats the training course within three (3) years from the start date of the original course. But for the provisions of this subsection, if the person would otherwise not be eligible for free fees when repeating the course, full fees shall be due for the entire course.

(6) Fees may be required as a result of a disciplinary suspension or expulsion, pursuant to 503 KAR 3:010, which are made part of the commissioner's final order.

## Section 7. Fees.

(1) Tuition per person shall be:

(a) \$600 per week.

(b) \$120 per day for training of less than one (1) week.

(c) \$120 for training which involves more than four (4) hours but less than eight (8) hours.

(d) Sixty (60) dollars for training which involves less than four (4) hours.

(2) Housing charges per person, for accommodations provided by the department, shall be:

(a) Seventy-five (75) dollars per five (5) day training week, which shall include Sunday night through Thursday night; or

(b) Fifteen (15) dollars per day.

(3) Meals.

(a) A person shall be allotted eighty-five (85) dollars per week for meals. Each person shall be provided a meal card which may be used no earlier than the evening meal on Sunday, but no later than the lunch meal on Friday. Use of the meal card shall be limited to those food service providers approved and designated by the department.

(b) A person provided with a meal card shall not be restricted to a specific amount per meal. Purchases in excess of eighty-five (85) dollars per week, or those incurred at a food service provider which is not approved and designated by the department, shall be paid by the person.

(4) Supplemental charges may be imposed for supplies and materials which have been furnished by the department, including ammunition provided by the department in a firearms training course.

Section 8. Procedures.

(1) When a person shall be required to pay fees for training, the person or their authorized agency head who shall be responsible for payment of fees, shall enter into a written agreement particularly describing the required charges, by executing DOCJT Form 60, prior to the start date of the course. If DOCJT Form 60 is not received by the department prior to the start date of the course, the person shall be ineligible to participate in the course.

(2) Payment of required fees for training shall be made prior to the start date of the course. If payment is not received by the department prior to the start date of the course, the person shall be ineligible to participate in the course.

(3) Payments shall be made by a check of the employing agency, or cashier's check of the person, payable to the Kentucky State Treasurer.

(4) Payment arrangements.

(a) When fees are required for training, an employing agency may request that they be allowed to satisfy the payment obligation through a schedule

of payments. Prior to the start date of the requested training, the agency shall submit to the department:

1. A list of each officer within the agency, and their required training for the current and preceding year;
2. The actual approved budget of the governmental unit for the current and the preceding year;
3. The actual revenue receipts of the governmental unit for the current and the preceding year;
4. A detailed explanation of why the governmental unit requires a payment arrangement to meet the costs of the training, including the reason that sufficient funding was not budgeted; and
5. A proposed schedule of payments.

(b) The commissioner shall notify the agency in writing, prior to the start date of the course, as to whether the agency's request has been approved, and if so, the specific terms of the schedule of payments.

(c) If the agency fails to abide by the terms as established by the commissioner, the person who is receiving training may be removed from training. Additionally, the agency may be denied future requests for payment arrangements.

#### Section 9. Incorporation by Reference.

(1) Department of Criminal Justice Training Form 60 - Contract for Training Fees, Revised 5/15/00.

(2) This material may be inspected, copied, or obtained at the Department of Criminal Justice Training, Funderburk Building, Eastern Kentucky University, 521 Lancaster Road, Richmond, Kentucky 40475-3102 , Monday through Friday, 8 a.m. to 4:30 p.m. (2000)



# **APPENDIX D**

**CONSTABLES  
IN OTHER STATES**



State	Offices	Expanse of authority with source	How they address office	Ongoing or Dormant	Negative media attn?
<b>Alabama</b>	Constables elected in each county, one per precinct	Can enforce traffic and criminal code (some counties forbid this however). See folder.	Each county has the right to abolish the office, via vote.	on going	
<b>Alaska</b>	Officially called Alaska State Defense Force. Similar to state national guard. Nothing comparable to Ky's constables.				
<b>Arizona</b>	Constables, elected to serve 4 year terms.	Have same peace officer power as sheriffs, however most serve papers only.	Constable Ethics Standards and Training Board (Arizona Revised Statute Title 22, Sections 136-138). Similar in make up and duties to KLEC.		
<b>Arkansas</b>	Constables elected for a 2 year term. (attempts in 2009 and 2012 to eliminate office stalled in state legislature)	Serve papers, State Attorney General says constables may run radar and write speeding tickets, respond to calls etc. Have access to dispatch ONLY if they attend certification course.	Each town allowed to elect a constable. Approximately 50% choose to do so.	On going	Yes
<b>California</b>	1998's Proposition 220 eliminated need for constables.				
<b>Colorado</b>	1965 Article 14 Section 11 of Colorado Constitution was repealed.				
<b>Connecticut</b>	2 types of constables. SLEOs attached to state police do not apply to Kentucky's situation. Others are elected for 2 year terms, if no election town CEO can appoint.	While some towns can expand the term, most do not. Constables can do traffic control and special event security, most serve papers and tax warrants. Business owners can request use of a constable to provide building security, must pay for service. (Chapter 95)	If a constable is to perform LEN duties, subject to state's POST rules and must complete POST basic training currently 818 hours.		Only because of confusion between 2 types of constables in state.
<b>Delaware</b>	3 types of constables: constable, justice of the peace constable, and code enforcement constable. System does not compare to Ky's.	Title 10, Chapter 27. Constables appointed to one year term by a Board of Examiners.	Board hires applicants. Primarily serve papers, but have limited LEN duties if Board allows. Private individuals, firms, businesses, civic groups can employ the constable for building security, etc.		
<b>Florida</b>	Office abolished in the late 1960s or early 1970s at the state level.				
<b>Georgia</b>	Elected constable repealed in 1983.	Georgia code 15-10-100 enacted in 1983 allows for county govt to appoint a constable (or marshal). Serve warrants and attend magistrate court.	If no constable allowed or appointed, sheriff assumes duty.		
<b>Hawaii</b>	No constables. Had constables prior to 1890s.				

State		Offices			Expansion of authority with source		How they address office		Ongoing or Dormant		Negative media attn?	
<b>Idaho</b>		Title 34, Chapter 11 revised statutes allows for election judges to appoint constables to "keep the peace" during election day at the precincts. None seem to do this. Legislative Reform in 1970 removed provisions for appointment of constables.										
<b>Illinois</b>		Article 7, Section 4 of state constitution allows for creation or elimination of any office except sheriff, county clerk and treasurer by county wide referendum. Can't find any current constables in Illinois. Found old ones pre-1900.										
<b>Indiana</b>		Indiana Code 33-34-6-4: each township that has a small claims court shall elect a constable who acts as bailiff, can make arrests and serve papers.			Bailiff, with LEN authority. Code 35-41-1-17							
<b>Iowa</b>		Office Repealed in 1972. (Acts 1972 ch. 1124 Section 81)										
<b>Kansas</b>		Kansas Statute 19-4417 eliminated position of constable.										
<b>Louisiana</b>		Elected to 6 year terms from each parish. Considered peace officers, but duties are limited. CCRP 905.4			LA Constitution Code of Civil Procedure 332. Answers to justice court (similar to small claims court). Serves papers mostly, but can also write traffic tickets, litter tickets, evictions and wage garnishments.		Beginning in 2008, must be younger than 70 at time of election. Some parishes have a marshal, same but more proactive LEN.					
<b>Maine</b>		Title 30, Section 2671, Subsection 1. allows for appointment of constable that is a "special police officer of limited jurisdiction."			Have all powers of a police officer, but can be limited by town's charter or ordinance. (only has jurisdiction within their municipality)		Term of appointment is good for not more than one year.		Not similar to Ky's system, more like SLEOs.			
<b>Maryland</b>		Constitution 2-604-606. Appointed by the court system.			Serve papers, serve at the pleasure of the Chief Judge of District Court. (Some sheriff's offices employ civilians called "constables" to serve papers, freeing up sworn deputies.)		Can have same powers as sheriff or deputy sheriff if they have received basic training from a Maryland Police Training Commission approved facility.					
<b>Massachusetts</b>		Massachusetts General Law Chapter 41 constables are appointed by town selectmen OR elected every three years.			Constable can collect taxes if tax collector office is vacant (section 39). Serve papers (section 94). Also can transport prisoners. Run background checks.							Issues regarding need for constables and jurisdictional issues.



State	Offices	Expanse of authority with source	How they address office	Ongoing or Dormant	Negative media attn?
<b>Pennsylvania</b>	Abolished in first class cities in 1970. Second and third class cities elect constables to a 6 year term.	Be present at polling place during election times, transport prisoners, serve warrants statewide, and considered peace officers.	Penn Supreme Ct. considers constables to be "independent contractors that orbit the judiciary".		
<b>Rhode Island</b>	Private process servers not employed by the state.	No arrest powers, not allowed to carry guns but are bonded and licensed.			
<b>South Carolina</b>	Appointed by the governor.	Used to assist peace officers, and mainly have arrest powers while they are escorted by police in the that jurisdiction.	Some agencies have a i.e., division and commissioned constables through SLED. SC has 3 "groups" of constables.		
<b>South Dakota</b>	Appointed by town commissioners to a two year term.	Countywide jurisdiction, serve process and make levies the same as a sheriff.			
<b>Tennessee</b>	Can vote to abolish office, abolished in 1st and 2nd class cities	Full power of arrest, statewide peace officer power	Operate as individual officers. Different duties in different counties.		<a href="http://www.knoxnews.com/news/2011/nov/27/value-of-tennessee-constables-debated/">http://www.knoxnews.com/news/2011/nov/27/value-of-tennessee-constables-debated/</a>
<b>Texas</b>	Elected to four year terms, counties can choose to abolish the position.	Statewide authority. Also serves as bailiffs.			
<b>Utah</b>	Appointed to a four year term. May serve more than one term. Employed by municipality or county.	Serve process throughout the state. Must be certified as a special function peace officer.			Many sheriffs struggle with "this constable issue" because they don't work for the county and don't necessarily answer to the sheriff or judge.
<b>Vermont</b>	Some elected, some appointed	Powers determined by the municipalities. Has peace officer powers and serves criminal & civil processes. Tax collector.			
<b>Virginia</b>	Appointed.	Most have been absorbed by the Sheriff's offices.	Regulated by the Va. Dept. of Criminal Services.		
<b>Washington</b>	Abolished in 1984.				
<b>West Virginia</b>	Abolished in 1977.				
<b>Wisconsin</b>	Elected position. Towns can vote to abolish the office. Does not exist in 1st class cities.	Fee collector. Only town jurisdiction. Considered a peace officer.			
<b>Wyoming</b>	Abolished 2010/2011.				

State	Relationship with LEN community	Is there consensus or division?	Training	Paid/Not paid/fee based	Notes
Alabama	Sheriffs tend to support, police do not	Division between elected officials and other LEN.	State tried to require counties to have training, state supreme court rejected. Training is offered.	Fee based	Many counties have abolished office. Also many have abolished "superumerary program." Sheriffs can do constable duties if no constable.
Alaska					
Arizona			Must attend mandatory training course no later than 6 months after election. Training approved by POST. Each year after, must attend 16 hours training approved by POST.	Salary based on precinct's population.	
Arkansas			Act 841 in 2007 allowed constables to utilize information from Arkansas Crime Information Center upon completion of certification course and 16 hours of annual training. Can carry a gun if complete firearms training.	Fee based	
California					
Colorado					
Connecticut			None. (if perform LEN duties must complete LEN POST basic training 818 hours)	Fee based.	
Delaware			Board may require training, education.	Fee based.	Not much public controversy or questions about constables in state.
Florida					
Georgia			None.	Salary	
Hawaii					

State	Relationship with LEN community	Is there consensus or division?	Training	Paid/Not paid/fee based	Notes
Idaho					
Illinois					
Indiana					
Iowa					
Kansas					
Louisiana			To receive stipend (\$75/month plus possible \$100/month if certified LEN), must attend training provided by AG's office every other year. RS13:2589 & RS 40:251.1	Fee based, but receive a stipend .	
Maine				Paid same fees as deputy sheriff.	Each appointment is different, some allowed to carry firearms, some not.
Maryland			None for constables with no LEN duties.	Fee based.	
Massachusetts			If they do anything beyond serve papers and run background checks, must have peace officer training.	Fee based.	

State	Relationship with LEN community	Is there consensus or division?	Training	Paid/Not paid/fee based	Notes
Michigan			Michigan's POST (MCOLES) says constables must be certified if they perform peace officer duties. Can serve papers without MCOLES training.		
Minnesota					
Mississippi			If they are able, attend a 2 week course which includes firearms safety. No physical fitness test.	Fee based. \$35 for all civil cases.	
Missouri			No training found, no state association found.	Fee based.	Little to no information found.
Montana					
Nebraska	Low profile, primarily act as civil enforcement		Yes, through POST	Salary	Legislature can not pass laws regulating jurisdiction & duties of JotP, police magistrates & Constables.
Nevada			Yes, through POST	Yes/Fee Based	All constables may appoint deputies with the same duties as the constable. Las Vegas Constables have a \$4.5 million dollar budget.
New Hampshire			Available but not required	Paid/Fee Based	
New Jersey	Constables answer to city council or police chief via monthly report. Mainly focused on civil.		No	No/fee based	In the past several years, bills were presented to require training
New Mexico					
New York	To apply for constable, must contact chiefs.		Yes at POST and additional training through some police departments.	Paid/Fee Based	
North Carolina					
North Dakota					
Ohio			Yes	Yes/fee based	paid with general funds from townships
Oklahoma				Fee based	
Oregon				Paid/Fee Based	Appointed constables can not hold the office longer than four years. Provide their own vehicle.

State	Relationship with LEN community	Is there consensus or division?	Training	Paid/Not paid/fee based	Notes
<i>Pennsylvania</i>	Constables can be police officers (but can not accept constable salary).		Yes, 80 hours basic, 40 hour annually.	Paid/Fee Based	Most wear patches & badges. Has a governing board.
<i>Rhode Island</i>					
<i>South Carolina</i>	Constables appear in the SC SCDC investigators, SC Dept. of Mental Health Public Safety, USCPD, SCDHEC, state colleges, state universities		Yes, All 3 groups have different training requirements.	Non paid	Not an agent of SLED, but is regulated and overseen by SLED. The constable must pay for their own training, clothing, equipment, and authorized weapons.
<i>South Dakota</i>				Fee based	Bill introduced in 2009 to abolish the office.
<i>Tennessee</i>			Yes	Non paid	2 organizations, Tenn. Constable Council and Tenn. Constable Assoc. Over 400 constables in the state; but bad reporting.
<i>Texas</i>			Yes, annually	Paid/fee based	Deputy Sheriff may serve as elected constable. Over 1500 constables and JoP in Texas.
<i>Utah</i>				Not paid/Fee based	
<i>Vermont</i>			Yes, annually for appointed constables, elected constables are ordinarily exempt from al training requirements.	Yes	
<i>Virginia</i>					
<i>Washington</i>					
<i>West Virginia</i>					
<i>Wisconsin</i>			Yes, determined by the city.		Does not exist in 1st class cities.
<i>Wyoming</i>					

# **APPENDIX E**

**2012  
CONSTABLES' SURVEYS**



# 1. Intro

Thank you for participating in the 2012 Constable Comprehensive Survey. The survey is meant to provide accurate and up-to-date information concerning Kentucky law enforcement.

In keeping with Kentucky's status as a leader in the field of law enforcement standards and training, and as prescribed by KRS 15A.070(2), the Department of Criminal Justice Training is continuing efforts to research and seek out information from the Kentucky law enforcement community.

The DOCJT is currently researching the role of Constables within Kentucky's law enforcement community. We encourage you to participate in this survey. Please answer each question by either filling in the relevant information on the line provided or marking the appropriate box. To obtain the highest level of accuracy it is important that all elected constables complete this survey.

If you have any questions about the survey and its contents, please contact Staff Services and Planning at [rachel.lingenfelter@ky.gov](mailto:rachel.lingenfelter@ky.gov) or (859) 622-5049. The Department of Criminal Justice Training appreciates your time and effort toward advancing Kentucky law enforcement.

Please feel free to submit relevant policies, other documentation and photographs of uniforms and vehicles to this survey. Email these to: [rachel.lingenfelter@ky.gov](mailto:rachel.lingenfelter@ky.gov) or mail them to:

2012 Constable Comprehensive Survey  
DOCJT  
521 Lancaster Ave.  
Funderburk Building, ECU  
Richmond, KY 40475

## 2. Agency Information

**1. Please select your county and district.**

**\*2. Name of person responding to survey.**

**3. Is your agency accredited?**

No

Yes, by what accrediting agency?

**4. Would your agency prefer electronic communication from DOCJT?**

No

Yes, to what email address?

**5. Annual budget for current fiscal year**

**6. Do you anticipate changes in next fiscal year's budget?**

**7. List your duties as constable. Check all that apply.**

- General law enforcement duties directed by Judge-Executive/Fiscal Court
- General law enforcement duties, at discretion of the Constable
- Limited law enforcement duties; limited by Judge-Executive/Fiscal Court
- No law enforcement duties; limited by Judge-Executive/Fiscal Court
- No law enforcement duties; limited by Constable
- Non-law enforcement duties; at discretion of Constable
- Non-law enforcement duties; agreements/contracts with private sector

Please describe

**8. Does your county require a bond?**

- No
- Yes, what is the amount?

**9. What bonding company holds the bond?**

**10. What other insurance(s) do you have?**

- Life
- Disability
- Professional Liability
- Other (please specify)

**11. Do you have an office separate from your residence?**

- No
- Yes, please describe.

### 3. Constable Demographic Information

#### 1. Age

Age

#### 2. What is your gender?

Female

Male

#### 3. What level of education have you completed?

GED

High School

Associate's Degree

Bachelor's Degree

Master's Degree

Doctorate Degree

#### 4. Which race best describes you? You may check more than one box. (Taken from the Office of Management and Budget (OMB) standards on race and ethnicity which guide the Census Bureau in classifying written responses.)

White

Black or African American

American Indian or Alaska Native

Asian

Native Hawaiian or Other Pacific Islander

**5. Military Experience (check all that apply)**

- Air Force
- Army
- Coast Guard
- Marines
- Navy
- National Guard
- Reserves
- No Military Experience

Current Military Status? (answer either active or inactive)

**6. Current marital status**

- Married
- Not married

**7. Number of years the constable has officially served in this capacity.**

Years:

**8. Does the constable have prior law enforcement experience? (experience as a constable is not to be included)**

- No
- Yes, number of years and employing agency

**9. Does the constable have:**

Prior convictions

Yes

No

Prior plea agreements

Prior settlements

**10. Has the constable held an elected office prior to being elected as constable?**

- No
- Yes, what elected offices?

**11. How many hours per week on average does the constable work?**

**12. Does the constable have other employment?**

- No
- Yes, what type of employment? Include full time and part time

**13. Does the constable work:**

- |  | Yes                   | No                    |
|--|-----------------------|-----------------------|
| building security  | <input type="radio"/> | <input type="radio"/> |
| traffic control for local events (including sporting events) | <input type="radio"/> | <input type="radio"/> |
| security for local events (including sporting events)        | <input type="radio"/> | <input type="radio"/> |

Other (please describe):

**14. Are you a member of any professional law enforcement associations?**

**If yes, please list:**

- No
- Yes, please list.

**15. Does the constable have a valid CCDW permit?**

- Yes
- No

## 4. Constable Information

### 1. How many arrests have you or your deputy constables made in the past 6 months?

Misdemeanors

Felonies

### 2. Of these arrests, how many resulted in convictions?

### 3. How many traffic accident reports have been taken and submitted in the past 6 months?

### 4. Have you or your deputy constables seized weapons in the past six months?

No

Yes, please quantify and describe:

### 5. Have you or your deputy constables seized drugs in the past six months?

No

Yes, please quantify and describe:

### 6. How many moving violation citations have you or your deputy constables written in the past 6 months?

### 7. Do you or any of your deputy constables participate in any local, state or federal law enforcement task forces?

No

Yes, please list task force and describe involvement:

**8. On average how many times are you or your deputy constable called for assistance by another law enforcement agency per month?**

For law enforcement  
assistance:

For non-law enforcement  
assistance:

**9. On average how many court papers are served by you or your deputy constables each month?**

## 5. Personnel

**1. Does your agency employ deputy constables or utilize any other personnel?**

Yes

No

Comments:

## 6. Personnel, ctd

**1. How many hours per week on average do deputy constables work?**

**2. What rank structure does your agency utilize?**

**3. Number of currently filled deputy constables**

Full time constables

Part time constables

Honorary or special  
constables

**4. Does your agency have an established field training officer program for newly-hired deputy constables?**

No

Yes, please describe.

**5. Is there a bonding requirement for deputy or volunteer constables?**

No

Yes, please describe.

**6. Provide the number of deputy constables on your staff that have each of the following years of prior law enforcement experience (experience as a constable is not to be included). If none, please leave blank.**

Less than 3 years	<input type="text"/>
4-6 years	<input type="text"/>
7-9 years	<input type="text"/>
10-12 years	<input type="text"/>
13-15 years	<input type="text"/>
16-18 years	<input type="text"/>
19-21 years	<input type="text"/>
22-24 years	<input type="text"/>
More than 24 years	<input type="text"/>

**7. Do deputy constables at your agency have other employment?**

No

Yes, what type of employment? Include full time and part time

**8. Do deputy constables at your agency work:**

	Yes	No
building security	<input type="radio"/>	<input type="radio"/>
traffic control for local events (including sporting events)	<input type="radio"/>	<input type="radio"/>
security for local events (including sporting events)	<input type="radio"/>	<input type="radio"/>
other	<input type="radio"/>	<input type="radio"/>

If yes, who carries the liability insurance on the person while working these positions?

**9. Is your agency planning on increasing the authorized position capacity in 2013?**

No

Yes, how many (2013)?

**10. Is your agency planning on increasing the authorized position capacity in 2014?**

No

Yes, how many (2014)?

**11. Is your agency planning on increasing the authorized position capacity in 2015?**

No

Yes, how many (2015)?

## 7. Employment and Promotional Practices

### 1. Do you use the Peace Officer Professional Standards in your hiring process?

	Yes	No
Citizen of the United States	<input type="radio"/>	<input type="radio"/>
Minimum of 21 years of age	<input type="radio"/>	<input type="radio"/>
High school graduate or equivalent	<input type="radio"/>	<input type="radio"/>
Valid operators license	<input type="radio"/>	<input type="radio"/>
Fingerprinted for a criminal background check	<input type="radio"/>	<input type="radio"/>
No felony convictions	<input type="radio"/>	<input type="radio"/>
Not prohibited by state or federal law from possessing a firearm	<input type="radio"/>	<input type="radio"/>
Received and read Ky Law Enforcement Officers Code of Ethics	<input type="radio"/>	<input type="radio"/>
Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions if served in any branch of the Armed Forces	<input type="radio"/>	<input type="radio"/>
Passed a medical examination	<input type="radio"/>	<input type="radio"/>
Passed a drug screening test	<input type="radio"/>	<input type="radio"/>
Undergone a background investigation to determine suitability for the position	<input type="radio"/>	<input type="radio"/>
Been interviewed by the employing agency	<input type="radio"/>	<input type="radio"/>
Not have had certification as a peace officer permanently revoked in another state	<input type="radio"/>	<input type="radio"/>
Taken a psychological suitability screening	<input type="radio"/>	<input type="radio"/>
Passed a physical agility test	<input type="radio"/>	<input type="radio"/>
Taken a polygraph examination	<input type="radio"/>	<input type="radio"/>

### 2. Does your agency conduct the following as components of the initial employment process for deputy constables?

	yes	no
formal application process	<input type="radio"/>	<input type="radio"/>
written examination	<input type="radio"/>	<input type="radio"/>
formal interview board	<input type="radio"/>	<input type="radio"/>

**3. Do you have other selection standards used to hire deputy constables or other personnel?**

- No
- Yes, what hiring standards?

**4. Does your agency require educational experience beyond a high school diploma (or its equivalent) for deputy constables?**

- No
- Yes, what educational level do you require?

**5. Do you employ relatives in:**

	Yes	No
sworn positions?	<input type="radio"/>	<input type="radio"/>
non-sworn positions?	<input type="radio"/>	<input type="radio"/>
volunteer capacity?	<input type="radio"/>	<input type="radio"/>

Other (please specify)

**6. Do any deputy constables or volunteers in your agency have:**

	Yes	No
Prior convictions	<input type="radio"/>	<input type="radio"/>
Prior plea agreements	<input type="radio"/>	<input type="radio"/>
Prior settlements	<input type="radio"/>	<input type="radio"/>

**7. Does your agency require a minimum number of years of law enforcement experience for employment?**

- No
- Yes, please describe.

**8. Does your agency have a promotional process for deputy constables?**

Yes

No

**9. If yes, does your agency have a minimum number of years of agency service required for first promotional eligibility?**

No

Yes (years of service required for first promotion)

**10. If yes, does your agency utilize any of the following as components in the promotional process?**

	yes	no
written examination	<input type="radio"/>	<input type="radio"/>
personal interview	<input type="radio"/>	<input type="radio"/>
assessment center	<input type="radio"/>	<input type="radio"/>
staff management rating	<input type="radio"/>	<input type="radio"/>
peer rating	<input type="radio"/>	<input type="radio"/>
veteran preference	<input type="radio"/>	<input type="radio"/>
supervisor evaluation	<input type="radio"/>	<input type="radio"/>
appointment determined only by agency administrator	<input type="radio"/>	<input type="radio"/>

**11. Does your agency utilize the following for employees?**

	Yes	No
Formalized discipline process	<input type="radio"/>	<input type="radio"/>
Internal Review Board	<input type="radio"/>	<input type="radio"/>

## 8. Compensation, Benefits and Supplements

Please provide annual salary. For the purposes of this study, "salary" is defined as base salary only. This does not include training incentive, uniform allowance, signing bonuses or specialist pay.

PLEASE DO NOT ENTER COMMAS OR DOLLAR SIGNS. FOR EXAMPLE, \$30,000 WOULD BE 30000

### 1. Constable average salary

### 2. Deputy constable entry level annual salary

### 3. Does your agency's officers work under an agreed upon labor contract?

Yes

No

Does your agency provide the following?

### 4. Uniform pay or allowance

for constable

for only full time sworn personnel

for all sworn personnel (constable, full time deputies and part time deputies)

not provided

Other (please specify)

### 5. Amount of annual uniform pay / allowance

Uniform pay

### 6. Shift differential pay

for constable

for only full time sworn personnel

for all sworn personnel (constable, full time deputies and part time deputies)

not provided

Other (please specify)

**7. Overtime pay**

- for constable
- for only full time sworn personnel
- for all sworn personnel (constable, full time deputies and part time deputies)
- not provided
- Other (please specify)

**8. Educational incentive pay (extra pay for attaining degree or certain number of college hours)**

- for constable
- for only full time sworn personnel
- for all sworn personnel (constable, full time deputies and part time deputies)
- not provided
- Other (please specify)

**9. Does your department provide extra pay for carrying a weapon while off duty?**

- for constable
- for only full time sworn personnel
- for all sworn personnel (constable, full time deputies and part time deputies)
- not provided
- Other (please specify)

**10. Full-time, take-home law enforcement vehicle**

- for constable (off duty use authorized)
- for constable (off duty use NOT authorized)
- for only full time sworn personnel (off duty use authorized)
- for only full time sworn personnel (off duty use NOT authorized)
- for all sworn personnel (constable, full time deputies and part time deputies) (off duty use authorized)
- for all sworn personnel (constable, full time deputies and part time deputies) (off duty use NOT authorized)
- not provided
- Other (please specify)

### 11. Cell phone

- for constable (off duty use authorized)
- for constable (off duty use NOT authorized)
- for only full time sworn personnel (off duty use authorized)
- for only full time sworn personnel (off duty use NOT authorized)
- for all sworn personnel (constable, full time deputies and part time deputies) (off duty use authorized)
- for all sworn personnel (constable, full time deputies and part time deputies) (off duty use NOT authorized)
- not provided
- Other (please specify)

### 12. Retirement program for constables and deputy constables

- hazardous (state) program for all sworn personnel
- hazardous (local) program for all sworn personnel
- non-hazardous (state) program for all sworn personnel
- non-hazardous (local) program for all sworn personnel
- no retirement provided
- Other (please specify)

### 13. Has your department experienced any changes in your retirement program for sworn personnel in the last three years?

- No
- Yes, please describe.

### 14. Medical insurance premiums (single policy only)

- full cost of policy paid by department
- more than half of the policy's cost is paid by the department
- more than half of the policy's cost is paid by the officer
- full cost of the policy paid by the officer
- department does not offer medical insurance

**15. Medical insurance policy costs have**

- decreased in the last 3 years
- not changed in the last 3 years
- increased in the last 3 years

**16. Life insurance premiums**

- full cost of policy paid by department
- more than half of the policy's cost is paid by the department
- more than half of the policy's cost is paid by the officer
- full cost of the policy paid by the officer
- department does not offer life insurance

**17. Life insurance policy costs have**

- decreased in the last 3 years
- not changed in the last 3 years
- increased in the last 3 years

**18. Does your agency offer dental insurance to sworn personnel?**

- Yes
- No

**19. Dental insurance policy costs have**

- decreased in the last 3 years
- not changed in the last 3 years
- increased in the last 3 years

**20. Comments regarding the effects of rising benefits costs on your sworn personnel.**

--

## 9. Records / Administration

### 1. Does your agency produce reports / document details of

	Yes	No
Felony arrests	<input type="radio"/>	<input type="radio"/>
Misdemeanors	<input type="radio"/>	<input type="radio"/>
Moving violations	<input type="radio"/>	<input type="radio"/>
Civil papers served	<input type="radio"/>	<input type="radio"/>
DUIs	<input type="radio"/>	<input type="radio"/>
Citizen complaints	<input type="radio"/>	<input type="radio"/>
Citizen complaint outcomes	<input type="radio"/>	<input type="radio"/>
Pending lawsuits	<input type="radio"/>	<input type="radio"/>
Resolved lawsuits	<input type="radio"/>	<input type="radio"/>
Employee Discipline	<input type="radio"/>	<input type="radio"/>
Support/Backup to other law enforcement agencies	<input type="radio"/>	<input type="radio"/>

Who receives reports?

## 2. Has your agency adopted written departmental policy in the following areas?

	Yes	No	Not applicable by agency function
Use of force continuum	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle offender pursuit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evidence collection process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pursuit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personnel selection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of cash for investigative purposes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Purchasing for the agency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personnel evaluation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sobriety checkpoints	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foot pursuits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On-the-job injuries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Firearms discharge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of chemical agents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Email and internet usage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of speed detection devices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Taser	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle emergency response	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle stops	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equipment vehicle maintenance procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Homeland security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of social networking by employees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
OSHA compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Domestic misconduct	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual harassment/discrimination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Property management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Early intervention/employee assistance programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EPO/DVO processing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assigned property inventory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extendable baton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discipline	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standard operating procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fiscal management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Detention records	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 10. Transportation

Please provide the following information about your agency.

### 1. Please provide the following information about your agency.

Number of marked vehicles	<input type="text"/>
Number of unmarked vehicles	<input type="text"/>
Number of law enforcement trucks	<input type="text"/>
Number of bicycles	<input type="text"/>
Number of horses	<input type="text"/>
Number of boats	<input type="text"/>
Number of motorcycle units	<input type="text"/>
Number of fixed-wing aircraft	<input type="text"/>
Number helicopter units	<input type="text"/>
Number of 4-wheelers (ATVs)	<input type="text"/>

### 2. Has the Fiscal Court authorized use of blue warning lights on the constable and deputy constables' vehicles?

- Yes  
 No

### 3. Has the Fiscal Court authorized use of warning sirens on the constable and deputy constables' vehicles?

- Yes  
 No

### 4. Does your agency have a trained driving instructor?

- No  
 Yes. What entity certifies the trainer?

### 5. Does your agency require all personnel to attend vehicle operations training?

- Yes  
 No

**6. If yes, how often?**

- 1 time per year
- 2 times per year
- 3 times per year
- 4 times per year
- 5 times per year
- 6 times per year
- 7 or more times per year
- Other (please specify)

**7. Does your agency operate canine units for**

- |                 | Yes                   | No                    |
|-----------------|-----------------------|-----------------------|
| patrol          | <input type="radio"/> | <input type="radio"/> |
| drug detection  | <input type="radio"/> | <input type="radio"/> |
| bomb detection  | <input type="radio"/> | <input type="radio"/> |
| arson detection | <input type="radio"/> | <input type="radio"/> |

**8. What patrol work-plan schedule does your agency utilize? Check all that apply.**

- five 8 hour days
- five 7.5 hour days
- four 10 hour days
- four 12 hour days
- six 8 hour days
- Other (please specify)

**9. What patrol shift rotation play does your agency utilize?**

- weekly
- 2 weeks
- 3 weeks
- 4 weeks
- 2-3 months
- 4-5 months
- 6-12 months
- annual
- permanent/fixd
- Other (please specify)

**10. Does your agency utilize any of the following speed detection devices? Check all that apply.**

radar

vascar

laser

Other (please specify)

**11. Does your agency require certification for radar?**

No

Yes. What entity provides certification?

# 11. Technology Capabilities

## 1. Does your agency maintain the following files in a database?

	yes	no
local warrants	<input type="radio"/>	<input type="radio"/>
uniform citations	<input type="radio"/>	<input type="radio"/>
offense reports	<input type="radio"/>	<input type="radio"/>
recovered property	<input type="radio"/>	<input type="radio"/>
evidence	<input type="radio"/>	<input type="radio"/>
arrests	<input type="radio"/>	<input type="radio"/>
motor vehicle accidents	<input type="radio"/>	<input type="radio"/>
stolen property reported	<input type="radio"/>	<input type="radio"/>
crime analysis	<input type="radio"/>	<input type="radio"/>
911 calls	<input type="radio"/>	<input type="radio"/>
all calls for service	<input type="radio"/>	<input type="radio"/>
UCR data	<input type="radio"/>	<input type="radio"/>
personnel	<input type="radio"/>	<input type="radio"/>
investigations	<input type="radio"/>	<input type="radio"/>
patrol allocation/deployment/schedule file	<input type="radio"/>	<input type="radio"/>
intelligence form	<input type="radio"/>	<input type="radio"/>
pawn shops/pawn items	<input type="radio"/>	<input type="radio"/>

## 2. Does your agency currently have the capability to access the Internet?

- Yes
- No

## 3. Do you or any of your deputy constables utilize communications equipment on the same frequency as other local or state law enforcement agencies?

- No
- Yes, please describe

## 12. Officer Equipment and Provisions

### 1. Does your agency require and/or furnish officers:

	Required, agency furnish	Required, officer must purchase	Not required, agency furnish	Not required, officer must purchase	Item not used
straight baton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
expandable collapsible baton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
PR-24 baton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
body armor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
OC spray	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
full leather gear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
flashlight	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
firearm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
blood-borne pathogen kit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
drug test kit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
regular cuffs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
flex cuffs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
cell phone	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
utility type uniform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
mounted in-vehicle camera	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
mobile data terminal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
laptop computer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
gloves	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
standard uniforms (non-utility)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
photo camera	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
video camera	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
preliminary breath test instrument	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
taser	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
stop sticks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
gas mask / respirator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 2. What type of camera does your agency use? Check all that apply.

- film (ex: 35mm)
- digital
- instant print (ex: Polaroid)
- Other (please specify)

# 13. Training and Education

## 1. Does your agency

send personnel to DOCJT for training?

Yes

No

have officers that speak Spanish?

provide diversity training for employees?

## 2. Does your agency require training for deputy constables upon employment?

No

Yes, through what entity?

## 3. Does your agency require annual training?

No

Yes. Who provides training?

## 4. Does your agency conduct its own training?

No

Yes. Describe trainer's certification.

## 5. Does your agency send personnel out of state for training?

No

Yes. Where?

## 6. Is the constable a certified officer (KRS15.380..402, Peace Officer Professional Standards Act)?

No

Yes, class number

**7. Does your agency have deputy constables that are certified officers (KRS15.380..402 Peace Officer Professional Standards Act)?**

No

Yes, how many?

## 14. Firearms

### 1. Handgun caliber authorized for ON-DUTY constables and deputy constables. Check all that apply.

- .357 caliber                       .40 caliber                       9 mm
- .38 caliber                       .45 caliber
- .380 caliber                       10mm
- Other (please specify)

### 2. Handgun caliber authorized for OFF-DUTY constables and deputy constables. Check all that apply.

- .357 caliber                       .40 caliber                       9 mm
- .38 caliber                       .45 caliber
- .380 caliber                       10mm
- Other (please specify)

### 3. Shotgun

- issued, required to carry                       officer must purchase, not required to carry
- issued upon officer request                       not issued
- officer must purchase, required to carry

### 4. Shotgun ammunition authorized

- #4 Buckshot
- 00 Buckshot
- Rifled slug
- Other (please specify)

### 5. Rifle/carbine

- issued, required to carry                       officer must purchase, not required to carry
- issued upon officer request                       not issued
- officer must purchase, required to carry

**6. Does your agency have a certified armorer?**

No

Yes, what entity provides certification?

**7. Does your agency have a certified firearms instructor?**

No

Yes, what entity provides certification?

**8. Does your agency require firearms training and/or qualifications?**

Yes

No

**9. How often?**

1 time per year

5 times per year

2 times per year

6 times per year

3 times per year

more than 6 times per year

4 times per year

Other (please specify)

**10. Is the weapon authorized for on-duty use the same as required for certification?**

Yes

No

## 15. Physical Training / Defensive Tactics

### 1. Does your agency have a certified defensive tactics instructor?

No

Yes, what entity provides the certification?

### 2. Does your agency require all constables and deputy constables to attend annual defensive tactics training?

No

Yes. What entity provides training?

### 3. If yes, how often?

1 time per year

2 times per year

3 times per year

4 times per year

5 times per year

6 times per year

7 or more times per year

Other (please specify)

### 4. Does your department require constables and deputy constables to maintain a specific level of fitness?

No

Yes, please define and describe the standards in place.

### 5. Does your department have continuous mandatory fitness testing for constables and deputy constables?

Yes

No

**6. If yes, how often?**

- 1 time per year
- 2 times per year
- 3 times per year
- 4 times per year
- 5 times per year
- 6 times per year
- 7 or more times per year
- Other (please specify)

## 16. Perceptions

### 1. How do you believe other law enforcement agencies view constables in Kentucky?

- Very useful
- Somewhat useful
- Not very useful
- Not at all useful

Comments:

### 2. Is the position of Constable as a law enforcement function, in modern society, essential to the Commonwealth of Kentucky?

- Yes
- No

Comments:



# **APPENDIX F**

## **LAW ENFORCEMENT SURVEYS**



## **Constable Survey for County Attorneys**

*(text version only – survey was online)*

1. Choose your county
2. Are there constables in your county? Yes/No
3. Do you interact professionally in a law enforcement capacity with the Constables in your county? Yes/No Comment:
4. Do you prosecute cases that originate from constables? Yes/No Comments describing any issues that are unique to cases brought by constables:
5. How would you describe your professional relationship with the Constables in your county? Comment:
6. The Constables in my area/county (please check all that apply):
  - Serve papers
  - Respond to calls
  - Carry a firearm
  - Carry a weapon
  - Carry a weapon that is not a firearm
  - Direct traffic
  - Write traffic tickets
  - Wear uniforms
  - Have marked vehicles
  - Have blue lights/sirens on their vehicles
  - Provide comments:
7. Are you aware of the financial liabilities associated with constables? Yes/No Comments:
8. Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police? Yes/No Comments:
9. Is the position of Constable, as a law enforcement function, in modern society essential to the Commonwealth of Kentucky? Yes/No Comment:
10. Suggestions for the role of Constables statewide
  - Expand law enforcement responsibility
  - Maintain current system
  - Regulate by full POPS – basic training and in-service requirements (same as municipal officers, deputy sheriffs and state police)
  - Limit and regulate law enforcement authority
  - Completely remove law enforcement authority
  - Civil process only
  - Abolish
  - Comments:

## Constable Survey for County Judges Executives

*(text version only – survey was online)*

1. If you would like your responses to be reported individually, or if you would like to be contacted for further information regarding this topic, please enter your contact information in the space provided so that a representative of DOCJT may contact you.
2. Are there constables in your county? Yes/No
3. How would you describe your professional relationship with the Constables in your county? Comment:
4. The Constables in my area/county (please check all that apply):
  - Serve papers
  - Respond to calls
  - Carry a firearm
  - Carry a weapon
  - Carry a weapon that is not a firearm
  - Direct traffic
  - Write traffic tickets
  - Wear uniforms
  - Have marked vehicles
  - Have blue lights/sirens on their vehiclesProvide comments:
5. Are there limits on the duties of constables in your county? Yes/No Comments:
6. Does your fiscal court authorize constables to utilize blue lights and sirens on their vehicles (KRS189.950(5)). Comments
7. Are you aware of the financial liabilities associated with constables? Yes/No Comments:
8. Does your county require a bond higher than the state minimum for constables? (KRS 70.310) Yes/No Comments:
9. Do the citizens of your county understand the relationship between and duties of the judge-executive/fiscal court and constables? Yes/No Comments:
10. Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police? Yes/No Comments:
11. Is the position of Constable, as a law enforcement function, in modern society essential to the Commonwealth of Kentucky? Yes/No Comment:
12. Suggestions for the role of Constables statewide
  - Expand law enforcement responsibility
  - Maintain current system
  - Regulate by full POPS – basic training and in-service requirements (same as municipal officers, deputy sheriffs and state police)
  - Limit and regulate law enforcement authority
  - Completely remove law enforcement authority
  - Civil process only
  - AbolishComments:

## Constable Survey for Kentucky State Police

*(text version only – survey was online)*

1. What is your rank?
2. What is your first and last name?
3. What is your assignment?
4. What is your post?
5. In what county (or counties) do you mainly work?
6. Are there constables in your assigned area/county? Yes/No
7. Do you interact professionally in a law enforcement capacity with the Constables in your area/county? Yes/No  
Comment:
8. How would you describe your professional relationship with the Constables in your area/county? Comment:
9. The Constables in my area/county (please check all that apply):
  - Serve papers
  - Respond to calls
  - Carry a firearm
  - Carry a weapon
  - Carry a weapon that is not a firearm
  - Direct traffic
  - Write traffic tickets
  - Wear uniforms
  - Have marked vehicles
  - Have blue lights/sirens on their vehiclesProvide comments:
10. Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police? Yes/No  
Comments:
11. Is the position of Constable, as a law enforcement function, in modern society essential to the Commonwealth of Kentucky? Yes/No  
Comment:
12. Suggestions for the role of Constables statewide
  - Expand law enforcement responsibility
  - Maintain current system
  - Regulate by full POPS – basic training and in-service requirements (same as municipal officers, deputy sheriffs and state police)
  - Limit and regulate law enforcement authority
  - Completely remove law enforcement authority
  - Civil process only
  - AbolishComments:

# Constable Survey for Police Chiefs and Sheriffs

*(text version only – survey was online)*

1. Department name:
2. Are there constables in your jurisdiction? Yes/No
3. Do you interact professionally in a law enforcement capacity with the Constables in your jurisdiction? Yes/No  
Comment:
4. How would you describe your professional relationship with the Constables in your jurisdiction? Comment:
5. The Constables in my area/county (please check all that apply):
  - Serve papers
  - Respond to calls
  - Carry a firearm
  - Carry a weapon
  - Carry a weapon that is not a firearm
  - Direct traffic
  - Write traffic tickets
  - Wear uniforms
  - Have marked vehicles
  - Have blue lights/sirens on their vehiclesProvide comments:
6. Does the public in your community understand the current distinction between constables and local police, sheriff deputies and state police? Yes/No  
Comments:
7. Is the position of Constable, as a law enforcement function, in modern society essential to the Commonwealth of Kentucky? Yes/No  
Comment:
8. Suggestions for the role of Constables statewide
  - Expand law enforcement responsibility
  - Maintain current system
  - Regulate by full POPS – basic training and in-service requirements (same as municipal officers, deputy sheriffs and state police)
  - Limit and regulate law enforcement authority
  - Completely remove law enforcement authority
  - Civil process only
  - AbolishComments:

# **APPENDIX G**

**KyOPS REPORT –  
EXCERPTS**



















# **APPENDIX H**

**KENTUCKY MEDIA  
ARTICLES ON CONSTABLES**



Traffic stops by constable thrown out of court  
**Court system, fiscal court take issue with constable's training, use of blue lights.**  
Richmond Register  
July 28, 2012

LaRue County constable charged with fleeing police  
The Courier-Journal  
June 7, 2012

Trial date set for constable in assault case  
The Courier-Journal  
September 11, 2012

Constable rejects plea deal for shooting  
a suspected shoplifter  
The Courier-Journal  
August 31, 2012

Knox constable arrested for DUI  
(Corbin) Times-Tribune  
January 30, 2012

Woman arrested after shoplifting, fight with constable  
Lexington Herald-Leader  
April 30, 2012

Constable disarmed, barred from contact with woman  
(Frankfort) State-Journal  
August 3, 2012

Former Fayette depute constable spends  
weekend in jail as sentence in sex-trade case  
Lexington Herald-Leader  
June 11, 2012

Bell County constable, wife plead guilty in bingo theft  
Kentucky.com  
August 12, 2012

Former Clay County Constable sentenced to over 19 years  
in prison for firearms and drug offenses.

April 12, 2012

Lawsuit claims constable acted illegally

August 12, 2010

Clark constable resigns amid hubbub over lights

The Winchester Sun

February 11, 2011

County Constable among 83 arrested in massive drug  
roundup

WLEX-TV, Lexington

November 9, 2010

Constable receives DUI and other charges

SurfKY News Group

Muhlenberg County

November 14, 2011

Johnson County constable pleads guilty  
to charges of doctor shopping

Office of the Attorney General

August 10, 2010

OLDER

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Constable arrested on drug trafficking charges

ColumbiaMagazine.com, Columbia

April 11, 2005

Former constable pleads guilty on alleged drug, gun charges

Hazard Herald

2004

Confrontation with constable caught on tape

WKYT-TV, Lexington

September 3, 2008

Constable summoned to court on harassment

Middlesboro Daily News

2009

Greenup opposes training constables

**"The county just can't afford it."**

December 17, 2007

Mercer court raises constables bonds to \$1 million

Central Kentucky News, Harrodsburg

August 14, 2003

## **Constable Kenneth Downey arrested on drug trafficking charges**

*Originally ran April 4, 2005*

*Columbiamagazine.com (Adair County)*

After receiving a tip from the jail, the Columbia Police Department arrested Kenneth W. Downey, 45, of Columbia, this morning on the heels of a joint investigation between the Police Department and the Adair County Regional Jail.

Downey, who works for the Adair County Road Department and is also an elected Adair County Constable, was giving Class D State Inmate workers illegal drugs while they were on work details at the County Road Garage.

Downey was charged with Trafficking in a Controlled Substance 1st degree, Promoting Contraband 1st degree, and official misconduct.

He was lodged in the Adair County Regional Jail.

s/ Mark D. Harris, Chief

Columbia Police Department

270-384-4119

## **Charges against Constable 'Fish' Mills diverted for one year**

*Originally ran Nov. 17, 2008*

*middlesborodailynews.com (Bell County)*

Sarah Miracle/Staff Writer

PINEVILLE — During a session of district court Thursday evening, Bell County Constable Larry “Fish” Mills and his attorney Mike Taylor were present for a pre-trial conference to face allegations of harassment.

Mills, of Arjay, Ky., claimed that he was not guilty of the harassment charges filed against him by Tony Tigie, of Dorton Branch, Ky. in early Oct. And Tigie is no stranger to Mills. Tigie ran against Mills in the 1999 Bell County Constable election and lost.

Mills appeared in Judge Robert Costanzo’s courtroom Thursday at 1:30 p.m., where his case was diverted for one year. Costanzo ruled that Mills should maintain a 200 foot stay-away from complainant Tigie and must also have no contact and no new violations.

“I have no problems with staying away from his house,” Mills said in a recent phone interview after his court appearance.

The only problem Mills could find with the judge’s ruling, was “what if I need to get up there to save somebody’s life?” Mills feared that there may be a fire or something of criminal nature and because of Costanzo’s verdict he will be unable to assist in any potential situation to the residents of Dorton’s Branch.

The original criminal complaint filed by Tigie alleged that Mills harassed, annoyed and alarmed Tigie. The complaint alleges that Mills “followed Tigie into public places, constantly drives by his home and sits down the street with his lights out watching the plaintiff.”

The complaint additionally alleges that on Oct. 1, Mills made threats to others that he was going to harm the plaintiff.

Mills admits that he pulled Tigie over on Oct. 1, but said that it was only to give him a ticket for not having proper brake lights or tag lights, and maintains that he never threatened Tigie. He also denies “constantly driving by [the] affiant’s home, with intent to harass, annoy and alarm [the] affiant.” Mills said that he does patrol streets near Tigie’s home, but only because it has been requested of him by other residents.

Constable “Fish” Mills is an elected Bell County official and will maintain his position in lieu of Tigie’s recent complaints. Constables are officers of the court system. As a constable, Mills possesses many of the same authorities as sheriffs. Mills may exercise jurisdiction in any part of Bell County, except for the area of Dorton Branch since his court hearing. He also has the authority to arrest anyone in violation of

the law. Constables are also able to serve court processes, enforce traffic and criminal codes, execute warrants and court documents.

"I was hired by the people," Mills said. "I don't get paid for it. I have to pay for my fuel, car, uniforms, the whole nine yards. I hope that the people appreciate what I do for them."

Staff Writer Sarah Miracle and Managing Editor Brandy Calvert contributed to this story. Contact them via e-mail at [smiracle@middlesborodailynews.com](mailto:smiracle@middlesborodailynews.com).

## **Constable "Fish" Mills pleads not guilty to harassment charges**

*Accuser ran against Mills in the 1999 Constable race*

Originally ran Oct. 9, 2008  
middlesborodailynews.com (Bell County)

### Staff Report

PINEVILLE — Bell County Constable Larry "Fish" Mills, of Arjay, Ky., claims that he is not guilty of the harassment charges filed against him by Tony Tigie, of Dorton Branch, Ky. Tigie is no stranger to Mills. Mills ran against Tigie in the 1993 Bell County Constable election and lost. He was elected to constable in a later election.

Mills appeared in Judge Robert Costanzo's courtroom on Tuesday morning for an arraignment, where he pleaded not guilty to allegations that he committed a harassment illegality, violating Kentucky Revised Statute 525.070.

"If it were true, I'd say it's true, but it's not true," Mills said after he left the courtroom.

The criminal complaint filed by Tigie alleges that Mills harassed, annoyed and alarmed Tigie over the past month. The complaint alleges that Mills "followed Tigie into public places, constantly drives by his home and sits down the street with his lights out watching the plaintiff."

The complaint additionally alleges that on Oct. 1, Mills made threats to others that he was going to harm the plaintiff.

Mills admits that he pulled Tigie over on Oct. 1, but said that it was only to give him a ticket for not having proper brake lights or tag lights, and maintains that he never threatened Tigie. He also denies "constantly driving by [the] affiant's home, with intent to harass, annoy and alarm [the] affiant." Mills said that he does patrol streets near Tigie's home, but only because it has been requested of him by other residents.

"I had people ask me to patrol the road, we've had a lot of thieving," Mills said.

Constable "Fish" Mills is an elected Bell County official. Constables are officers of the court system. As a constable, Mills possesses many of the same authorities as the sheriff. Mills may exercise jurisdiction in any part of Bell County. He also has the authority to arrest anyone in violation of the law. Constables are also able to serve court processes, enforce traffic and criminal codes, execute warrants and court documents.

"I was hired by the people," Mills said. "I don't get paid for it. I have to pay for my fuel, car, uniforms, the whole nine yards. I hope that the people appreciate what I do for them."

A pre-trial conference is set for Nov. 13 at 1:30 p.m. in Judge Costanzo's courtroom, in the Farmer Helton Judicial Building in Pineville. Mills is represented by Attorney Mike Taylor, of Middlesboro.

Staff Writer Sarah Miracle and Managing Editor Brandy Calvert contributed to this story. Contact them via e-mail at [editor@middlesborodailynews.com](mailto:editor@middlesborodailynews.com).

## **Constable "Fish" Mills summoned to court on harassment allegations**

*Originally ran Oct. 3, 2008*

*middlesborodailynews.com (Bell County)*

by Sarah Miracle/Staff Writer

PINEVILLE — Thursday morning, Bell County Constable Larry "Fish" Mills, of Arjay, was served a criminal court summons by Bell County Sheriff's Deputy David Cornelius. Mills' court summons alleges that he committed a harassment illegality, violating Kentucky Revised Statute (KRS) 525.070.

The criminal complaint was filed by Tony Tigie of Dorton's Branch Wednesday. The complaint details Mills' reported actions of harassment. Tigie — who is considered the plaintiff in this case — claims that Mills (the defendant) harassed, annoyed and alarmed him over the past month. Mills allegedly "followed Tigie into public places, constantly drives by his home and sits down the street with his lights out watching the plaintiff," according to court documents.

Allegedly, on Oct. 1, Mills made threats to others that he was going to harm the plaintiff. Tigie's reports complain that Mills has intentionally participated in: "harassment serving no legitimate purpose, all against the peace and dignity of the Commonwealth of Kentucky."

Tigue has two witnesses listed to testify on his behalf as a part of the complaint: Faye Neal and Teresa Monroe, both of Dorton Branch.

Constable "Fish" Mills is a Bell County elected official. Constables are officers of the court system. As a constable, Mills possesses many of the same authorities as sheriffs. Mills may exercise jurisdiction in any part of Bell County. He also has the authority to arrest anyone in violation of the law. Constables are also able to serve court processes, enforce traffic and criminal codes, execute warrants and court documents.

Mills is ordered to appear in court on Tuesday, Oct. 7 at 9 a.m. at the Farmer Helton Judicial Building in Pineville.

Sarah Miracle is a staff writer for the Daily News. She can be reached via e-mail at [smiracle@middlesborodailynews.com](mailto:smiracle@middlesborodailynews.com).

## **Bell constable and wife arrested**

*Originally ran Feb. 10, 2011*

*middlesborodailynews.com (Bell County)*

by Lorie Settles/Staff Writer

Constable Jesse James Hall and Juanita Hall were arrested Tuesday night on counts of diverting funds from the Bell County Bingo Parlor for financial benefit.

The charges follow Juanita Hall's December arrest on charges of theft of labor for not paying vendors for the Bell County Fair. She was the Secretary/Treasurer of the Bell County Fair Board and Bell County Constable Jesse Hall was the Board's President.

The Bell County Fair is funded by money generated from the Bell County Bingo Parlor in Middlesboro. When vendors complained that they hadn't received payment, authorities began investigating the problem.

"There should have been sufficient funds to pay for the entertainment at the Bell County Fair from funds raised at charitable bingo, and there was not," said Kentucky State Police (KSP) Detective Doyle Halcomb, who arrested Juanita Hall in December. "So therefore, the question was 'where are those moneys going?' That's when Charitable gaming began an investigation, and that led to last night's arrest."

Jesse Hall was taken into custody at his home and Juanita Hall was arrested at the bingo hall, KSP Trooper Walt Meachum said. In addition to arrest warrants, search warrants were also served.

“There was a substantial amount of financial records and documents concerning that bingo hall that were seized during the execution of a search warrant [Tuesday] night,” Halcomb said.

Juanita Hall currently faces four counts of diverting charitable gaming funds for financial benefit in amounts less than \$300 each. Jesse Hall faces five counts of the same charge, as well as one count of theft by failure to make required disposition of property.

The charges could lead to Jesse Hall’s dismissal as a Kentucky Constable. The Kentucky Constable Association, Inc. has in place a Bureau of Professional Standards to investigate complaints of criminal wrong doing and malfeasance of office.

The Association’s website, [www.kentuckyconstableassociation.org](http://www.kentuckyconstableassociation.org), explains that part of the Bureau’s responsibility is to “remove members of the association who violate state law or the bylaws of the Kentucky Constable Association, Inc.”

The couple was released on bond on Wednesday. Juanita Hall is scheduled for a preliminary hearing in Bell County District Court on Tuesday afternoon, February 15th, for the theft of labor charges from December.

Representatives from the Kentucky Department of Charitable Gaming were unavailable for comment as this issue went to press.

An arrest is an accusation only. Those arrested are considered innocent unless proven guilty in a court of law.

Lorie Settles is a staff writer for the Middlesboro Daily News. She may be contacted via e-mail at [lsettles@heartlandpublications.com](mailto:lsettles@heartlandpublications.com).

## **Lawsuit claims constable acted illegally**

*Originally ran Aug. 12, 2010*

*cincinnati.com (Campbell County)*

NEWPORT – A civil lawsuit filed in Campbell Circuit Court this week accuses an elected official of living outside the district in which he was elected and of committing welfare fraud by failing to report income earned from his elected position.

The lawsuit was filed Wednesday against Campbell County Constable Nick Wilson, a Democrat seeking re-election in November.

Wilson declined to comment on the allegations and referred questions to his attorney, Robert Carran. Carran said he represents Wilson in a divorce and was unaware of the civil lawsuit.

The lawsuit was filed by Christine M. Grome of Southgate. Efforts to contact her were unsuccessful, and her stake in the case is unclear; the lawsuit says only that she's a qualified voter who lives in District 3. Grome's attorney, Brandon Voelker, described her as a concerned citizen and said the questions surrounding Wilson's residence and income raise larger questions about his credibility.

"I don't believe elected officials should be allowed to do what this man has done," Voelker said. The lawsuit argues that the charges against Wilson constitute usurpation of office, and it seeks to have him removed from office and from the November ballot.

In the forms Wilson filed in January in order to seek re-election, he gave a Newport address in District 3. But on June 1, he was arrested at an Alexandria residence in District 1. Wilson was charged with shoving his estranged wife and told police they argued while he was moving out of the house, according to the police report, which lists a Newport address as his legal residence.

The lawsuit includes documents to support Wilson's residency in Alexandria and copies of pay stubs in excess of the \$151 income he reported on welfare statements.

Constables receive no pay from the county. They have some law-enforcement powers, which are rarely exercised, but they may be hired for law enforcement-related tasks such as serving legal papers. Voelker said his interest in Wilson began during a recent case in which he oversaw an eviction in his official capacity as a constable.

Voelker represented a Dayton, Ky., couple who claimed they were wrongfully evicted last October after their landlord began eviction proceedings against a woman who had previously lived there.

When the landlord realized he listed the wrong name on the forms, Wilson told him he didn't need to restart the proceedings because the eviction order was against the address, not an individual, according to court documents.

Following a bench trial in May, Campbell Circuit Judge Julie Reinhardt Ward wrote that the landlord had a "misplaced" reliance on Wilson's opinion and should have known he needed to restart the eviction proceedings.

Voelker said his interest was piqued by Wilson's conduct in the case and by a media report about his arrest.

There's also a political aspect to the case, although Voelker denies the lawsuit is politically motivated. In the lawsuit, he alleges that County Attorney Jim Daley knew of Wilson's alleged welfare fraud but failed to prosecute him, allegedly because both are Democrats.

"Whether it's Jim Daley or someone else, I believe people should do their job," Voelker said. "And I believe he should be voted out of office if he's not doing his job."

Daley said the allegations "are nothing more than a partisan political stunt."

Voelker, a Republican who worked for seven years as an Assistant Kenton County Attorney, considered running against Daley earlier this year, but opted against it.

In April he donated \$250 to Republican Steve Franzen, who's challenging Daley in the November election.

"Since being appointed to this office in 2009 by Judge-executive Steve Pendery, I have run this office fairly, firmly, and do not show favoritism for any reason, political or otherwise," Daley said.

He said he learned of the allegations against Wilson in mid-July, but they're out of his jurisdiction – his office doesn't prosecute felonies.

Democratic Commonwealth's Attorney Michelle Snodgrass, who prosecutes felonies, said her office has received information about the alleged welfare fraud.

"Any information provided to my office that could result in a felony charge, I have provided to the police for further investigation," she said.

## Clark constable resigns amid hubbub over lights

*Originally ran Feb. 11, 2011*

*Central Kentucky News (Clark County)*

[www.winchestersun.com](http://www.winchestersun.com)

By Mike Wynn

A Clark County constable who raised eyebrows this week when he requested permission to use emergency lights on his personal vehicle has resigned, citing health reasons.

Second District Constable Danny Hunt said he mailed in his resignation Friday following a visit to his doctor. He denied that controversy over his recent request contributed to his decision.

"I had some unforeseen personal issues that came up concerning my health," he said. "I had contemplated it before about two or three weeks ago."

Hunt, a retiree from Toyota Motor Manufacturing who won election in November, alerted the County Judge-Executive's Office in a phone call Friday afternoon. Filling the vacancy falls to the Judge-Executive Henry Branham under state law.

Branham said he wanted to consider options and consult with other members of the Fiscal Court on whether to appoint a replacement and how to find an appropriate candidate.

Concerns first arose after Hunt appeared before the Fiscal Court on Wednesday, dressed in a full uniform and carrying a firearm and handcuffs on his belt.

He told court members he had no intention of being a police officer, but requested permission to use blue lights on his vehicle to assist law enforcement and mitigate safety risks during emergencies.

The judge-executive's office has since fielded several phone calls and walk-in complaints from residents who feared that Hunt was overstepping his role. Although constables are granted certain policing authorities under state law, Branham said local constables have not served in that capacity for many years.

Meanwhile, First District Constable Jonathan Tuttle said he has been performing damage control since the story broke Thursday.

Tuttle said he has labored with Third District Constable Glenn Witt to improve the public's perception of the office, and he disagrees that constables need lights on their vehicles. Tuttle added that rambunctious constables in the past have caused increases in the office's surety bond.

"I'm trying to earn respect, and I'm not going to earn respect with somebody like Danny Hunt over in another district playing police officer," he said. "We are not trained to do it."

Tuttle defined the role of constable as an officer of the court system, serving papers and receiving a fee from lawyers and individuals who file claims. A low profile is essential to performing the duties effectively, he said.

"If everybody knows who we are and what we do, then when we go to serve a court summons, they are not going to come to the door," said Tuttle.

Tuttle said he called Hunt on Thursday night to express his opinion.

“The fiscal court does not want us being police officers,” he said. “They don’t want us pulling people over. They don’t want us doing that. It is a liability for the court.”

Hunt’s resignation took effect immediately.

Contact Mike Wynn at [mwynn@winchestersun.com](mailto:mwynn@winchestersun.com).

## **Clay County constable is arrested on gun and drug charges**

*Originally ran July 21, 2011*

*Kentucky.com (Clay County)*

By Bill Estep — bestep@herald-leader.com

A Clay County constable has been arrested on federal gun and drug charges, according to Manchester police Chief Chris Fultz.

Jack "The Tireman" Roberts, 50, and his wife Jennifer, 41, were arrested Wednesday after authorities searched Roberts' tire shop and the couple's home, Fultz said. They were lodged in the Laurel County Detention Center on Wednesday night.

The investigation included undercover drug buys from the couple, Fultz said.

Constables in Kentucky are elected and have arrest powers.

Fultz said the agencies involved in the investigation were the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; Manchester police and the Clay County Sheriff's Office; and Operation UNITE.

## **Former Clay County Constable Sentenced To Over 19 Years In Prison For Firearms And Drug Offenses**

*Originally ran April 12, 2012*

*LEX18.com (Clay County)*

A former constable in Clay County, who has several prior violent felony convictions, was sentenced Wednesday to over nineteen years in prison on drug and firearms charges.

U.S. District Court Judge Gregory Van Tatenhove sentenced Jackie Roberts, a.k.a. "Jack the Tire Man," for being a felon in possession of a firearm, possessing a firearm after being convicted of a misdemeanor crime of domestic violence, possessing a firearm while being an unlawful user of a controlled substance, and trafficking hydrocodone pills.

Roberts' sentence was enhanced by statute because Roberts qualified as an "armed career criminal." A defendant becomes an armed career criminal when he or she has at least three prior qualifying violent felony convictions, three prior drug trafficking felony convictions, or any combination of the two.

Roberts has two prior felony convictions for robbery, one felony conviction for burglary, and one for assault.

Roberts was convicted of the drug and firearm offenses following a jury trial last November.

Testimony at trial revealed that the government used an informant to make a controlled purchase of hydrocodone pills from Roberts. In a recorded conversation that occurred during this controlled purchase, Roberts told a cooperating witness working with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that he kept a firearm with him for protection. Roberts was prohibited from possessing a firearm. ATF agents later found a loaded handgun on Roberts' bed.

Under Federal law, Roberts must serve at least 85 percent of his prison sentence.

## **Former Fayette deputy constable spends weekend in jail as sentence in sex-trade case**

*Originally ran June 11, 2012*

*Kentucky.com (Fayette County)*

By Karla Ward — kward1@herald-leader.com

A former Fayette County deputy constable was released from the Fayette County Detention Center on Sunday night after serving a weekend jail sentence in a case in which he pleaded guilty to official misconduct and promoting prostitution.

Dannie Ray Pendygraft, 58, who had been a constable for about two years, accepted sexual favors from prostitutes in exchange for rent, police charged.

He was indicted by a Fayette County grand jury on March 21.

Pendygraft pleaded guilty in April to one count of promoting prostitution of two or more prostitutes, a felony, and one count of official misconduct, a misdemeanor. A charge of permitting prostitution was dismissed.

Pendygraft, who had served as a deputy under Joyce Clater, constable for the 1st District, was suspended by Clater several days after his arrest. He was terminated after pleading guilty, Clater said Monday night.

Last month, Fayette Circuit Judge Kimberly Bunnell sentenced Pendygraft to three years' probation in lieu of one year in prison on each charge, which would have run concurrently.

Among the terms of his probation was that Pendygraft serve three days in jail in addition to the one he had served. He also was ordered to perform 100 hours of community service each year and submit to random drug tests at his own expense.

He is prohibited from having firearms or weapons other than a pocket knife.

Clater said that since Pendygraft no longer will be able to carry a gun because of his felony conviction, "he can never work in this business again."

Fayette County's three elected constables serve papers notifying people to appear in court. They may appoint deputies to help with the job.

Pendygraft recently took a position with Scott Archery in Clay City, according to letters of support from his employers that were filed in his criminal case.

Police said in court documents that Pendygraft traded rent for sexual favors from two prostitutes who lived at his property on Maple Avenue and a woman who lived in an apartment on North Upper Street. The prostitutes told police that when they got behind in their rent, Pendygraft gave them extra time to pay if they would perform oral sex on him, according to criminal complaints filed in court.

He also encouraged them to "turn tricks" to earn rent money, the documents stated. He evicted one of the women in August, court records show.

The woman who lived in the Upper Street apartment told police Dec. 22 that Pendygraft gave her "the choice of having sex with him or be evicted." Over a two-year period, that woman "had a multitude of sexual encounters with Mr. Pendygraft in order to not be evicted from her apartment," the criminal complaint stated.

All three women said Pendygraft always had his constable badge and holstered gun visible.

## **Fayette County deputy constable is charged with promoting prostitution**

**Prostitutes claim that Fayette official sought sexual favors when they were behind on rent**

*Originally ran Jan. 8, 2012*

*Kentucky.com (Fayette County)*

By Karla Ward — kward1@herald-leader.com

A Fayette County deputy constable has been arrested on charges of promoting prostitution of two or more prostitutes, permitting prostitution, and first-degree official misconduct, and the elected official who appointed the deputy constable says there are no plans to suspend him.

Deputy Constable Dannie R. Pendygraft, 58, is accused of trading rent for sexual favors from two prostitutes who lived at his property at 737 Maple Avenue and a third woman who lived in an apartment at 567 North Upper Street.

The prostitutes told police that when they got behind in their rent, Pendygraft gave them extra time to pay if they would perform oral sex on him, according to criminal complaints filed in Fayette District Court.

He also encouraged them to "turn tricks" to earn rent money, the documents stated.

One of the prostitutes told police that she performed oral sex on Pendygraft "to waive the \$100 'moving in fee,' " according to the documents.

Pendygraft eventually evicted at least one of the women for being behind on rent, the documents said.

A third woman who lived in an Upper Street apartment over which Pendygraft was the landlord told police on Dec. 22 that he gave her "the choice of having sex with him or be evicted."

Over a two-year period, that woman "had a multitude of sexual encounters with Mr. Pendygraft in order to not be evicted from her apartment," the criminal complaint stated.

"At one point, Mr. Pendygraft placed a fraudulent seven day to pay rent notice on her door for \$1,800.

This was to coerce her into succumbing to his sexual advances," the complaint said.

All three of the women said Pendygraft always wore his constable badge around his neck and had his gun in his holster; the complaint said he "used his constable badge and gun to invoke himself as an authority on all the listed victims to benefit from them sexually."

The criminal complaint said official misconduct "refers to an official benefitting from not performing a duty imposed upon him by law or clearly inherent in the nature of his office. In this case, Mr. Pendygraft has personally benefitted by permitting prostitution at the residence of 737 Maple Avenue. Not only in sexual favors, but the rent money he was paid by subjects he knew were prostituting themselves on the property."

Joyce Clater, Fayette County's elected constable for the First District, said she appointed Pendygraft as a deputy constable about two years ago, and she has no plans to suspend him.

Fayette County has three elected constables, who serve papers notifying people to appear in court. They may appoint deputies to help them with the job.

Clater said that as far as she is concerned, Pendygraft can continue to work as a deputy constable.

"I've never had it happen before," she said of the charges against Pendygraft. "I really don't know any of the particulars about it at all. ... It could be something that's not really what it seems to be."

Clater said she has known Pendygraft for 15 years or more, because her office has often served eviction papers for him at the properties he manages.

"He's an excellent worker," she said. "I don't have any problem with him at all."

She said Pendygraft works "pretty much full-time" serving court subpoenas and other such documents for her office.

She said each deputy receives \$20 of the \$40 her office receives each time papers are served.

It was not clear Saturday night who in city government has ultimate authority over deputy constables.

Pendygraft did not immediately return a telephone call to his home.

He was arrested Friday but later released on bond from the Fayette County Detention Center.

Pendygraft is scheduled to be arraigned at 1 p.m. Wednesday in Fayette District Court.

## **Woman Arrested After Shoplifting, Fight with Constable**

*Originally ran April 30, 2012*

*LEX18.com (Fayette County)*

Police arrested a woman Sunday after a shoplifting incident escalated into a fight with a constable.

According to the police report, an employee spotted a woman taking items in the Victoria's Secret at Fayette Mall. A uniformed constable tried to stop the woman, but the suspect fought back. The constable suffered a cut and bruising to the arm, but he was able to restrain the woman on the ground.

Police say they found \$294 worth of stolen items in the woman's purse and a "fork" tool used for removing security tags.

Police arrested Charmmisha R. Weathers, 26, and charged her with assault, robbery and resisting arrest.

## **Constable disarmed, barred from contact with woman**

**Judge: Domestic violence is 'likely to happen again'**

*Originally ran Aug. 3, 2012*

*The State Journal (Franklin County)*

By Lauren Hallow

Constable Floyd Hockensmith has been ordered by a judge to give up his firearms and stay away from a woman who filed a domestic violence complaint against him.

Judge William Ryan Jr., a retired Jefferson District Judge who was specially appointed to hear the case after Judge Squire Williams recused himself, issued a domestic violence order requiring Hockensmith, 43, to remain 500 feet away from the woman, and to enroll and complete domestic violence counseling, according to court records.

Hockensmith was also ordered not to have any contact with the woman and not to possess any firearms or weapons, records say. The file also says "domestic violence has occurred and (is) likely to happen again."

The woman, who works at University Lodge with Hockensmith, filed a complaint against him on June 20. "(Hockensmith) has made remarks about wanting to sleep with me and one of the other tenants. He has pinned me down in the kitchen..." the complaint says.

The woman has received several text messages from Hockensmith involving the same request, according to court records.

Text messages between the woman and Hockensmith were presented in court Tuesday when the order was issued. In one conversation, Hockensmith asks the woman what she got him for Father's Day.

Hockensmith: "No clues or hints?"

Woman: "I would use it in the morning!!"

Hockensmith: "U would or I would. I know the first thing I touch or use in the morning. Lol"

Later, Hockensmith writes, "You can't handle this skank."

The DVO remains in effect until July 31, 2015.

Hockensmith is a Franklin County constable representing District 1.

## **Hearing set for constable in domestic violence case**

*Originally ran June 23, 2012*

*The State Journal (Franklin County)*

By Kayleigh Zyskowski

A hearing is set in Franklin Family Court July 5 for a domestic violence case involving a Franklin County constable, according to court records.

Floyd Hockensmith, representing District 1, is not allowed within 500 feet of University Lodge on East Main Street after a 21-year-old woman filed a complaint against the 43-year-old, according to the court file.

The woman says in the complaint that Hockensmith “has made remarks about wanting to sleep with me and one of the other tenants. He has pinned me down in the kitchen...”

The woman has received several text messages from Hockensmith involving the same request, according to the petition.

Hockensmith, of 208 Cold Stream Drive, could not be reached for comment before press time.

## **Confrontation With Constable Caught on Tape**

*Originally ran Sept. 3, 2008*

*Wkyt.com (Garrard County)*

A man says he was just complaining about noise and flashing lights next door when he says he was thrown to the ground and hand cuffed.

The man's neighbor happens to be a Garrard County Constable. Now two Constables are off the job, because the whole encounter was caught on tape.

Nicholas McCoy says for the last 3 1/2 months he's dealt with lights and sirens when he goes to bed. So, he called police on his neighbor, Mike Mullins, a Constable in Garrard County, but says he didn't get the help he expected. Soon after he made the call, McCoy says Mullins and another constable, Brad Smith, came over and confronted him.

McCoy called 911 again, and the incident was all caught on the phone. The men have not been removed from office since they are elected officials, but they are unable to exercise their powers as constables.

That means they cannot use their blue lights, their badges had to be turned in, and they cannot use radio frequency from the police dispatch center.

Nicholas McCoy tells us he is planning on getting an attorney and plans to file a lawsuit.

## **Constable arrested after traffic stop**

*Originally ran Sept. 20, 2012*

*Kentucky.com (Graves County)*

MAYFIELD, KY. — A western Kentucky constable has been arrested after deputies say he went too far in trying to pull a vehicle over.

WPSD-TV (<http://bit.ly/P3h6GC>) reports Graves County Constable Jeffery Burnett was charged with four counts of wanton endangerment after allegedly chasing a vehicle along a highway, shining a bright light at it, and then passing it and slamming on his brakes to force the vehicle to stop.

Graves County Chief Deputy Davant Ramage said Burnett's alleged actions were dangerous.

"It diminishes public trust in who's out there at night, who's trying to stop them with what's going on," Ramage said. "We could've had four people seriously injured or even killed."

Ramage said a woman, her mother and her two children were on their way home from a ballgame Friday night when the incident happened.

Burnett declined to comment to the station about the charges, but he told investigators he was trying to stop the car because it crossed the center line of the highway.

Ramage's office said constables are allowed to make traffic stops in Kentucky, but the way this one was allegedly conducted crossed a line.

He said a conviction would mean Burnett couldn't serve as a constable anymore.

## **Law enforcement leaders want constables trained**

*Originally ran Sept. 24, 2012*

*San Francisco Chronicle via AP and Paducah Sun (Graves County)*

PADUCAH, Ky. (AP) — The Kentucky Sheriff's Association and the [Kentucky Constables Association](#) are lobbying the legislature to require law enforcement training for the state's 454 constables.

The Paducah Sun reports (<http://bit.ly/Okejx4>) the constables association offers monthly trainings for its 176 members, but other constables never receive any training. That's despite the fact that they have the same authority as a sheriff's deputy.

The problem was highlighted earlier this month when a Graves County constable was charged with wanton endangerment for using his vehicle to force a traffic stop.

The woman he stopped was a mother and grandmother who had two children in the car and she complained about the stop to the Graves County Sheriff's Department.

Jeffrey Burnett is free on \$25,000 bond. He will continue to serve as a constable.

## **Greenup opposes training constables**

**Carpenter: 'The county just can't afford it'**

*Originally ran Dec. 17, 2007*

*Ashland Daily Independent (Greenup County)*

*By MARY MUSIC*

**GREENUP** — The Greenup County Fiscal Court is opposing legislation that would give constables uniform law enforcement training and authority.

Greenup County Judge-Executive Bobby Carpenter sent notice to the Kentucky Association of Counties informing officials the Greenup County Fiscal Court opposes a legislative change to the constable's role in the Commonwealth.

County constables, one of only three elected law enforcement offices in the state, are not currently required to be trained. They work as fee-paid peace officers, and they get paid when they serve summons or court documents.

"We don't need constables," Carpenter said. "The constable office should have been done away with a long time ago."

Greenup County has a couple of good constables, he said, but claims a couple of the county's constables step over the line by packing weapons and pulling cars over. Greenup County constables have pulled over vehicles in other counties, Carpenter said.

"A big issue is liability," he said. "If we've got them out here like that, pulling cars over and carrying a gun, and they're not properly trained, we have to be responsible for the liability and we can't afford it."

Carpenter said the county also can't afford to train the constables, as the bill, pre-filed by Sen. Dan Seum, R-Fairdale, would require.

BR 104, up for consideration when the Kentucky General Assembly meets on Jan. 8, would provide state law enforcement training to constables and deputy constables. Deputy constables will be required to have 40 hours of basic training and 40 hours of annual in-service training to become qualified as peace officers — much less than the hundreds of hours of training required for other police officers.

After a constable gains training qualifications, he or she can drive vehicles with sirens and lights, use police communication systems, make domestic violence arrests and perform other duties as peace officers, the bill states.

Seum said constables, under the legislation, could help pick up a current lag in unserved warrants throughout the state. Kentucky has more than 400,000 unserved warrants — 16 percent of those are

felonies. In Greenup County, there are currently 3,000 unserved misdemeanor and felony warrants, officials said.

Seum said he is surprised sheriffs and other officials oppose and are even angry about the legislation. The proposed legislation has sparked a “turf battle” between sheriffs and constables, he said.

“There’s plenty of work to go around,” Seum said, talking about the increase of violent crime in Louisville and nationwide. “We’re just not locking up the bad guys anymore.”

Regarding Carpenter’s worries about footing the bill for constable training, Seum said the legislation doesn’t have any physical impact on county government.

“You’ve got a bargain in this guy because you don’t have to pay his salary,” he said. “You’re not talking about retirement on this guy or insurance on this guy. My God, he’s a freebie.”

Tim Sturgill, the general counsel for the KACo, said the organization’s affiliate associations — speaking on behalf of the state’s judges, sheriffs and magistrates — also oppose the bill.

The Kentucky Sheriff’s Association opposes the bill because sheriff departments have worked to develop a professional appearance and some constables detract from that, he said.

KACo’s legislative committee hasn’t taken the bill up for consideration yet, Sturgill said, but members generally vote according to the preferences of the organization’s affiliates.

The Kentucky Constable Association, supporting BR 104, reports that the word “Cop” comes from the phrase “Constables on Patrol.” The office was established in 1850 and it gave constables “broad powers of arrest” and the ability to serve court documents, the organization’s Web site reports. Constables can also enforce traffic and criminal laws, serve warrants and summons.

Constable Lenard Hall, the association’s regional director for Boyd, Carter, Greenup and Lawrence counties, is confused about the resistance to Seum’s bill.

“I don’t understand. It’s a constitutional office. The people elected us. I’m sure, if they didn’t want constables, they wouldn’t elect us,” he said. “It’s unfeasible to want to get rid of constables. We’re a fee-based service. I think all the counties should utilize constables and be for this bill. It will just help the citizens of the county. It’s an uphill battle. Hopefully, we may win.”

Hall said he’s “treated like a black sheep” in Greenup County and that there’s no liability issues with constables. State law requires constables to post a \$10,000 bond.

“It’s a Catch-22,” he said. “We’re wanting trained. We’re not properly trained, but they’re against the bill that will get us trained.”

Hall is one of 496 constables in Kentucky who would be affected by BR 104. Like most constables, Hall, who pays out-of-pocket for travel expenses while working and taking classes, works part-time. He owns rental property in Floyd County, where he worked previously as a deputy sheriff and county detective.

Hall takes criminal justice classes and law enforcement classes offered by the Kentucky Constable Association.

He is a certified traffic radar operator, has earned combat pistol qualifications, and has combat night qualifications. He's also had National Incident Management training through FEMA and taken classes to learn about domestic violence, alcohol and beverage control regulations, traffic stop regulations and school threat assessment.

Before gas prices increased, he patrolled his district while conducting security checks at businesses and churches. He also takes calls at home from people with complaints.

In Floyd County, Hall said constables had retirement benefits, insurance, gas expenses and a small monthly salary.

"I thought it was the same throughout the whole state," he said, about running for the office in Greenup County. "We don't get a uniform or anything here."

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## **Trial date set for constable in assault case**

*Originally ran Sept. 11, 2012*

*Courier Journal (Jefferson County)*

The Jefferson County constable who shot a suspected shoplifter outside a southwestern Jefferson County Walmart will stand trial on Oct. 16.

David Whitlock officially rejected a plea deal Tuesday that would have prohibited him from working in law enforcement and instead chose to take his chances with a jury.

"He has to evaluate what is best for him," said Whitlock's attorney, Brian Butler, who advised his client to take the plea deal. "I respect that decision."

The commonwealth's attorney's office offered Whitlock a deal that would allow him to avoid prison for the November incident, in which he was indicted on charges of assault and wanton endangerment.

Now, if convicted, Whitlock could face up to 15 years in prison.

But Assistant Commonwealth's Attorney Tom Van De Rostyne said the offer still stands and Whitlock could change his mind before trial.

"If it was a good offer then, it should be a good offer now," he said.

The offer included a guilty plea to assault under extreme emotional disturbance and wanton endangerment, with a sentence of pretrial diversion for five years.

If Whitlock stayed out of trouble and followed the conditions of his diversion, which is a form of probation, he would be able to get the charges dismissed, and he would have to agree to never seek another job in law enforcement.

Asked if no longer being able to work in his field was the deciding factor, Butler said he couldn't get into his client's reasoning.

Whitlock told police his gun "went off" by accident after a shoplifting suspect drove over his foot while allegedly fleeing, according to court records.

A Louisville Metro Police investigation found that video and witness accounts "did not support" Whitlock's claims that he had been struck, and it described him as approaching Tammie Ortiz with his gun pointed at her as he reached her vehicle's window.

Ortiz was wounded in her arm and face, and she was treated at a hospital and released.

Whitlock is free on a \$10,000 unsecured bond.

## **Gun misfired in Ky. Constable assn. office**

*Originally ran Feb. 5, 20012*

*WDRB.com (Jefferson County)*

LOUISVILLE, KY (WDRB) -- Constable David Whitlock is supposed to appear in a courtroom Monday to answer to charges of assault and wanton endangerment stemming from a shooting last November that injured a woman.

Whitlock is accused of shooting Tammie Ortiz outside a Louisville Walmart after he suspected she was shoplifting. In past interviews, Whitlock has contended that Ortiz ran over his foot and he opened fire. Newly released surveillance video shows the incident unfold.

But a WDRB News investigation found that the state investigated a shooting incident at the Kentucky Constable Association office months earlier, the television station uncovered Sunday.

Whitlock was not involved in the shooting, but according to him, members of the Kentucky Constable Association were present.

Photos provided to WDRB News show where a bullet struck the wall inside the Kentucky Constable Association office during the incident on January 5, 2011. According to the report, an instructor was teaching a concealed carry class when the gun misfired.

The report shows a customer's jacket was hit by the bullet fragment, but no one was hurt. The incident was never reported to local authorities. Metro Police were only notified months after the state inspector's report was complete.

"The instructor was extremely lucky that no one was injured and business was being conducted at the office next door. Everyone was extremely lucky," said James Grimes, who operates U.S. Firearms Training.

Grimes says an instructor from his company was teaching the concealed carry class when the gun went off accidentally.

Grimes says his company worked out a deal with Constable David Whitlock and his deputies that in exchange for providing them with gun safety lessons, Grimes and his instructors would be able to use the Constable Association's Dixie highway office to give private lessons.

"I was somewhat concerned that this incident occurred and I wasn't immediately notified," said Grimes. Grimes says he learned of the incident from David Whitlock, who was notified of the shooting from his landlord. The instructor was forced to resign.

"We decided to cut ties with the Constables Association," he said.

When asked if he thought the shooting incident would reflect negatively on the Kentucky Constable Association, he said: "I really can't make a comment on that. It is what it is."

WDRB News was initially denied the open records request related to the gun discharge. But the news organization won an appeal with the Attorney General's office, which stated "the public has a right to know when a gun is discharged in a public office."

## **Shooting raises concerns over role of constables**

*Originally ran Nov. 6, 2001*

*WDRB.com (Jefferson County)*

LOUISVILLE, KY (WDRB) -- A city leader says a recent shooting involving a constable should serve as a wake-up call that the elected law enforcement position needs more oversight.

Metro Councilman Bob Henderson says the council missed an opportunity during the 2003 city merger to more clearly define what the role of a constable should be in Louisville.

Henderson contends the position is no longer needed, but says the Metro Council doesn't have the authority to act. Because constables are elected officials, they often act independently. Henderson and other city leaders have raised concerns about the lack of training required for the position.

Henderson wants the state legislature to change the state's constitution to perhaps remove constables from first-class cities.

Constable David Whitlock is accused of shooting Tammie Ortiz outside a Walmart on Nov. 2 on suspicion of shoplifting. Whitlock, who was off-duty at the time, says he was asked by store security to stop Ortiz. Authorities say when he approached her, Ortiz ran over his foot and he fired his handgun. An attorney for Ortiz says his client was shot in the arm and face, and called Whitlock "a reckless cowboy."

Ortiz, who has a lengthy criminal history under the name Tammy Lee Jamian, has been arrested in the past for various crimes including burglary, theft and prostitution. But attorney Maury Kommor says none of that matters.

"He didn't know if she was Mother Teresa or Ted Bundy... he shot her face. He's a reckless cowboy who had no idea who she was," said Kommor during a phone interview Sunday night.

Whitlock has been accused of being overly aggressive in the past – something he denies. He says Ortiz ran over his foot and he fired. Kommor disputes that, saying the constable was not hurt.

"It's about what I expected to happen," Henderson remembers thinking after hearing about the shooting.

Henderson says the position isn't well defined and leaves elected officials with arrest power and the ability to be armed.

"You don't take a chance on taking somebody's life over a TV or a \$50 item or a \$100 item," Henderson said.

Whitlock holds an office off of Dixie Highway. He's been scrutinized by the Metro Council before for his uniform and blue lights on his vehicle.

Henderson believes the Metro Council missed an opportunity to reign in the constable's powers.

"But it's not something we didn't see," Henderson said. "And that's a shame. We see trouble, we just didn't know what trouble was. We're lucky -- somebody could be dead today. Him or her. I don't know." Louisville Metro Police Department's public integrity unit is investigating the shooting.

## **WHAS11 investigates controversial Jefferson County constable**

*Originally ran Aug. 15, 2009*

*WHAS11.com (Jefferson County)*

It's an elected office you probably don't know much about-the constable.

But the position has been around for 159 years in Kentucky.

In the commonwealth, constables have virtually the same arrest powers as sheriffs, but no official duties and no required training.

Since taking office in 2007, Jefferson County Constable David Whitlock has tried to raise the profile of his office, while other law enforcement departments have worked to stop him.

Whitlock patrols Jefferson County in his personal police-style car, using the badge, gun, uniform, and laptop computer he bought himself.

"I've always had a love for law enforcement. I've always wanted to work in the community," says Whitlock.

He pays rent out of his own pocket for an office in a Dixie Highway shopping center, where he makes his rounds.

Elected in 2006, Constable Whitlock is paid only \$100 a month by Louisville Metro Government.

The constable position has been around in Kentucky since 1850, when the office was first established by the state constitution.

Back then, he was the main peace officer for the entire county, and he had a long list of duties.

The Jefferson County Sheriff's office and the Louisville Metro Police Department say they already have enough well-trained officers.

"He's a wannabe," says Lt. Col. Carl Yates. "And the last thing we need out here is a bunch of wannabes carrying badges and guns."

Past Jefferson County Constables sometimes served civil papers or verified 911 addresses.

It was that way for 20 years in Whitlock's district, but things are changing.

Whitlock also checks in on businesses and writes parking and speeding tickets

Some appreciate his efforts, while others certainly do not.

Thomas Smith is one of the 25 people Whitlock has given a speeding ticket, even though Whitlock has no training from the state in radar enforcement.

Whitlock earns the majority of his income by performing "off duty" contract security work for businesses about 30 hours a week.

Yet he has still found time to write more than 200 citations.

The majority of those citations involve handicapped parking or fire lane violations, which carry \$100 fines.

Whitlock isn't paid for writing these citations, but he wants to be.

In other counties, constables get up to \$10 dollars per ticket.

The Sheriff's Office and LMPD have refused to allow Whitlock access to their radio channels or use of the county's e-warrant system, despite Whitlock's protests

"I don't think any professional law enforcement agency is going to perpetuate something we feel is unprofessional. So we are not going to cooperate," explains Lt. Col. Yates.

Because the county received complaints about Whitlock's aggressive enforcement, the Metro Council took away his right to use blue lights and sirens.

Metro Government has also denied him the ability to appoint deputies, but if you look at the constable office's website, you might not know that.

It shows a complex command structure including patrol, administrative services, and internal affairs divisions.

Whitlock says the people on his site are volunteers.

Brent Choate is a convicted felon.

He is also listed as the Detective Sergeant of the Internal Affairs Division and is even a state director of the Kentucky Constable's Association, an organization in which Whitlock serves as executive director.

Choate was convicted of theft after he admitted stealing two satellite radios valued at \$10,000 dollars from the National Guard.

And Whitlock's background isn't squeaky clean either.

He pleaded guilty to a felony in 2002, after allegedly stealing \$6,000 worth of equipment from Yellow Ambulance Service, where he worked as a paramedic.

Whitlock gave the equipment to Dixie Suburban Fire Department, where he volunteered.

The felony was erased from Whitlock's record after he completed a diversion program.

In 1999, Whitlock was also accused of taking money and items from Louisville Search and Rescue, where he was a director.

Whitlock agreed in civil court to pay the non-profit organization back \$1,000, but what concerns other law enforcement officers even more than his past thefts is Whitlock's lack of training.

Many of his certificates were issued by Whitlock's own Constable Association.

Whitlock says the organization has to provide training, since local agencies won't allow him to participate in their classes

"They deny us training," says Whitlock. "They say, 'No, we don't want your liability. We're not gonna train you.' But yet they're the ones bellyaching because we're not trained."

Records indicate Whitlock has never applied for basic training at the Department of Criminal Justice Training, where Kentucky police officers and deputies are educated.

He doesn't have to under state rules.

Whitlock has completed 96 hours of continuing education classes at the academy, far short of the more than 1,000 hours of training most recruits complete before being certified.

Whitlock says he hopes to change local agencies' attitudes.

"It would be nice to go down to Louisville Metro's shooting range and practice shooting my handgun, you know," he says.

But that is something Louisville Metro Police says won't happen.

"The more they do to me and try to limit me, the more stuff I get and explore and I'm gonna do," warns Whitlock. "I'll go out and get my own river patrol next week. They can't stop me. I'm a constitutional officer. I can go out and police."

Whitlock has a year-and-a half to go before he faces re-election.

The constable issue has been argued in committees in Frankfort, but has never come to a vote.

The Kentucky Constable Association is asking for Homeland Security grant money and the ability to serve criminal warrants.

Individual legislators have also supported legislation to eliminate constables in Kentucky's largest metropolitan regions.

## **Constable rejects plea deal for shooting suspected shoplifter**

*Originally ran Aug. 31, 2012*

*Courier Journal (Jefferson County)*

The Jefferson County constable who shot a suspected shoplifter outside a southwestern Jefferson County Walmart has rejected a plea deal that would have prohibited him from ever working in law enforcement.

The commonwealth's attorney's office offered David Whitlock the deal that would allow him to avoid prison for the November incident, in which he was indicted on charges of assault and wanton endangerment. But Whitlock wrote in a court document released Thursday that he was going against his attorney's advice and rejecting the offer, meaning the case will go to trial.

"My attorney has advised me that he believes it is in my best interest to accepted this offer," Whitlock wrote, adding that his attorney, Brian Butler, had told him about the plea deal on "multiple occasions." "I have authorized him to file my rejection of this offer in a court file."

The offer was to plead guilty to assault under extreme emotional disturbance and wanton endangerment, with a sentence of pretrial diversion for five years.

If Whitlock stayed out of trouble and followed the conditions of his diversion, which is a form of probation, he would be able to get the charges dismissed, and he would have to agree to never seek another job in law enforcement.

"This would mean he could no longer work in his field, so he's got a lot to think about," Butler told reporters previously, adding that it was a "fair" offer.

Butler declined to comment Thursday.

Assistant Commonwealth's Attorney Tom Van De Rostyne said, "It would appear we are going to have a trial, and we will begin to prepare for that trial."

The trial is scheduled Jan. 23. Whitlock faces up to 15 years in prison if convicted of all charges.

He told police his gun "went off" by accident after a shoplifting suspect drove over his foot while allegedly fleeing, according to court records.

A Louisville Metro Police investigation found that video and witness accounts "did not support" Whitlock's claims that he had been struck, and it described him as approaching Tammie Ortiz with his gun pointed at her as he reached her vehicle's window.

Ortiz was wounded in her arm and face, and she was treated at a hospital and released.

Whitlock is free on a \$10,000 unsecured bond.

## **Jessamine constable says sheriff's deputy nearly hit him with patrol car**

*Originally ran Nov. 10, 2011*

*Kentucky.com (Jessamine County)*

NICHOLASVILLE — A constable alleges that a Jessamine County deputy sheriff nearly hit him with a patrol car, according to a criminal complaint filed Wednesday in Jessamine District Court.

Jessamine County Constable Chauncey Tudor filed charges of wanton endangerment, unlawful imprisonment, official misconduct and harassment against Deputy Sheriff David Mudd.

The charges stem from an Oct. 29 dispute. Tudor alleges that Mudd "attempted and threatened me to a physical confrontation."

Tudor says in the complaint that Mudd "made offensive course of utterance towards me. He then restrained me from leaving the area by parking his patrol car in front of me, two other officers and a civilian that were trying to leave."

The complaint lists Wilmore police officer Jeff Bol, Jessamine County Constable Bobby Wombles and Jessie Boyle as witnesses. The complaint doesn't say where the confrontation happened.

The complaint says Mudd was asked to move his vehicle but refused.

"He finally moved his vehicle at a later time, coming at me while I was outside my vehicle and missing me, endangering my life," Tudor says in the complaint. "He committed an act relating to his office which constitutes an unauthorized exercise of his duties."

Mudd, Tudor and the witnesses could not be reached for comment Wednesday. But in a statement, the Jessamine County Sheriff's Office said it was aware of the pending complaint.

"We have no further comment regarding this matter pending the outcome of the legal process," the statement said.

Mudd was served a summons Monday to appear in Jessamine District Court on Dec. 7.

## **Jessamine grand jury dismisses case against deputy sheriff**

*Originally ran March 26, 2012*

*Kentucky.com (Jessamine County)*

A Jessamine County grand jury has dismissed the case against a deputy sheriff who was charged in November with nearly hitting a constable with a patrol car.

The grand jury found no true bill, a legal term meaning it decided there was no probable cause to indict, last week in the case of Jessamine Deputy Sheriff David Mudd, Commonwealth's Attorney Tom Lockridge said.

"They heard the evidence and decided no true bill," Lockridge said.

Jessamine Constable Chauncey Tudor had filed charges of wanton endangerment, unlawful imprisonment, official misconduct and harassment against Mudd.

Tudor had alleged that during an Oct. 29 dispute, Mudd had nearly struck him with the car.

"I appreciate that the grand jury listened to everyone's testimony and came to the conclusion we fully expected them to come to all along," Mudd said.

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## **Johnson County Constable Pleads Guilty to Charges of "Doctor Shopping"**

*Originally ran Aug. 10, 2010*

*Kentucky.gov (Johnson County)*

Attorney General Jack Conway and his Drug Investigations Branch announce the guilty plea and sentencing of Johnson County Constable Terry Ward on charges he unlawfully obtained a prescription for a controlled substance by fraud, also known as "doctor shopping."

The 46-year-old Ward pled guilty on August 6, 2010 in Johnson Circuit Court to four counts of unauthorized procurement of a controlled substance 1st offense, a Class D felony. Ward has been sentenced to three years, withheld on supervised probation for a period of five years. As a condition of his probation, Ward must also serve 90 days in the county jail or enroll and complete an in-house rehabilitation program.

A Johnson County grand jury indicted Ward on April 15, 2010 on charges he attempted to obtain hydrocodone, a Schedule III controlled substance, from multiple doctors in Johnson County. Paintsville City Police and Operation Unlawful Narcotics Investigation Treatment and Enforcement (UNITE) arrested Ward without incident the following day.

Ward's indictment and arrest were the result of a six-month investigation by General Conway's Drug Investigations Branch, with assistance from Operation UNITE.

"I appreciate the hard work of my Drug Investigation's Branch and our continuing partnership with Operation UNITE as we crack down on prescription drug abuse in Kentucky," General Conway said. "By working together, we can put a stop to a problem that is shattering families across the Commonwealth." The office of Johnson County Commonwealth's Attorney Anna Melvin prosecuted the case. Melvin serves the 24th Judicial Circuit representing Johnson, Lawrence and Martin counties.

Since General Conway took office in January 2008, his Drug Investigations Branch has opened more than 365 cases, made 118 arrests and participated in 14 drug round-ups. Additionally, General Conway launched Kentucky's first statewide prescription drug diversion task force to investigate prescription drug trafficking, overprescribing physicians, doctor shopping and illegal out-of-state pharmacies. The task force participated in the largest drug sweep in Kentucky history in October 2009.

## **Knox County constable arrested for DUI**

**Blood alcohol level 0.148 during traffic stop after midnight Friday**

*Originally ran Jan. 30, 2012*

*Corbin Times Tribune (Knox County)*

CORBIN — By Jeff Noble / Staff writer

A Knox County constable was arrested and charged with driving under the influence early Friday, during a traffic stop just after midnight.

According to the Kentucky State Police Division of Commercial Vehicle Enforcement, 5th District Constable Carl Bolton, 50, of Woodbine, was driving east on the Corbin Bypass (KY 3041) in Whitley County. KVE Officer Mike Hamblin made the arrest after watching Bolton's late-model Jeep Wrangler crossing the center line three times.

According to Hamblin's report, Bolton had drunk several beers, and had finished the last beer some 15 minutes before being stopped. The police report also stated that Bolton had a strong odor of alcohol on himself, and that his eyes were bloodshot and puffy. The officer also said Bolton was very cooperative during the questioning.

After a portable breathalyzer test indicated alcohol in Bolton, he successfully completed several field sobriety tests, and was then given a breath test after being taken to Corbin Police headquarters.

The legal limit for a person's blood alcohol level while driving in Kentucky is 0.08. Officer Hamblin's report stated that Bolton's blood alcohol level was 0.148 — nearly twice the legal limit.

Bolton was later booked in the Whitley County Corrections Center in Williamsburg, charged with one count of driving a motor vehicle under the influence. He was released from jail on a \$750 surety bond shortly before 10 a.m.

Bolton currently serves as constable in District 5, which includes the Woodbine area of Knox County. He was also a former Knox County deputy sheriff and chief deputy.

No court date has been set at this time.

## **Larue County Constable Arrested By Kentucky State Police**

*Originally ran May 7, 2012*

*Kentuckystatepolice.org (Larue County)*

(HODGENVILLE, KY) – On Monday, May 07, 2012 at approximately 1:00 p.m. ET KSP Troopers responded to a residence on White City Road in Hodgenville, KY in attempt to serve a Hardin County warrant on 40 year old Jeffrey W. Metcalf. Metcalf is a Larue County Constable and was wanted for Theft By Deception (cold checks) out of Hardin County. Troopers were met at the door of the residence by Metcalf's girlfriend. During the conversation with the girlfriend, Metcalf fled from the residence into the woods behind the house. Metcalf was later discovered in the woods where he was arrested without further incident. It was believed that Metcalf was armed when he fled the residence due to a statement made by the girlfriend. Troopers arrested him at 1:52 p.m. and charged him with Fleeing and Evading 1st Degree. He was lodged in the Larue County Detention Center. KSP was assisted by Commercial Vehicle Enforcement Officers. The investigation is ongoing by Tpr. Chris Berry.

## **Larue County constable charged with fleeing police**

*Originally ran May 8, 2012*

*Courier Journal (Larue County)*

State police are accusing a LaRue County constable of fleeing troopers who were trying to serve a warrant.

Jeffrey W. Metcalf, 40, was arrested Monday and charged with fleeing and evading police, according to Kentucky State Police.

State troopers attempted to serve a warrant charging theft by deception - for passing cold checks - to ... (only partial article, rest is in paid archive)

## **Former constable pleads guilty on alleged drug, gun charges**

*Originally ran 8 years ago*

*Hazard Herald (Letcher County)*

A former Letcher County constable has pleaded guilty in federal court to seven gun and drug charges filed against him in May after a bust in Perry County.

Tommy Joe Pease, who resigned his position as District Three Constable shortly after his arrest, entered pleas the day before his criminal trial was scheduled to begin in U.S. District Court in Pikeville last week. Pease was arrested May 18 after an investigation by the Letcher County Sheriff's Office, the Kentucky State Police special investigations unit from Lexington, and the federal Bureau of Alcohol, Tobacco and Firearms (ATF).

The investigation began in March after the sheriff's office received a tip that Pease was using his personal police cruiser to transport drugs and drug dealers for a fee. He allegedly used his cruiser to haul a purported drug dealer to a Hazard hotel to deliver 2,000 Oxycontin tablets from Wise County, Va. on May 18. The drugs were real, but the "dealer" was an undercover ATF agent.

Pease pleaded guilty to conspiracy to distribute Oxycontin, possession of a machine-gun which was not registered, possession of firearms, and interference with commerce by threat or violence. Still pending against Pease is a second charge of possessing a machine-gun that wasn't registered and two charges of selling and distributing hydrocodone.

Pease is scheduled to be sentenced in Pikeville on Nov. 8 by U.S. District Judge David L. Bunning. Pease remains in federal custody.

## **County Constable Among 83 Arrested In Massive Drug Roundup**

*Originally ran Nov. 9, 2010*

*LEX18.com (Lincoln County)*

A year-long investigation into drug trafficking in central Kentucky called Operation "November Rain" has culminated with the arrests of 83 suspects, including a constable from Lincoln County.

At 5:30 a.m. Tuesday, law enforcement officers from the Kentucky State Police, Danville Police Department, Perryville Police Department and the Sheriff's Departments of Boyle, Garrard, Lincoln and Mercer Counties began serving arrest warrants on suspected drug traffickers. These suspects were taken to the Kentucky National Guard Armory in Danville, where they were fingerprinted, photographed and interviewed by KSP detectives.

Kentucky State Police arrested constable Kenny Hodge at his Lincoln County home. LEX 18 was there as he was being taken in to get processed. We're told Hodge has been charged for possession of marijuana as well as second-degree trafficking a controlled substance

Hodge said the arrest is purely political. "I am innocent," said Hodge. "I have not done nothing. There's too many people against me because of the election. All of this is political. Ain't nothing but political, buddy."

Hodge was not re-elected this past election season.

The charges on the 83 people arrested include trafficking in marijuana, crack cocaine, powdered cocaine and prescription medication. The KSP encourage the public to report any suspected illegal drug activity to our anonymous drug tip line at 1-800-DOPE TIP or 1-800-222-5555.

## Traffic stops by constable thrown out of court

Court system, fiscal court take issue with constable's training, use of blue lights

Originally ran July 28, 2012

Richmond Register (Madison County)

By Sarah Hogsed Register News Writer

RICHMOND — On a chilly January night last winter, Steve Kelly saw several cars intentionally doing snow “doughnuts,” spinning in circles on the slick pavement, in the Hastings parking lot at Richmond Centre. Kelly drove over to investigate, and he claims one of the cars hit a grass island, nearly hitting his vehicle. Kelly turned on his blue lights and got out of his vehicle.

He walked up to the stopped car, driven by Abraham Drane, 35, and Drane attempted to drive away, Kelly said. Kelly then opened the car door and turned off the ignition.

“(Drane) punched me in the face,” Kelly said. “... He was ready for war.”

Kelly pulled Drane out of the vehicle and “at that point it was necessary to deploy my Tazer ...” the incident report states. Kelly also doused Drane with pepper spray. Kelly reported that Drane had an unopened pocket knife in his hand.

Kelly is not a Richmond or Berea police officer, and he's not employed by the Madison County Sheriff's Department.

Kelly was elected as the constable of District 2 in 2010, and according to the state constitution, he has the same law arresting powers as a county sheriff.

However, Kelly is not required to have any law enforcement training, something that has led to him often being at odds with county officials and the local justice system.

### Arrests thrown out

Drane was charged Jan. 14 with aggravated driving under the influence of drugs or alcohol, reckless driving, no driver's license in possession and resisting arrest.

Drane's attorney, Public Advocate Audrey Woosnam, filed a motion Feb. 28 to suppress the arrest because Kelly activated blue lights during the stop, something state law says each county must approve. “Madison Fiscal Court has not given him that approval,” Woosnam said.

The arrest, Woosnam argued, was an unconstitutional seizure because the stop was not legal.

On March 5, the case was dismissed with prejudice by Madison District Judge Charles Hardin. The note on the case file states “lack of police training of officer/constable” as the reason for the dismissal.

Drane declined through his attorney to be interviewed about the arrest.

A similar incident occurred April 5, also at Richmond Centre where Kelly's security company, Community Protection Services, is employed.

Linda Lackey, of Lamar, Mo., had been celebrating her 66th birthday that night at Richmond Centre. She was driving a large semitrailer, and at 9 p.m. she was moving it from one parking lot to another.

Kelly said he saw Lackey drive over a grass island, and employees at PetSmart had previously reported to him that the driver had seemed intoxicated when she had been in the store.

Kelly said he activated the blue lights on his vehicle to “mark the spot” and called for Richmond police.

"Upon my arrival, I came into contact with Constable Kelley (sic), who advised that (Lackey) was stopped due to possibly being intoxicated," the RPD report, written by Lydia Douglas, stated.

Lackey failed several field sobriety tests and blew a blood alcohol content reading of .092 on the officer's Breathalyzer. A BAC of .08 or more is considered legally drunk in Kentucky.

Lackey was arrested and charged with driving under the influence of alcohol. She was arraigned April 23 and a court trial was slated for May 1.

However, on May 1, Lackey's attorney, Wes Browne, filed a motion to suppress the evidence gathered after the "illegal traffic stop." The issue, once again, was the fact Kelly used blue lights to stop Lackey when he was not authorized to use them.

The suppression motion was granted by District Judge Brandy Oliver Brown.

"Constable does not have approval of Fiscal Court for emergency police lights," the notes in the case file state. "No stop allowed while so equipped.

Another case involving a drunken driver on Lexington Road that Kelly stopped also was thrown out of court, according to Kelly.

Woosnam said she understands that Kelly's intentions for performing traffic stops are right, but "his way of going about it isn't right."

She's concerned that the amount of force used by Kelly during these stops, like was used on her client, might result in someone being seriously injured, or worse, because Kelly does not have the law enforcement training and experience to use those techniques.

"He's kind of a rogue," Woosnam said.

#### **'They just don't want me to do my job'**

Judge/Executive Kent Clark said that the four constables in Madison County are not allowed to use blue lights on their vehicles.

"We've never allowed that," Clark said.

Clark said he's explained to Kelly about what his job entails – escorting funerals, serving warrants and perhaps transporting prisoners from Berea.

"Little things that can help the municipalities," Clark said.

Clark said Kelly must complete officer training through the Department of Criminal Justice Training before being allowed to use blue lights. Constables are bonded through the county, and therefore "we'd be liable" if anything happened, Clark said.

"He's not properly trained," Clark said. "Just because he's won an election doesn't give him the authority to do that."

Kelly disagrees with Clark about what his job entails and insists that the judge/executive has no authority over what he does outside of the blue lights authorization.

"What Kent Clark doesn't understand is I'm not his constable, I'm the constable for the people of District 2," Kelly said.

Kelly said Clark gave him approval to use the blue lights when he first started as constable, telling him "only to use them if the situation is blatant."

However, Kelly said Clark now says he never gave approval to use the blue lights.

Kelly strongly believes that he needs to do more than simply serve papers and escort funerals.

"I ran (for constable) as a community service," Kelly said. "God put me here."

Kelly said besides his work at Richmond Centre, which is part of District 2, he is a trained weather spotter and if requested, checks on homes when the residents are on vacation. He patrols county roads at night and is part of a neighborhood watch. He also does wellness checks on elderly residents in his district.

Kelly said his 30 years in the security field gives him the experience he needs to be an active constable. He completed a 40-hour course in the use of force and crisis resolution in 1972 that was conducted by the Arizona Highway Patrol, Kelly said.

Kelly is armed when he is on patrol.

"All constables are armed," Kelly said.

Kelly said he has invested in many books and training videos, and he has done many ride-alongs with local police officers. He's a member of the Fraternal Order of Police.

"I've been informally trained," Kelly said. "... Everything I've done is by the book."

Kelly said he'd have no problem taking the Department of Criminal Justice Training academy, but he has been on the waiting list for two years. Commissioned officers that are required by law to have the training get priority admission.

Kelly's security company employs several local police officers.

"Every police officer who works with me disagrees" about the cases being thrown out, Kelly said. He does not like how the judges have treated him and his work.

"I don't get paid to be treated like a criminal," Kelly said. "They were all really good stops, they just don't want me to do my job."

Kelly said he's unsure if he will be running for re-election in two years. He's invested thousands of his own money in his equipment and vehicle.

"We'll have to see how this goes," Kelly said, acknowledging that Madison County hasn't had a constable like him in at least 20 years. "I enjoy doing this."

### **Association promotes more training**

Problems with constables in other counties have led to proposed legislation in the General Assembly to abolish or greatly limit the powers of constables. The bills haven't gotten enough legislative support to be voted into law.

Those attempts to limit and abolish constables are not the answer because many rural counties rely on constables, Fayette County Deputy Constable Edward Sparks said. Sparks also is vice president of the Kentucky Constable Association.

"A lot of them do actual policing," Sparks said. Constables serve warrants in Jessamine County, and in Estill County one constable is in the rotation for emergency calls, he said.

The answer, Sparks said, is requiring constables to have mandatory training. While state law requires deputy sheriffs and municipal police officers to undergo 16 weeks of initial training and 40 hours of annual in-service training, there is no training requirement for constables.

"(Constables) need to be trained and qualified on nonlethal force," Sparks said. He also recommends that all constables have a policy and procedure manual.

The Kentucky Constable Association strongly encourages all constables to seek out training, and the group often sponsors workshops and training sessions.

While constables have arresting powers, they do not earn a salary. They earn money from fees paid for serving subpoenas or other legal papers, so it's not unusual for them to take on security work, Sparks said.

"Constables are very much needed across Kentucky," Sparks said.

## **Mercer court raises constables' bonds to \$1 million**

*Originally ran Aug. 14, 2003*

*Central Kentucky News (Mercer County)*

HARRODSBURG - It's going to cost Mercer County constables more to be able to do their jobs. Sixth District Constable James Rice appeared Tuesday before the Mercer County Fiscal Court and continued to maintain that state law allows him to pull motorists over and warn them if he sees them violating driving regulations.

When he refused to sit down with magistrates and try to come to a compromise, Magistrate Larry Peyton made the motion to increase constables' bonds from \$10,000 to \$1 million, and the court approved.

County Attorney Doug Greenburg researched the matter and said later Tuesday that the court can review the constables' bonds but must give the constables 10 days' notice.

## **Officer involved shooting in Monroe County**

*Originally ran July 27, 2011*

*Kentuckystatepolice.org (Monroe County)*

(Tompkinsville, Ky.) -- The Kentucky State Police are currently investigating an officer involved shooting that occurred earlier today approximately 2 miles south of Tompkinsville on KY 0163. The Monroe County Sheriff's office received a call at 10:10 CST in reference to a possible suicide attempt at 334 Big Sulphur Road. Monroe County Sheriff Roger Barlow was responding when a second call reported that 38-year-old Mark L. Tovey had left the residence enroute to the river at KY 100 and KY 214 to drown himself.

Sheriff Barlow located Tovey in his vehicle at the river and an altercation ensued. Tovey made it back to his vehicle and fled the scene. Monroe County 3rd District Constable Frank Massingille, Tompkinsville Police Chief Dale Ford and Sheriff Barlow attempted a roadblock that was unsuccessful. A pursuit followed and Constable Massingilles and Toveys vehicles collided. Toveys vehicle came to rest off of the roadway on KY 163. As officers approached Toveys vehicle, Tovey exited the vehicle armed with a weapon. Chief Ford fired his weapon and struck Tovey bringing the incident to an end. Tovey was airlifted to Vanderbilt University Medical Center with non life threatening injuries. Kentucky State Police Detective Russell Decker is investigating.

## **5th District Constable Arrested by Kentucky State Police**

*Originally ran Nov. 1, 2011*

*Surfky.com (Muhlenberg County)*

MUHLENBERG COUNTY, KY – Muhlenberg County 5th District Constable Phillip Conway was arrested on a warrant, on Monday evening, October 31.

According to officials, Conway was arrested on a warrant for Terroristic Threatening, 3rd degree. Kentucky State Trooper Cox made the arrest and Conway was lodged at the Muhlenberg County Detention Center.

## **Phillip Conway Receives DUI and other Charges**

*Originally ran Nov. 14, 2011*

*Surfky.com (Muhlenberg County)*

MUHLENBERG COUNTY, KY - On Monday Nov. 7, Sgt Terry Vick, of the Muhlenberg County Sheriff Department, charged Phillip R. Conway, age 34, of Bremen.

Conway will appear in Muhlenberg District Court before Judge Brian Crick to answer to the charges of Operating Motor Vehicle Under the Influence of Alc/Drugs/Etc, Failure To Produce Insurance Card, Possession of Controlled Substance in the Second Degree and Tampering with Physical Evidence. Sgt. Vick made a traffic stop on the vehicle due to observation of the operator's driving on North Main Street in Greenville.

Vick was assisted by Greenville Police Department and Constable Darrin Albro.

## **Appointed constable to run in Nov.**

*Originally ran July 6, 2012*

*Bowling Green Daily News (Warren County)*

The decals on Warren County Constable Brandon Bradshaw's Ford F-150 pickup speak of the constable's duties to serve and protect.

"I like the 'serve' part more than anything," said Bradshaw, 26, the constable for District 2.

One of the youngest Warren County constables in recent memory, Bradshaw was appointed in April to replace previous District 2 constable Charles Russell, who had encountered legal problems.

Russell pleaded guilty to three misdemeanor offenses of attempted second-degree forgery, attempted theft by deception of more than \$500 and official misconduct after allegations surfaced that he had written a bad check to the city, forged a check to himself that was made payable to the Warren County Sheriff's Office and failed to serve court documents that were the object of the check in question.

Russell was given a probated sentence, made to pay restitution and ordered to resign his position and never run again for constable, according to Warren County Commonwealth's Attorney Chris Cohron.

Since his appointment by Warren County Fiscal Court, Bradshaw has split his time between patrolling the district, which covers most of downtown Bowling Green, and paying for his own training to become better at his duties.

Constables are elected officials whose districts mirror those of Fiscal Court magistrates. Warren County has six constables. They are recognized under state law as law enforcement officers, but are not paid for their duties.

Constables routinely pay for their own training, uniforms, cars, gasoline, weapons and other equipment. They can charge fees for certain services, such as serving legal papers or taking patients from places such as LifeSkills to mental health facilities, but those fees often don't cover the costs associated with those tasks.

"Mostly we're just paying for everything out of pocket," Bradshaw said.

The position was targeted for elimination earlier this year by a pair of state representatives from Jefferson County who proposed legislation to amend the Kentucky Constitution to abolish the office, though neither bill became law.

Bradshaw said that he takes advantage of training classes offered by retired police officers and has joined the Warren County Constable's Association to seek out additional opportunities for training.

"I've learned a lot from other constables about the proper ways to do traffic stops," Bradshaw said.

"They have helped me tremendously and really taken me under their wing."

A Bowling Green native and a Warren East High School graduate, Bradshaw is an Army National Guard veteran who served a tour in Iraq.

By day, Bradshaw is a touring musician who plays bass in Christian rock band Cord of 3. He also has an interest in community theater, serving as director of the Fountain Square Players production of "Seussical."

As a constable, Bradshaw's duties typically involve patrolling his district at nights. He has made one arrest in the short time since his appointment and helped direct traffic Sunday on Morgantown Road as multiple fire departments fought a brush fire that raged over 45 acres of land.

Bradshaw said he is motivated to serve the people in his district.

"If I see a person broke down on the side of the road, I'll do a motorist assist and try to help them," Bradshaw said.

Bradshaw has deputized his father, Anthony Bradshaw, who patrols occasionally.

Because constables are unpaid officials, it is difficult for them to have an equal footing with city and county law enforcement, Bradshaw said.

He wants that to change, and one way he proposes that to happen is for constables to be on the police radio system.

If a constable finds himself needing assistance from other law enforcement, he has to use a personal cell phone to call for backup.

"It's dangerous when we're out there doing the same job as the sheriff's office and the police department and we have no radio to call for backup," Bradshaw said.

A Republican, Bradshaw has filed for the District 2 constable position in the November General Election, where he will run against Democratic opponent Glen Hazel.

Hazel, 60, has served as a deputy constable in the past and has several relatives who have been involved in law enforcement.

"I had numerous people call me and ask me to run and that's what enticed me," said Hazel, who has done construction work and been a truck driver but is now retired. "I just thought it would be something different and it would make my kids proud one of these days when I'm gone."

## **Outdated**

### **Office of constable needs modernizing**

*This editorial appeared in The Paducah Sun on Sep 26, 2012*

The recent arrest of a Graves County constable, charged with four counts of wanton endangerment, is another reminder of the inherent problems with the office of constable in Kentucky.

Many consider the position obsolete and think it should be abolished.

But that is not likely anytime soon, since it would require a constitutional amendment. Established in the 1850 Constitution of Kentucky, the office was designed to provide some law and order at a time when much of the commonwealth was still a frontier. Today, with hundreds of police departments and sheriff's offices across the state, the office of constable is no longer essential for public safety.

But constables maintain the authority to enforce both the criminal code and the traffic code in any part of the county in which they reside. And constables can, and often are, elected with no law enforcement background.

The Kentucky Constable Association does provide training and education for constables, but constables don't have to attend. Barely a third of the state's 454 constables attend monthly training sessions, and less than half have any training at all. Entrusting that much authority to people without training and experience can place the public and the constables themselves at risk.

The association's Statement of Common Purpose calls for constables to uphold the law and keep the peace "with integrity, common sense and sound judgment" and to "apply only that force which is necessary."

That's where the problems arise. Without training, defining those terms is subjective. A constable with a short fuse and no training is more likely to cross the line, applying more force than necessary or making reckless, dangerous decisions. On occasion, constables run afoul of the law. That's allegedly what happened when Constable Howard Burnett in Graves County made a traffic stop earlier this month.

To the degree allowed under the Constitution, constables should be required to attend formal police training. And the state should restrict their law enforcement authority. Constables should not, for instance, make traffic stops.

Fortunately, many constables work well with local law enforcement agencies. They perform a valuable service when they serve summonses, subpoenas and other court orders. This requires minimal training, and although it can at times be dangerous, it is usually fairly routine.

Since their position is not salaried, serving papers is one of the few ways constables can receive compensation for their service.

The office of constable may be here to stay, but reasonable changes should be made in the requirements and duties. Constables should have limited law enforcement authority, and the job should demand some police training.

## **Jefferson County constable to plead guilty**

LOUISVILLE, KY (WAVE) — A Jefferson County constable has reached a plea deal with prosecutors.

Constable David Whitlock is charged with assault and wanton endangerment for shooting a woman suspected of shoplifting at the Walmart in Pleasure Ridge Park last November.

In August, he rejected a plea deal that would have allowed him to avoid jail time, but would have prevented him from serving in law enforcement again.

Friday, Whitlock's attorney confirmed he will plead guilty next week. However, he would not release the terms of this deal.

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## **Constable David Whitlock to resign as part of plea agreement in Walmart shooting**

*The Courier-Journal* | [courier-journal.com](http://courier-journal.com)

Jefferson County Constable David Whitlock must resign from office after entering a plea agreement Tuesday in Jefferson Circuit Court on charges stemming from a shooting last year in a Walmart parking lot.

Whitlock, 35, can't ever again seek a law enforcement position - but he won't be sent to prison.

Whitlock made an Alford plea, meaning he did not admit his guilt but conceded there was enough evidence to convict him.

Assistant commonwealth's attorney Tom Van De Rostyne said prosecutors' main aim was to "ensure the safety of the community — to try to make sure that this doesn't happen again."

Whitlock declined to comment, referring questions to his attorney Brian Butler.

"I believe he was obviously out to do the right thing — he was trying to protect someone," Butler said after the hearing.

In November, Whitlock shot Tammie Ortiz in the parking lot of the Walmart on Raggard Road. Store security alerted Whitlock — who was coincidentally at the store — of a possible shoplifter, police said.

Whitlock approached Ortiz in her truck, but when she drove off he fired his gun, police said. She was struck in the arm and face, treated at a hospital and released.

Whitlock told police that Ortiz drove over his foot, police said.

But the commonwealth's attorney's office disagreed that the shooting was justifiable, and a grand jury indicted Whitlock on second-degree assault and first-degree wanton endangerment charges in January.

Ortiz wasn't charged with shoplifting after her encounter with Whitlock, but she has faced charges in subsequent incidents.

Constables are elected officers required by the Kentucky constitution, but are not given specific duties. Upon election, constables have peace officer powers including the right to arrest. One constable is elected to each county commission or magistrate district; Jefferson County has three.

Constables aren't required to have training or certification, like police or sheriff's deputies.

Whitlock was elected in 2006.

The November shooting led to efforts to restrain — or even abolish — constables.

In December, the Louisville Metro Council approved stiffened restrictions on constables' use of uniforms — which can't bear semblance to police or sheriff's deputies — weapons or badges.

The incident also led two Jefferson County legislators — Republican Sen. Julie Denton and Democrat Rep. Joni Jenkins — to propose bills aimed at constables. Denton's bill allowed counties to strip constables of their power; Jenkins offered a constitutional amendment to abolish the office. Neither made it into law.

# **APPENDIX I**

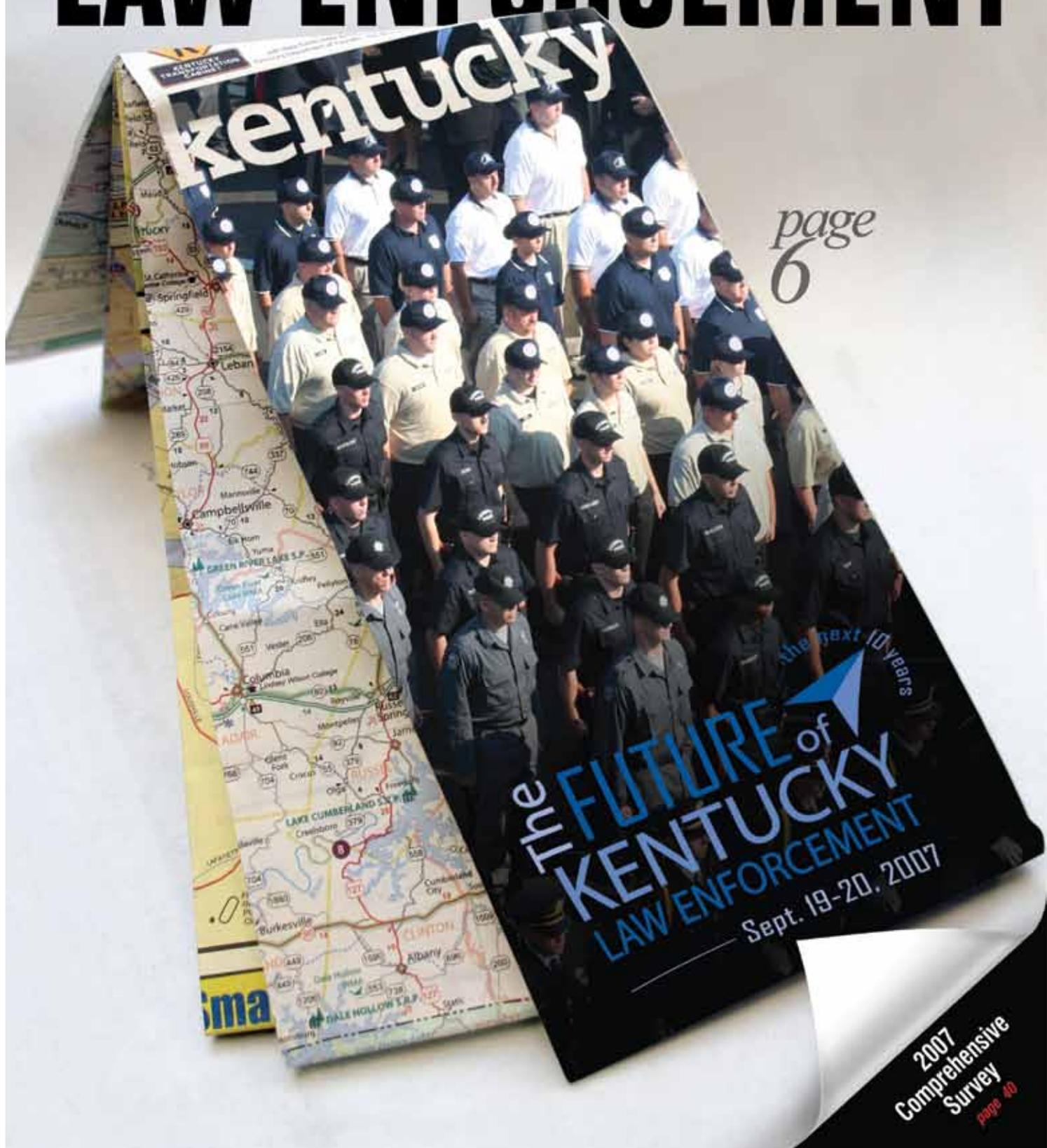
**2007 KENTUCKY LAW ENFORCEMENT MAGAZINE  
SPECIAL EDITION – CONSTABLES SECTION**



**KENTUCKY**

2007 Special Edition | Volume 6, Number 4a

# LAW ENFORCEMENT



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*the next 10 years*  
**The FUTURE of KENTUCKY**  
**LAW ENFORCEMENT**  
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# CONSTABLES



The Future of Kentucky Law Enforcement

**P**roposed legislation that would allow constables to hire deputies who would attend far less training than other law enforcement officers and to share equally with sheriffs' offices and police departments in process-serving fees would have an enduringly negative affect on Kentucky law enforcement, panelists said.

"I think this sets law enforcement back in Kentucky considerably if this should get any legs and start to walk because we fought so hard to raise the bar, raise the standards and raise the training, and anything that would set the requirements back for law enforcement, I think, hurts everyone in Kentucky," said panelist Martin Scott, president of the Kentucky Fraternal Order of Police.

Panelist and Barren County Sheriff Chris Eaton said there were seven constables in his county who are good guys. But, one of them can't carry a gun because he's a felon.

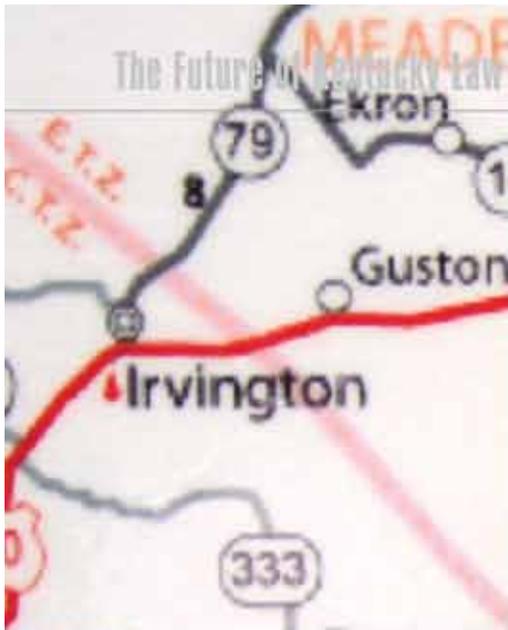
A constitutional office, constables in Kentucky are required only to be 24 years old and win the election in their district, Eaton pointed out. Constables don't have to have any law enforcement experience or be able to read or write, he said.

Sen. Dan Seum, R-Louisville, is sponsoring the bill, which has been pre-filed as Bill Resolution 104 for the Kentucky General Assembly's 2008 regular session that begins in January.

If passed, the legislation would permit constables, who have law enforcement powers, to hire one deputy constable per 1,000 people in their district.

The deputy constables, classified as law enforcement officers, would be required to complete only a one-week, 40-hour course at the state's Department of Criminal Justice Training, which provides basic and in-service training for most officers in Kentucky. They would also attend 40 hours of in-service training each year. In contrast, other officers in the commonwealth are required to complete 18 full weeks of basic training and 40 hours of in-service training annually.

Deputy constables who were already certified law enforcement officers through the state's Peace Officer Professional Standards >>



would not be required to attend the 40-hour course.

"Obviously, constables would need professional training if they are expected to serve as effective peace officers on a par with other law enforcement officers, but no one could expect them to effectively perform their law enforcement duties with only 40 hours of training, particularly when compared to the fact that all other Kentucky officers are required to take 754 hours," said John W. Bizzack, DOCJT commissioner. "That's a huge disparity."

While deputy constables would be man-

provides an annual stipend to law enforcement officers for attending training.

"Every group that has not gotten into KLEFPF wants into KLEFPF," he said. "They don't want to have to meet any standards to get there, but they want that \$3,100."

There are still 343 qualified, certified officers in Kentucky who aren't in KLEFPF who, Bizzack said, should be. All of the officers work for state agencies, including the Kentucky Department of Fish and Wildlife Resources, the Office of Alcoholic Beverage Control and the Kentucky Department of Parks.

Meanwhile, Seum's legislation would require circuit court clerks to alternately request constables, sheriff's deputies and city police officers to handle process serving, which is delivering legal documents like subpoenas, summons and other court documents.

Barren County's Eaton, emphasizing his concern about the legislation, encouraged Sen. Perry Clark, who attended the Bowling Green symposium, to defeat it.

"The Department of Criminal Justice Training has done so much to get the sheriffs where they are today, by the training and expertise, and I think that adding this on with the constables, I think it's going to hurt us all," Eaton said.

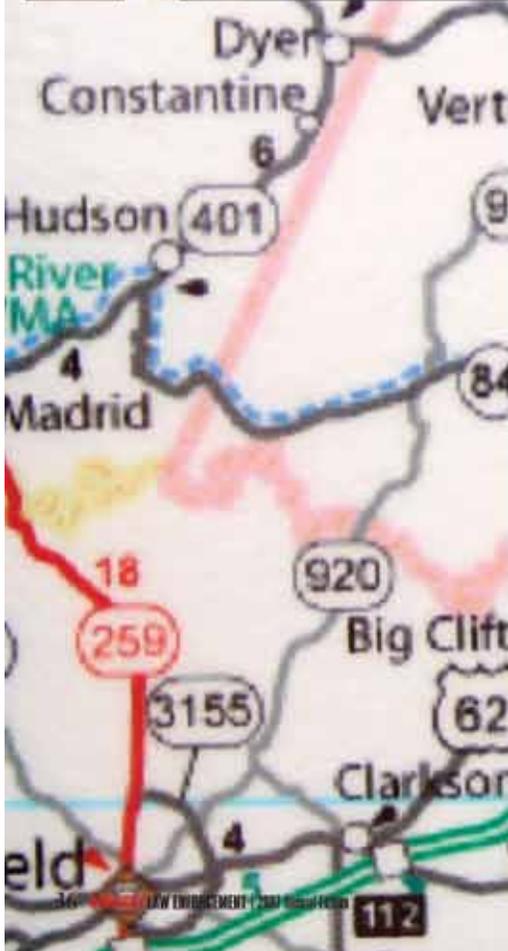
Clark, D-Jefferson, said perhaps the commonwealth should pose a constitutional question to voters on whether to abolish the office of constable.

Constables are "not required to stay within their districts either; they can go countywide, and unlike us, they can pick and choose their calls," Eaton added. "If they go to a call and something's going on and they decide they don't want it, it's either us, state police or city police that handle it if they walk off and leave it."



"I think this sets law enforcement back in Kentucky considerably ... anything that would set the requirements back for law enforcement, I think, hurts everyone in Kentucky."

Martin Scott



dated to complete a course, constables, as constitutional officers, are not required to attend training.

"I don't think it would be too far to go to say that constables should be POPS certified if they're going to be peace officers in this state," Bizzack said. "They should go through the same hiring and selection practices as every peace officer in this state."

"This is the future of policing in Kentucky, and constables are either going to have to be part of the future of it or not," Bizzack added.

Bizzack said the follow-up to the constable legislation could be a legislative proposal to add constables into the Kentucky Law Enforcement Foundation Program Fund, which







**15A.070 Duties of Department of Criminal Justice Training**

- (1) The Department of Criminal Justice Training shall establish, supervise and coordinate training programs and schools for law enforcement personnel, and any other justice or non-law-enforcement-related personnel as prescribed by the secretary.
- (2) The Department of Criminal Justice Training shall make a continuing study of law enforcement training standards and upon request may furnish information relating to standards for recruitment, employment, promotion, organization, management and operation of any law enforcement agency in Kentucky.
- (3) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justices subjects related to law enforcement training.

COMMONWEALTH OF KENTUCKY  
JUSTICE AND PUBLIC SAFETY CABINET

Department of  
**Criminal Justice**  
Training