

Office of constable outdated, irrelevant as an arm of law enforcement, justice secretary says

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FRANKFORT – The office of constable is outdated and irrelevant as an arm of law enforcement and poses potential liabilities for counties, according to a report released Thursday by Justice and Public Safety Secretary J. Michael Brown.

Citing several high-profile incidents involving constables over the past year, Brown in April directed the Department of Criminal Justice Training to convene a working group to assess whether constables still had a viable role in modern day law enforcement functions.

“I asked DOCJT to develop a comprehensive, objective view of the authority, usefulness and purpose of constables – to look at all angles of the office and determine if a position that served a defined need 200 years ago was still relevant today,” Brown said in a statement. “The answer is a resounding no.”

The six-month review included an historical perspective of constables in Kentucky and other states’ experiences with the office, as well as statewide surveys conducted with primary stakeholders that elicited more than 1,400 responses.

The report, “Constables in Kentucky: Contemporary Issues and Findings Surrounding an Outdated Office,” reveals that an overwhelming majority of county and law enforcement officials see little to no practical purpose behind the constitutional office, and believe it should be abolished or its law enforcement authority eliminated or restricted.

The report also notes there is no required training, education and experience among office holders – a standard inconsistent with other Kentucky law enforcement officers, who are certified according to the Peace Officer Professional Standards.

“Certified peace officers today meet rigorous pre-employment standards and training and are regulated through multiple layers of oversight and public scrutiny,” Brown said. “That standard is diluted when law enforcement powers are shared with individuals who lack the required training and accountability.”

The actual law enforcement benefit to counties is negligible, the report indicates, as constables currently perform less than one-fourth of one percent of the law enforcement work in Kentucky.

For the most part, constables perform security guard functions, direct traffic at events or serve civil warrants. “As none of these functions require law enforcement authority their authorized (and sometimes unauthorized) activities creates liabilities and risks to counties,” according to the report.

Even among constables themselves, who were a sixth key stakeholder group surveyed, there exists a dramatic disparity in the type of duties they perform; the understanding of what their role is; and the level of education and training they receive.

"While constables undeniably wish to perform a public service, the fact remains that for many of them the role is a part time position with no certified requirements, no certified standards and no training," DOCJT Commissioner John Bizzack said in a news release. "What we have today is a position that has been called a hobby. And as a hobby, the office shouldn't have the same law enforcement authority as trained, certified professional officers."

A copy of the full report is available at <https://docjt.ky.gov/constables.html>.