

Where a misdemeanor has been committed in an officer's presence, he may issue a citation instead of making an arrest, if he has reasonable grounds to believe the person cited will appear in court (KRS 431.015). Citations may be issued in lieu of a physical arrest for violations committed in the presence of an officer. The officer may make a physical arrest for a violation committed in his presence if he has reasonable grounds to believe the defendant will not appear at the required time or if the violation is one of the several set out above from KRS 431.005(1)(e). If the defendant does not appear, a warrant for his arrest may be issued (KRS 431.015).

Offenses are either violations, misdemeanors or felonies, depending on the nature and length of punishment that may be prescribed. These terms are defined in KRS 431.060.

In addition to the instances cited above, certain peace officers, including sheriffs and fulltime paid deputy sheriffs, may make warrantless arrests in some narrowly defined cases of domestic abuse (KRS 431.005(2)).

When in actual pursuit of a law violator, a peace officer may cross corporate or county lines for the purpose of making an arrest (KRS 431.045).

In actual practice, powers of arrest are exercised only by the sheriff and constable. Jailers and coroners rarely make arrests. The law specifically authorizes sheriffs and constables to carry concealed deadly weapons when necessary for their protection in discharging their duties (KRS 527.020).

Specific statutory duties devolve upon all peace officers. All peace officers must seize untaxed cigarettes and notify the state commissioner of revenue that they have done so (KRS 138.165). Peace officers and deputy sheriffs must enforce all controlled substances laws (KRS 113 218A.240) and must arrest and return any children who have escaped from a reform institution (KRS 440.060).

Upon request from the Kentucky Board of Agriculture, a peace officer must aid in destroying diseased livestock (KRS 246.210). Any Kentucky peace officer may destroy a suffering, abandoned, or diseased animal (KRS 257.100). He must also impound unlicensed dogs (KRS 285.215). A peace officer may order funds derived from the sale of an animal of questionable ownership held until ownership is established (KRS 253.070).

Peace officers must enforce all truck weight limit and size laws (KRS 189.223). They must seize any automobile transporting alcoholic beverages in dry territory and make all necessary arrests (KRS 242.360). Peace officers must serve any subpoena issued by the state parole board (KRS 439.390). On being informed or having reason to believe that an unlawful professional prize fight or wrestling match is about to take place, peace officers must prevent the match (KRS 229.240).

All peace officers must cooperate with the Justice Cabinet in the fingerprinting and identification of prisoners (KRS 17.115). A peace officer may arrest without a warrant any military personnel in his jurisdiction who has violated the military code of justice (KRS 35.035).

Kentucky Constable Association



<http://www.kentuckyconstableassociation.org>

YOU CAN HELP TAKE A BITE OUT OF CRIME

Everyone has a responsibility to help make the community where we raise our families just a little better. Looking out for one another and taking a stand against crime assures us of a crime free community. Turning your heads and ignoring the problems only give the street thugs and vandals the opportunity to take over the corners of our neighborhoods. Become familiar with your Law Enforcement Officers working the streets of your neighborhood and community. Support them while they serve and protect your family and neighbors.

The office of Constable dates from Medieval England. Your Constable is an elected public official. The Constable is one of the only two remaining elected peace officers in the world. In Kentucky, the position of Constable was established in the 1850 Constitution. The present Constitution requires the election of one constable in each justice of the peace (known as magistrate) district.

Constables are Peace Officers with broad powers of arrest and authority to serve court processes. The Constable has the authority to enforce both the Traffic Code and the Criminal Code of Kentucky. They may execute warrants, summonses, subpoenas, attachments, notes, rules and orders of the court in all criminal, penal and civil cases (KRS 70.350). The Kentucky Constitution, Section 106, Constables will possess the same qualification as the sheriffs and may exercise jurisdiction in any part of the county. (OAG 62-115 and 40-776).

An elected Constable can not be barred from working in the city limits by a mayor, chief of police or by the city council but he/she must keep his office in the district which he/she is elected (OAG 74-554).

Constables are a fee's paid officer of the court. Constables are entitled to receive fee's for all citations that they write and warrants they serve.

Jurisdiction:

The Kentucky Constitution, Section 106, states that, "Constables shall possess the same qualifications as Sheriffs and their jurisdiction shall be co-extensive with the counties in which they reside.

Statement of Common Purpose:

The purpose of the Kentucky Constable is to uphold the law fairly and firmly: to prevent crime, to pursue and bring to justice those who break the law; to keep the peace; to protect, help and reassure the community: and to be seen to do all this with integrity, common sense and sound judgment.

We must be compassionate, courteous and patient, acting without fear or favor or prejudice to the rights of others. We need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty.

We must strive to reduce the fears of the public and, so far as we can, to reflect their priorities in the action we take.

Qualifications:

Constables must be 24 years of age, a citizen of the state for two years and a resident of the county and district one year prior to election. Before taking office, constables must execute a bond at a minimum amount of \$10,000, approved by the fiscal court.

Deputies

In the counties containing first-class and second-class cities, constables, with the approval of the county judge/executive, may appoint one or more deputies (KRS 70.320). Each deputy constable in counties containing a consolidated local government or city of the first class shall be compensated by a salary set by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county.

COPS

COP = Constable On Patrol

Each deputy constable must be an American citizen, at least twenty-one years of age, and must have resided in the county for two years. He may not have been a watchman, night guard, or a detective for two years preceding his employment. A person convicted of or under indictment for a crime involving moral turpitude is also ineligible for the position of deputy (KRS 61.300). Constables are liable for all acts and omissions of their deputies and may remove them by filing a written direction with the county judge/executive or by the mayor in a consolidated local government (KRS 70.320)

Peace officers in the state of Kentucky (general):

The sheriff and three other elected county officials--coroners, jailers and constables--are peace officers, possessing law enforcement powers (KRS 446.010). These powers include a broad grant of authority to make arrests. Under the authority of KRS 431.005, any peace officer may make an arrest:

- (a) In obedience to a warrant;
- (b) Without a warrant when a felony is committed in his presence;
- (c) Without a warrant when he has probable cause to believe the person arrested has committed a felony;
- (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been committed in his presence; or
- (e) Without a warrant when harassment, criminal trespass in the 3rd degree and certain traffic violations are committed in his presence, or if he has probable cause to believe that a person is driving under the influence of alcohol or any other substance which may impair his driving ability.