



1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Criminal Justice Training

3 (Amended After Comments)

4 503 KAR 3:010. Basic law enforcement training course recruit conduct requirements;
5 procedures and penalties.

6 RELATES TO: KRS Chapter 13B, 15A.070(1), 15.380 to 15.404, 503 KAR 1:110

7 STATUTORY AUTHORITY: KRS 15A.070(5)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) requires the
9 department~~[Department of Criminal Justice Training]~~ to establish, supervise, and coordinate
10 training programs and schools for law enforcement personnel. KRS 15A.070(5) authorizes the
11 commissioner of the department~~[Department of Criminal Justice Training]~~ to promulgate
12 administrative regulations. This administrative regulation establishes conduct requirements of
13 recruits attending basic law enforcement training courses conducted by the
14 department~~[Department of Criminal Justice Training]~~, procedures for disciplinary action, and
15 penalties for violations of conduct requirements.

16 Section 1. ~~[Uniforms,]~~Operator's License~~[,]~~ and Criminal History Records Check Required.

17 (1) A recruit shall ~~[:]~~

18 ~~[(a)] [Provide the uniforms required in Section 6(8) of this administrative regulation; and]~~

19 ~~[(b)]~~ present proof of a valid motor vehicle operator's license to the class administrator prior to

20 participating~~[participate]~~ in the basic training course.

(2) Prior to the recruit participating in the basic training course, the recruit's employing law enforcement agency shall submit Form 151, Applicant Confirmation, to the department stating that:

(a) A criminal history check, in accordance with KRS 15.382(5) and (6)~~[503 KAR 1:140, Section 4(1)(f) and (2)]~~, has been conducted within ninety (90) days before the recruit attends basic law enforcement ~~[basic]~~ training; and

(b) The recruit is not prohibited by state or federal law from:

1. Possessing a firearm; or

2. Accessing the Criminal Justice Information System (CJIS) or any other restricted records database.

(3) If the recruit has been in precertified status, pursuant to KRS 15.386(1), for less than ninety (90) days before participating in~~[arriving for]~~ the basic law enforcement ~~[basic]~~ training course, an additional criminal records check shall not be required of the employing law enforcement agency.

Section 2. Removing a Recruit from the Course.

(1) Unqualified recruit. If a recruit is not qualified to participate in the basic training course under subsection (3) of this section, the recruit~~[he]~~ shall:

(a) Be removed from basic training by the~~[:]~~

~~[1.] commissioner or designee; and~~~~[:]~~

~~[2.] [Director;]~~

~~[3.] [Branch manager; or]~~

~~[4.] [Section supervisor; and]~~

(b) Not receive ~~[no-]~~ credit for ~~[the part of the course he has-]~~ completed portions of basic law enforcement training course.

1 (2) If a recruit is removed from training, pursuant to subsection (1) of this section, within thirty
2 (30) days of the removal, he or she may request in writing an administrative hearing, which shall
3 comply with KRS Chapter 13B.

4 (3) A recruit shall be considered unqualified if ~~he~~:

5 (a) ~~[Or his law enforcement agency files]~~ An incomplete or fraudulent application to attend
6 basic training is filed; ~~or~~

7 (b) There is a failure ~~[Otherwise fails]~~ to comply with admissions requirements in KRS 15.382
8 and this administrative regulation ~~[-and 503 KAR Chapter 3, including Form 151 required in~~
9 ~~Section 1(2) of this administrative regulation]; or~~

10 (c) ~~(b)~~ The recruit:

11 1. Is not presently employed as a law enforcement officer and has not received special
12 permission to attend;

13 2. ~~(e)~~ Is ~~[Arrives at the beginning of basic training]~~ physically unable to participate due to
14 ~~[because of:]~~

15 ~~[1.]~~ physical injury ~~;~~ or

16 ~~[2.] [Being under the influence of alcohol or drugs (prescription or illegal); or]~~

17 ~~[3.]~~ the recruit's failure of the physical training entry requirements as found in 503 KAR 1:110
18 and 503 KAR 1:140 if the recruit is required to complete basic training in order to fulfill the peace
19 officer certification provisions as found in KRS 15.380 to 15.404; or

20 3. ~~(d)~~ Was the subject of ~~[Has had prior]~~ disciplinary action initiated during a previous DOCJT
21 training course ~~[while at DOCJT]~~ which has not been resolved or would preclude ~~[prevent]~~
22 participation ~~[-(expelled or suspended from training), or has a pending disciplinary action which~~
23 ~~was initiated during a previous DOCJT training course; or]~~

1 ~~[(e)] [Is unprepared to participate in training due to his arrival without the required equipment,~~
2 ~~license, uniform, or preparation;]~~

3 (4) Agency's request: The department shall remove a recruit from the basic law enforcement
4 training course upon the department's receipt of a written request from the recruit's employing law
5 enforcement agency. Depending on the circumstances, the recruit may not[shall] receive ~~[no~~
6 ~~]credit for the completed portions[part-]of the basic law enforcement training course.[course he~~
7 ~~has completed.]~~

8 Section 3. Recruit Performance Report.

9 (1) In order to keep the recruit's employing law enforcement agency advised of the recruit's
10 progress and performance in basic law enforcement training so that the agency may adequately
11 assess the recruit's ability to perform required duties, the department shall provide the following
12 to the police chief, sheriff, or chief administrator of the recruit's employing law enforcement
13 agency:

14 (a) Recruit performance report which shall be completed at least three (3) times throughout the
15 basic law enforcement training course and shall include recruit conduct, attitude, appearance,
16 relationship with others, communication skills, examination scores, and leadership status; and

17 (b) Immediate notice of specific nonperformance or lack of progress;

18 (2) The recruit and the recruit's employing law enforcement agency head or designee shall have
19 access to the recruit's training record without filing an open records request pursuant to KRS
20 61.870 through KRS 61.884.

21 Section 4. Authority to Impose Discipline.

22 (1) A recruit may receive a verbal warning from a department instructor, section supervisor,
23 branch manager, division director, or the commissioner or designee without meeting the

1 requirements of formal discipline procedures provide by Sections 24 through 28 of this
2 administrative regulation.

3 (2) A recruit may receive a written reprimand or loss of privileges from a section supervisor,
4 branch manager, division director, or the commissioner or designee without meeting the
5 requirements of the formal disciplinary procedures provided by Sections 24 through 28 of this
6 administrative regulation.

7 (3) Before the penalty set out in subsection (1) or (2) above may be imposed, the recruit shall
8 have an opportunity to be given an explanation.

9 (4) Any penalty set out in subsection (1) or (2) above that is imposed on a recruit shall be
10 reviewed by and may be rescinded or modified by the immediate supervisor of the staff member
11 that imposed the penalty.

12 (5) The recruit shall have the opportunity to give an explanation to the reviewing immediate
13 supervisor.

14 (6) Only the commissioner or designee may impose any penalty on a recruit for criminal
15 conduct and for all conduct for which a suspension or expulsion is allowed after an investigation
16 has been conducted.

17 Section 5. Uniforms and Hygiene.

18 (1) A recruit shall wear the required uniform and practice good personal hygiene while
19 participating in the basic law enforcement training course. Exceptions shall be approved in
20 advance by the branch manager.

21 (2) The recruit shall acquire all necessary uniforms and wear them as required by the
22 department.

23 (a) Navy blue utility uniforms shall be:

1 1. Clean, pressed and in good condition;

2 2. Appropriately sized to fit the recruit and not excessively loose or tight;

3 3. Worn over a clean white or department-issued tee-shirt, visible at the neck; and

4 4. Worn with a wide black police-type belt, clean black police-type footwear, black or navy
5 blue socks, and when outdoors, a department-issued cap.

6 (b) The recruit may wear one (1) watch and one (1) ring. A wedding and engagement ring worn
7 together shall be considered one (1) ring.

8 (c) A name tag, provided by the department, shall be worn on the left shirt-pocket flap.

9 (d) Sleeves on winter shirts shall not be rolled up outside the classroom.

10 (e) Physical fitness uniform shall be provided by the recruit and shall consist of solid dark blue
11 athletic shorts, solid dark blue sweatshirt and sweatpants, solid white athletic socks, and a pair of
12 athletic shoes. A department-issued tee-shirt shall be worn during physical training.

13 (f) Optional clothing may be worn during a training activity if authorized by the instructor.

14 (3) Grooming:

15 (a) A recruit may wear a neatly trimmed mustache, if allowed by the recruit's employing law
16 enforcement agency.

17 (b) A recruit's hair shall be clean, neat, kept off the collar and shall not obstruct the recruit's
18 vision.

19 (4) The eligible penalties for a violation of this section shall be verbal warning or written
20 reprimand.

21 Section 6. Accommodations.

22 (1) The department may authorize a recruit to commute to the basic law enforcement training
23 course.

1 (a) Authorization to commute shall be contingent on the following:

2 1. Written authorization from the police chief, sheriff, or chief administrator of the recruit's
3 employing law enforcement agency prior to the recruit's participation in the basic law enforcement
4 training course, which may be revoked at any time at the discretion of the recruit's employing law
5 enforcement agency;

6 2. Approval of the commissioner or designee based on the needs of the department; and

7 3. The recruit's continued compliance with the requirements set forth in KRS 15.382 and this
8 administrative regulation.

9 (b) The recruit's authorization to commute to the basic law enforcement training course shall
10 be terminated upon the recruit's second absence or third tardy to the basic law enforcement training
11 course.

12 (c) The department shall not be responsible for any expense incurred by the recruit or the
13 recruit's employing law enforcement agency related to the recruit's commute to and from or
14 between training sites of the basic law enforcement training course.

15 (d) A recruit that is authorized to commute to the basic law enforcement training course shall
16 receive one meal allowance per day of attendance at the basic law enforcement training course.

17 (e) If a recruit is required to stay overnight at the basic law enforcement training course due to
18 an exigent circumstance that is preapproved and documented in writing by the commissioner or
19 designee, the recruit shall be entitled to a meal allowance for dinner the night of the stay and a
20 meal allowance for breakfast the next morning.

21 (f) Unless an exception is granted by the commissioner or designee, a recruit shall not be
22 authorized to commute to the basic law enforcement training course if:

1 1. The recruit has had his or her authorization to commute terminated by the recruit's employing
2 law enforcement agency or the department; or

3 2. The recruit has previously voluntarily elected to discontinue commuting to the basic law
4 enforcement training course.

5 (2) If a recruit resides in a residence hall designated by the department, including a hotel or
6 other department-funded accommodation, the recruit shall:

7 (a) Report and return to the recruit's residence hall by curfew times designated by the
8 coordinator, Sunday through Thursday evenings, and remain there until 5:00 a.m. the next
9 morning. Exceptions shall require approval from the class coordinator or above. The eligible
10 penalties shall be verbal warning, written reprimand, or loss of privileges;

11 (b) Clean the recruit's area as directed by the coordinator. The eligible penalties shall be verbal
12 warning or written reprimand;

13 (c) Keep doors of the recruit's room locked whenever the room is unoccupied. The eligible
14 penalties shall be verbal warning or written reprimand;

15 (d) Not use hot plates or other table-top cooking surfaces not pre-installed in the residence hall
16 by the department, hotel, or other department-funded accommodation. The eligible penalties shall
17 be verbal warning, written reprimand, or loss of privileges;

18 (e) Not allow a visitor in the recruit's room, unless authorized by the class coordinator. The
19 eligible penalties shall be verbal warning, written reprimand, or loss of privileges;

20 (f) Not keep pets or animals of any kind in the recruit's room, except ADA-defined service
21 animals with advanced, written approval from the commissioner or designee. The eligible penalties
22 shall be verbal warning, written reprimand, or loss of privileges;

1 (g) Not engage in dangerous or disruptive behavior. The eligible penalties shall be verbal
2 warning, written reprimand, loss of privileges, or suspension; and

3 (h) Submit to inspections of residence hall rooms, closets, and containers therein by department
4 staff. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges.

5 Section 7. Department Property.

6 (1) A recruit shall:

7 (a) Not damage, destroy, or fail to return property of the department or any other facility used
8 by the department;

9 (b) Use department property in a manner that conserves resources and avoids waste; and

10 (c) Not use department property for personal benefit or gain.

11 (2) A recruit shall not be allowed to graduate until the recruit has returned all issued items or
12 made satisfactory arrangements to pay for unreturned or damaged items.

13 (3) The eligible penalties for a violation of this section shall be verbal warning, written
14 reprimand, loss of privileges, suspension, or expulsion.

15 Section 8. Absences.

16 (1) A recruit shall:

17 (a) Be considered tardy if the recruit is not physically present at a class or other required
18 department activity for fewer than ten (10) minutes.

19 (b) Be considered absent if the recruit is not physically present in a class or other required
20 department activity for ten (10) or more minutes; and

21 (c) Give advance notice of an absence or tardy, if possible.

22 (2) Excused absence or tardy.

23 (a) An absence or tardy may be excused if due to:

1 1. Illness;

2 2. Illness of an immediate family member;

3 3. Death of an immediate family member;

4 4. Necessity of the recruit's agency; or

5 5. Emergency circumstances.

6 (b) The determination as to whether an absence or tardy is excused shall be made by the section
7 supervisor or branch manager.

8 (c) If a recruit's absence is excused, the recruit shall make up for the absence by completing an
9 assignment provided by the instructor who taught the missed unit. Failure to make up the work
10 shall be deemed a failure for that missed unit.

11 (d) If a recruit's absence is excused and the recruit misses more than ten (10) percent of the total
12 hours of the basic law enforcement training course, the recruit shall be provided an opportunity to
13 make up the missed hours through completing the missed assignment or, if necessary, alternative
14 assignments assigned by the instructor, if feasible, or withdrawn from the basic law enforcement
15 training course and reenrolled in a subsequent class beginning at the point at which the recruit was
16 first absent. The period for reenrollment in a subsequent class shall not exceed six (6) months from
17 the date of the class from which the recruit was withdrawn unless an exception is approved by the
18 commissioner or designee.

19 (3) Unexcused absence or tardy.

20 (a) If a recruit's tardy is unexcused the eligible penalties shall be verbal warning or written
21 reprimand.

22 (b) The eligible penalties for an unexcused absence shall be verbal warning, written reprimand,
23 loss of privileges, or suspension.

1 (c) If a recruit's absence is unexcused and the recruit misses more than five (5) percent of the
2 total hours of the basic law enforcement training course, the recruit shall be withdrawn from the
3 basic law enforcement training course and receive no credit for completed training.

4 Section 9. Tobacco, Food, and Drink Products.

5 (1) A recruit shall not possess tobacco products while on department property or other facility
6 used by the department.

7 (2) A recruit shall not bring food or drink into a basic law enforcement training course activity
8 unless so permitted by the branch manager or above.

9 (3) The eligible penalties for a violation of this section shall be verbal warning or written
10 reprimand.

11 Section 10. Electronic Devices. A recruit shall not possess any personal electronic devices,
12 including any type of smart device, during scheduled training hours unless written permission is
13 granted by the class coordinator. The eligible penalties for a violation of this section shall be verbal
14 warning or written reprimand.

15 Section 11. Alcohol. A recruit shall not possess, consume, or be under the influence of alcoholic
16 beverages while present at the basic law enforcement training course, or participating in basic law
17 enforcement training course activities. Any alcoholic beverage and its container shall be
18 confiscated. The eligible penalties for a violation of this section shall be written reprimand, loss of
19 privileges, suspension, or expulsion.

20 Section 12. Controlled Substances.

21 (1) A recruit shall not possess or consume any controlled substance not prescribed or certified
22 by a qualified medical professional while present at the basic law enforcement training course or

1 participating in basic law enforcement training course activities. The eligible penalties shall be
2 suspension or expulsion.

3 (2) A recruit shall advise the class coordinator or the section supervisor and the recruit's
4 employing law enforcement agency in writing prior to the recruit's use of a controlled substance,
5 medical cannabis, or any medication that could impair their judgment or compromise safety at the
6 basic law enforcement training course. The eligible penalties for a violation of this section shall
7 be verbal warning, written reprimand, or suspension.

8 (3) If a recruit is under the influence of a controlled substance to the extent that the recruit may
9 be impaired or may endanger him or herself or other persons or property the recruit shall not
10 participate in any basic law enforcement training course activity.

11 Section 13. Deadly Weapons. A recruit shall not possess deadly weapons (as defined in KRS
12 500.080), ammunition, destructive devices (as defined in KRS 237.030), booby trap devices (as
13 defined in KRS 237.030), hazardous substances (as defined in KRS 224.1-400), fireworks, knives
14 (except an ordinary pocketknife), or instruments used by law enforcement for control purposes
15 (such as batons, stun guns, Mace, and pepper spray) on property used by the department except
16 under circumstances specifically authorized by the department. The eligible penalties for a
17 violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension,
18 or expulsion.

19 Section 14. Dangerous or Disruptive Conduct.

20 (1) A recruit shall not threaten to engage in, or engage in, any conduct that reasonably creates,
21 or may create, a risk of injury to self or others.

22 (2) If the conduct or condition of a recruit constitutes an immediate danger or an immediate
23 threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of a

1 department activity, a department staff member may take reasonable steps necessary to resolve the
2 situation.

3 (3) The eligible penalties for a violation of this section shall be verbal warning, written
4 reprimand, loss of privileges, or suspension or expulsion.

5 Section 15. Chain of Command. All communications shall follow chain of command of the
6 department. Exceptions are the unavailability of a supervisor or the recruit's complaint regarding
7 a supervisor. The eligible penalties for a violation of this section shall be verbal warning or written
8 reprimand.

9 Section 16. Insubordination. A recruit shall obey an instruction from a department staff member
10 unless the recruit has a reasonable basis for belief that the order is unlawful or contrary to
11 regulations. The eligible penalties for a violation of this section shall be verbal warning, written
12 reprimand, loss of privileges, or suspension.

13 Section 17. Obscene Material. A recruit shall not possess obscene material as defined in KRS
14 531.010. The eligible penalties for a violation of this section shall be verbal warning, written
15 reprimand, loss of privileges, suspension, or expulsion.

16 Section 18. Sexual Harassment.

17 (1) Unwelcome sexual advances; requests for sexual acts or favors, with or without
18 accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical
19 conduct of a sexual nature that creates or has the intention of creating a hostile or offensive working
20 environment are prohibited.

21 (2) Complaints of sexual harassment shall be promptly investigated, and all recruits shall be
22 free from all reprisal or retaliation for filing such complaints.

1 (3) Further, all recruits are assured that they will be free from all reprisal and retaliation for
2 participating in an investigation of sexual harassment.

3 (4) Any recruit who is made aware of a complaint of sexual harassment while enrolled in basic
4 training has a duty to immediately notify the class coordinator or section supervisor. If the section
5 supervisor is the subject of the problem, the recruit shall immediately notify the branch manager.

6 (5) Recruits may also bring the complaint to the attention of the agency human resources
7 administrator or EEO Coordinator, or the State EEO Coordinator at (502) 564-8000.

8 (6) The privacy of the complainant and the person accused of harassment shall be protected to
9 the fullest extent permitted by law.

10 (7) A recruit who makes an oral report under this section shall be advised that the report
11 will be documented in writing by department staff.

12 (8) If the investigation reveals that the complaint appears to be valid, appropriate corrective
13 action will be taken to stop sexual harassment and prevent its recurrence.

14 (9)[(8)] The eligible penalties for a violation of this section shall be verbal warning, written
15 reprimand, loss of privileges, suspension, or expulsion.

16 Section 19. Criminal Conduct.

17 (1) While enrolled in a basic law enforcement training course, if a recruit is convicted of,
18 charged with, or under investigation for a felony, the commissioner or designee shall determine
19 the penalty after consultation with the investigating or prosecuting agency, and the recruit's agency.
20 Depending on the nature of the conduct and whether the recruit is convicted of, charged with, or
21 under investigation for a felony, the recruit shall be penalized by suspension or expulsion.

22 (2) While enrolled in a basic law enforcement training course, if a recruit is convicted of,
23 charged with, or under investigation for a misdemeanor or violation, the commissioner or designee

1 shall determine the penalty after consultation with the investigating or prosecuting agency, and the
2 recruit's agency. Depending on the nature of the conduct and whether the recruit is convicted of,
3 charged with, or under investigation for a misdemeanor or violation, the recruit shall be penalized
4 by a verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

5 Section 20. Other Conduct.

6 (1) A recruit shall refrain from:

7 (a) Vulgarity, rudeness, confrontation, dishonesty, or other disrespectful conduct directed
8 toward a department staff member, guest, or other recruit;

9 (b) Conduct that is patently offensive;

10 (c) Conduct that creates a disruptive learning environment; and

11 (d) Knowingly and purposely filing a false complaint.

12 (2) The eligible penalties for a violation of this section shall be verbal warning, written
13 reprimand, loss of privileges, suspension, or expulsion.

14 Section 21. Classroom Activities.

15 (1) A recruit shall be attentive during training activities. The eligible penalties shall be verbal
16 warning or written reprimand.

17 (2) A recruit shall not take a break without permission or in an area restricted by the department.
18 The eligible penalties shall be verbal warning or written reprimand.

19 (3) Insufficient performance of assignments.

20 (a) A recruit shall not submit for credit an assignment that is incomplete or does not meet the
21 standards established for that assignment. Incomplete work includes a recruit's refusal to
22 participate in group assignments or a required task. The eligible penalties shall be written
23 reprimand, loss of privileges, or suspension.

1 (b) A recruit shall not represent as their own work and submit for credit any written material or
2 other tangible deliverable created in whole or in part by another unless it is a joint project. The
3 eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

4 (c) A recruit shall not submit any plagiarized materials for credit. Plagiarism is using the work,
5 words, or ideas of another without attribution. The eligible penalties shall be written reprimand,
6 loss of privileges, suspension, or expulsion.

7 (d) A recruit shall not submit for credit unprofessional work product that is patently offensive
8 or presented to others with the intent to offend. The eligible penalties shall be written reprimand,
9 loss of privileges, suspension, or expulsion.

10 (4) A recruit shall not cheat or attempt to cheat on a test or on any other assignment or activity.
11 The eligible penalties shall be verbal warning, written reprimand, loss of privileges, suspension,
12 or expulsion.

13 Section 22. Penalties for Misconduct.

14 (1) The penalties established in this section shall apply to a recruit's failure to meet conduct
15 requirements of the department and shall be applied depending on the frequency and severity of
16 the violations.

17 (a) Verbal warning. The recruit is warned verbally that he or she has violated a conduct
18 requirement.

19 (b) Written reprimand. The recruit is reprimanded in writing for violating a conduct
20 requirement.

21 (c) Loss of privileges. The recruit's privileges as specified in the imposed penalty are rescinded
22 for a stated period. The recruit's participation in basic law enforcement training course activities is
23 not affected.

1 (d) Suspension. The recruit is suspended from the basic law enforcement training course for a
2 period specified by the commissioner or designee and privileges are rescinded during the
3 suspension period.

4 (e) Expulsion. The recruit is dismissed from the basic law enforcement training course, all
5 privileges are terminated, credit shall not be awarded for the completed portion of the course, and
6 the recruit shall not return to the basic law enforcement training course for a period of two (2)
7 years unless the recruit obtains permission from the commissioner or designee.

8 (2) Second and subsequent violations.

9 (a) If a recruit has received a penalty for violating a conduct requirement, for a second violation
10 of any conduct requirement, the next higher penalty shall be added to the list of penalties that may
11 be imposed for the second violation.

12 (b) If a recruit has previously received two (2) penalties for violating two (2) conduct
13 requirements, for a third or subsequent violation of any conduct requirement, the next two (2)
14 higher penalties shall be added to the list of penalties that may be imposed for the third or
15 subsequent violation.

16 (3) Notice of disciplinary action.

17 (a) The department shall give written notice to a recruit and his or her agency of any penalty
18 imposed upon the recruit.

19 (b) If the penalty exceeds Summary Discipline as defined in Section 23, the department shall
20 provide verbal notification of the proposed disciplinary action to the recruit's agency head prior to
21 written notice.

22 (4) Discipline records. A copy of any disciplinary notice and penalty imposed on a recruit shall
23 be placed in the recruit's basic training file.

1 Section 23. Summary Discipline.

2 (1) Summary discipline includes a verbal warning, written reprimand, and loss of privileges.

3 (2) A department instructor may summarily impose a verbal warning, and a section supervisor
4 or above may summarily impose a verbal warning, written reprimand, or loss of privileges without
5 meeting the requirements of a formal disciplinary procedure provided by Sections 24 through 28
6 of this administrative regulation.

7 (3) To have authority to impose summary discipline, the staff member shall believe by a
8 preponderance of the evidence that the recruit has engaged in misconduct.

9 Section 24. Complaint. Anyone having reasonable grounds for believing that a recruit has
10 violated a conduct requirement identified in this administrative regulation may file a complaint
11 with the section supervisor or branch manager. This complaint shall be in writing setting forth the
12 facts upon which the complaint is based.

13 Section 25. Investigation.

14 (1) If the section supervisor or above receives a complaint of or witnesses apparent misconduct,
15 the section supervisor or other department employee designated by the commissioner or designee
16 shall take statements and otherwise investigate the matter. A notice of investigation shall be
17 provided to the recruit.

18 (2) After investigating the matter, the section supervisor shall, with the concurrence of their
19 branch manager:

20 (a) Take no action if none is justified by the evidence;

21 (b) Impose appropriate summary discipline; or

22 (c) File, with the commissioner or designee, a written request that charges be brought against
23 the recruit. The request for charges shall describe the alleged misconduct and designate the specific

1 conduct requirements violated. All pertinent evidence and documents, including the complaint and
2 statements of the recruit and witnesses, shall be included.

3 Section 26. Review by Commissioner.

4 (1) The commissioner or designee shall review the request for charges and the supporting
5 evidence and documents.

6 (2) The commissioner or designee may make or cause further inquiry into the matter for
7 additional information.

8 (3) The commissioner or designee shall:

9 (a) File any charges against the recruit the commissioner or designee believes are justified by
10 the evidence; or

11 (b) Deny the request for charges if the evidence does not support any charges. If the
12 commissioner or designee declines to file charges, the commissioner or designee shall provide the
13 recruit with a statement of the reasons for not filing charges.

14 (4) The charging document shall:

15 (a) Be in writing;

16 (b) Particularly describe the alleged misconduct to reasonably inform the recruit of the nature
17 of the allegation;

18 (c) State the time, date, and place the recruit shall make an initial appearance before the
19 commissioner or designee to answer the charges;

20 (d) Be signed by the commissioner or designee;

21 (e) Be served upon the recruit at least one (1) hour before his initial appearance before the
22 commissioner or designee; and

23 (f) State the recruit's right to be represented by legal counsel.

1 Section 27. Removal from the Basic Law Enforcement Training Course Pending an Initial
2 Appearance before the Commissioner. If a request for charges is filed against a recruit, the
3 commissioner or designee may remove the recruit from some or all training until the recruit's initial
4 appearance before the commissioner or designee, if there are grounds to believe the alleged
5 misconduct took place; and

6 (1) The commissioner or designee has reasonable suspicion to believe the recruit would be
7 dangerous or disruptive if not removed; or

8 (2) The recruit may be charged with misconduct serious enough to authorize suspension or
9 expulsion.

10 Section 28. Initial Appearance before the Commissioner.

11 (1) The initial appearance before the commissioner or designee shall be held no more than three
12 (3) training days after the charges have been served on the recruit. If the recruit, after receiving
13 proper notice, fails to appear, the commissioner or designee may proceed in the recruit's absence
14 and the recruit shall be notified in writing of any action taken.

15 (2) At the initial appearance before the commissioner or designee:

16 (a) The commissioner or designee shall:

17 1. Read the charges to the recruit; and

18 2. Explain to the recruit:

19 a. The charges;

20 b. The recruit's right to a hearing in accordance with KRS Chapter 13B; and

21 c. The recruit's right to be represented by legal counsel.

22 (b) The commissioner or designee shall explain to the recruit the possible answers to the charges
23 including:

1 1. Admit the charges are true;

2 2. Deny the charges are true but waive a hearing; or

3 3. Deny the charges are true and ask for a hearing.

4 (c) The commissioner or designee shall advise the recruit of the penalty which shall be imposed
5 if the recruit admits the charges or waives a hearing.

6 (d) The recruit shall be requested to answer the charges.

7 (e) If the recruit chooses to waive his or her rights and admits the charges or denies the charges
8 but waives a hearing:

9 1. The recruit shall be permitted to make a statement of explanation; and

10 2. The commissioner or designee shall impose a penalty.

11 (f) If the recruit denies the charges and requests a hearing or refuses to answer the charges, the
12 commissioner or designee shall set a date for the hearing. A notice of administrative hearing as
13 required by KRS 13B.050 shall be served on the recruit within forty-eight (48) hours after the
14 initial appearance before the commissioner or designee.

15 (3) The hearing shall be conducted in accordance with KRS Chapter 13B.

16 (4) The commissioner or designee may remove the recruit from some or all training until the
17 hearing if:

18 (a) There are reasonable grounds to believe the recruit would be dangerous or disruptive if not
19 removed; or

20 (b) The recruit is charged with misconduct serious enough to authorize expulsion or suspension
21 as a possible penalty.

22 Section 29. Incorporation by Reference.

23 (1) DOCJT Form 151, "Applicant Confirmation", 2025 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Criminal Justice Training, Funderburk Building, Kit Carson Drive, Richmond, Kentucky 40475-3102, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the department's website at <https://docjt.ky.gov/>.

~~[Section 3.] [Gifts. Gifts from recruits to department staff members shall conform to the Executive Branch Code of Ethics (KRS Chapter 11A).]~~

~~[Section 4.] [Penalties for Misconduct.]~~

~~[(1)] [The penalties established in this section shall apply to a recruit's failure to meet conduct or Honor Code requirements of the department. The penalties are listed in order of decreasing severity.]~~

~~[(a)] [Expulsion. The recruit is dismissed from the course, and all privileges are terminated. The recruit shall not reapply for admission to the department's basic training course for two (2) years from the date of expulsion.]~~

~~[(b)] [Suspension. The recruit is suspended from training for a specified period of time, not to exceed one (1) year; all privileges are rescinded during the suspension period.]~~

~~[(c)] [Probation. The recruit is placed on probation for a specified period of time, not to exceed the final date of the basic training course in which he is currently enrolled. A loss of privileges may be imposed during the period of probation. A violation of any conduct or Honor Code requirement during the period of probation shall result in an extension of the period of probation, additional loss of privileges, suspension, or expulsion.]~~

~~[(d)] [Loss of privileges. The recruit's privileges as specified in the imposed penalty are rescinded for a stated period of time. The recruit's participation in training activities is not affected.]~~

1 ~~[(e)] [Written reprimand. The recruit is reprimanded in writing for violating a conduct or Honor~~
2 ~~Code requirement.]~~

3 ~~[(f)] [Verbal warning. The recruit is warned verbally that he has violated a conduct or Honor~~
4 ~~Code requirement.]~~

5 ~~[(2)] [Second and subsequent violations:]~~

6 ~~[(a)] [If a recruit has received a penalty for violating a conduct or Honor Code requirement,~~
7 ~~upon a second violation of any conduct or Honor Code requirement the next higher penalty shall~~
8 ~~be added to the list of penalties in Sections 6 and 7 of this administrative regulation which may be~~
9 ~~imposed for the second violation.]~~

10 ~~[(b)] [If a recruit has previously received two (2) penalties for violating two (2) conduct or~~
11 ~~Honor Code requirements, upon a third or subsequent violation of any conduct or Honor Code~~
12 ~~requirement the next two (2) higher penalties in Sections 6 and 7 of this administrative regulation~~
13 ~~shall be added to the list of penalties which may be imposed for the third or subsequent violation.]~~

14 ~~[(3)] [Giving notice of disciplinary action to recruit. The department shall give written notice~~
15 ~~to a recruit of any penalty imposed upon him.]~~

16 ~~[(4)] [Penalty records:]~~

17 ~~[(a)] [The department shall keep a written record of any penalty imposed on a recruit.]~~

18 ~~[(b)] [A copy of any penalty imposed on a recruit shall be placed in his basic training file.]~~

19 ~~[(c)] [Only the department, including the department's use of redacted records for accreditation~~
20 ~~purposes, the recruit, and the recruit's agency head shall have access to the penalty records in a~~
21 ~~recruit's basic training file unless broader access is required by law.]~~

22 ~~[Section 5.] [Termination of Dangerous or Disruptive Situation. If the conduct or condition of~~
23 ~~a recruit constitutes an immediate danger or an immediate threat of danger to self or others, or is~~

1 ~~disruptive of, or is an immediate threat to be disruptive of a department activity, a department staff~~
2 ~~member may take all reasonable steps necessary to terminate the situation.]~~

3 ~~[Section 6.] [Conduct Requirements. A recruit attending the basic training course shall meet the~~
4 ~~conduct requirements established in this section.]~~

5 ~~[(1)] [General conduct, chain of command. All communications shall follow chain of command~~
6 ~~of the department. Exceptions are the unavailability of a supervisor, or the recruit's complaint~~
7 ~~regarding a supervisor. Penalty: verbal warning or written reprimand.]~~

8 ~~[(2)] [General conduct, insubordination. A recruit shall:]~~

9 ~~[(a)] [Obey a lawful order from a department staff member. Penalty: verbal warning, written~~
10 ~~reprimand, loss of privileges, probation, suspension, or expulsion.]~~

11 ~~[(b)] [Refrain from vulgarity, rudeness, violent, threatening, or offensive confrontation, or other~~
12 ~~disrespectful conduct directed toward a department staff member, recruit or other department~~
13 ~~trainee or guest. Penalty: verbal warning, written reprimand, probation, suspension, or expulsion.]~~

14 ~~[(3)] [General conduct, grooming. The recruit shall be clean shaven with sideburns no longer~~
15 ~~than the bottom of the ear lobe. A mustache is permitted if the recruit has the mustache upon arrival~~
16 ~~and keeps it neatly trimmed. A beard shall not be permitted unless the recruit receives permission~~
17 ~~from the department based upon a written request from the recruit's agency and good cause shown.~~
18 ~~A recruit's hair shall be clean and neat and shall not be over the collar. Penalty: verbal warning or~~
19 ~~written reprimand.]~~

20 ~~[(4)] [General conduct, alcoholic beverages and other intoxicants.]~~

21 ~~[(a)] [Regardless of amount, a recruit shall not possess, consume nor be under the influence of~~
22 ~~alcoholic beverages, controlled substances, or other intoxicating substances not therapeutically~~
23 ~~prescribed by a physician or a qualified medical professional while attending a basic training~~

1 ~~course which shall include all dates of training and periods when residing in the dormitory,~~
2 ~~including the weekend if the recruit is granted permission to stay beyond the normal Friday~~
3 ~~evening checkout. "Attending a basic training course" shall not include the weekend period during~~
4 ~~which recruits check out of the dormitory and return to their homes. A recruit shall not report to~~
5 ~~the dormitory having consumed alcoholic beverages, controlled substances, or other intoxicating~~
6 ~~substances. A recruit shall submit to testing as requested by the department to determine the~~
7 ~~presence of alcoholic beverages, or controlled or other intoxicating substances at the department's~~
8 ~~expense. Testing shall not be required to impose a penalty under this subsection, but may be~~
9 ~~requested if a department or dormitory staff member, instructor, section supervisor, branch~~
10 ~~manager, director or commissioner has a reasonable suspicion that the recruit has violated the~~
11 ~~provisions of this section. Testing may be randomly requested of all members of a basic training~~
12 ~~class or all dormitory residents. If a test is requested, a recruit shall be considered to have consumed~~
13 ~~alcoholic beverages if his or her blood alcohol concentration is 0.01 percent or greater. Penalty:~~
14 ~~written reprimand, loss of privileges, probation, suspension or expulsion.]~~

15 ~~[(b)] [If a recruit has taken a controlled substance as prescribed by a physician or a qualified~~
16 ~~medical professional or has taken any other medication, whether prescribed or not, he shall not~~
17 ~~participate in any training activity if he is under the influence thereof to the extent that the recruit~~
18 ~~may be impaired or may endanger himself or other persons or property. A recruit shall advise the~~
19 ~~class coordinator or the section supervisor in writing of the use of a controlled substance or~~
20 ~~medication whether or not it has been prescribed by a physician or a qualified medical professional.~~
21 ~~Penalty: verbal warning, written reprimand, probation, or suspension.]~~

22 ~~[(c)] [Confiscation.]~~

1 ~~[1.] [If a dormitory staff member, department instructor, section supervisor, or branch manager~~
2 ~~observes an unlawfully possessed intoxicating substance, he shall immediately confiscate it.]~~

3 ~~[2.] [Confiscated items shall be stored in a safe and secure facility of the department pending~~
4 ~~appropriate disposition.]~~

5 ~~[(5)] [General conduct, weapons and other dangerous devices.]~~

6 ~~[(a)] [A recruit shall not possess deadly weapons (as defined in KRS 500.080), ammunition,~~
7 ~~destructive devices or booby trap devices (as defined in KRS 237.030), hazardous substances (as~~
8 ~~defined in KRS 224.1-400), knives other than an ordinary pocket knife, fireworks, or instruments~~
9 ~~used by law enforcement for control purposes including batons, stun guns, Mace, and pepper spray,~~
10 ~~on property used by the department except under circumstances specifically authorized by the~~
11 ~~department. Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension,~~
12 ~~or expulsion.]~~

13 ~~[(b)] [Weapons specifically designated by the department to be used for training purposes shall~~
14 ~~be stored in a vault provided by the department at all times when they are not being used directly~~
15 ~~in training activities and may be removed only for scheduled training, servicing, cleaning, or~~
16 ~~repair. Servicing, cleaning, and repairs of weapons (other than repairs which may require the~~
17 ~~expertise of a qualified gunsmith) shall be carried out only as authorized by the section supervisor~~
18 ~~and only in the presence of a certified firearms instructor. Penalty: verbal warning, written~~
19 ~~reprimand, loss of privileges, or probation.]~~

20 ~~[(c)] [Confiscation:]~~

21 ~~[1.] [If a dormitory staff member, department instructor, section supervisor, branch manager,~~
22 ~~director or commissioner observes an unlawfully possessed weapon or other dangerous device he~~
23 ~~shall immediately confiscate it.]~~

1 ~~[2.] [Confiscated items shall be stored in a safe and secure facility of the department pending~~
2 ~~appropriate disposition.]~~

3 ~~[(6)] [General conduct, department property.]~~

4 ~~[(a)] [A recruit shall not recklessly, negligently, or intentionally damage, destroy, fail to return,~~
5 ~~or be wasteful of property of the department or any other facility used by the department. Penalty:~~
6 ~~verbal warning, written reprimand, loss of privileges, probation, suspension or expulsion.]~~

7 ~~[(b)] [A recruit shall not have successfully completed basic training, and shall not be allowed~~
8 ~~to graduate until he has returned all issued items or made satisfactory arrangements to pay for~~
9 ~~unreturned or damaged items.]~~

10 ~~[(7)] [General conduct, conduct unbecoming a recruit. A recruit shall not:]~~

11 ~~[(a)] [Engage in criminal activity, including acts which would constitute a felony, misdemeanor~~
12 ~~or violation, while enrolled in a basic training class. Depending on the nature of the conduct, the~~
13 ~~recruit shall be penalized by a verbal warning, written reprimand, loss of privileges, probation,~~
14 ~~suspension or expulsion. Additionally, the appropriate prosecutorial authority shall be notified of~~
15 ~~the activity if it constitutes a felony or class A misdemeanor, and may be notified of other activity~~
16 ~~if appropriate.]~~

17 ~~[(b)] [Engage in conduct which creates a danger or risk of danger to the recruit or another,~~
18 ~~possess obscene matter as defined in KRS 531.010, engage in conduct which is unreasonably~~
19 ~~annoying, engage in fighting or in violent, tumultuous or threatening conduct, or engage in sexual~~
20 ~~harassment or conduct which is patently offensive. Penalty: verbal warning, written reprimand,~~
21 ~~loss of privileges, probation, suspension or expulsion.]~~

1 ~~[(c)] [Engage in conduct which violates an Eastern Kentucky University policy or rule. The~~
2 ~~location of the policies and rules shall be provided to each recruit at the beginning of basic training.~~
3 ~~Penalty: verbal warning, written reprimand, loss of privileges, or probation.]~~
4 ~~[(8)] [Training activities, uniforms.]~~
5 ~~[(a)] [A recruit shall acquire all necessary uniforms and wear them as required by the~~
6 ~~department. Penalty: verbal warning, written reprimand, loss of privileges, or probation.]~~
7 ~~[(b)] [Navy blue utility uniforms shall be:]~~
8 ~~[1.] [Clean, pressed and in good condition;]~~
9 ~~[2.] [Appropriately sized to fit the recruit and not excessively loose, baggy, or tight;]~~
10 ~~[3.] [Worn over a clean white or department issued tee shirt, visible at the neck; and]~~
11 ~~[4.] [Worn with a wide black police type belt, clean black police type footwear, black or navy~~
12 ~~blue socks, and when outdoors, a department cap. Penalty: verbal warning or written reprimand.]~~
13 ~~[(e)] [Jewelry.]~~
14 ~~[1.] [The recruit may wear one (1) ring per hand. A wedding and engagement ring worn together~~
15 ~~shall be considered one (1) ring.]~~
16 ~~[2.] [Necklaces, earrings, bracelets, and other jewelry shall not be worn unless authorized by~~
17 ~~the coordinator. Penalty: verbal warning or written reprimand.]~~
18 ~~[(d)] [A name tag, provided by the department, shall be worn on the left shirt pocket flap.~~
19 ~~Penalty: verbal warning or written reprimand.]~~
20 ~~[(e)] [Sleeves on winter shirts shall not be rolled up outside the classroom. Penalty: verbal~~
21 ~~warning or written reprimand.]~~
22 ~~[(f)] [The physical fitness uniform shall be provided by the recruit and shall consist of solid~~
23 ~~dark blue athletic shorts, solid dark blue sweat shirt and sweat pants, solid white athletic socks,~~

1 and a pair of athletic shoes. A department issued tee shirt shall be worn during physical training.

2 Penalty: verbal warning or written reprimand.]

3 [(g)] [Optional clothing may be worn during a training activity if authorized by the class
4 coordinator.]

5 [(9)] [Training activities, absences.]

6 [(a)] [A recruit is absent if he is not physically present in a class or other required department
7 activity for ten (10) minutes or more. A recruit is tardy if he is not physically present at a class or
8 other required department activity for fewer than ten (10) minutes. A recruit shall give advance
9 notice of an absence if possible. Penalty for an unexcused absence: verbal warning, written
10 reprimand, loss of privileges, probation, or suspension; penalty for an unexcused tardiness: verbal
11 warning or written reprimand.]

12 [(b)] [All absences from basic training shall be approved by the section supervisor or branch
13 manager.]

14 [(c)] [If a recruit is absent, excused or unexcused, he shall make up for the absence by
15 completing an assignment provided by the class coordinator and class administrative specialist.
16 Failure to make up the work shall be deemed a failure of that training area.]

17 [(10)] [Training activities, breaks. Recruits shall be allowed a ten (10) minute break per hour
18 of instruction if possible. Breaks shall be taken only in areas designated by the department. Penalty:
19 verbal warning or written reprimand.]

20 [(11)] [Training activities, general conduct.]

21 [(a)] [A recruit shall be attentive during training activities. Penalty: verbal warning or written
22 reprimand.]

1 ~~[(b)] [A recruit shall not possess any electronic devices during scheduled training hours unless~~
2 ~~approval is granted by the class coordinator. Electronic devices shall include cellular telephones,~~
3 ~~mp3 type audio players, cameras, and recording devices. Penalty: verbal warning or written~~
4 ~~reprimand.]~~

5 ~~[(e)] [A recruit shall not use tobacco products during, or bring food or drink into a training~~
6 ~~activity. Penalty: verbal warning or written reprimand.]~~

7 ~~[(d)] [A recruit shall not engage in conduct which creates or may create a risk of injury to others~~
8 ~~during a training session. Penalty: probation, suspension, or expulsion.]~~

9 ~~[(e)] [A recruit shall complete assignments by the deadline established by the instructor or~~
10 ~~coordinator. Penalty: verbal warning or written reprimand.]~~

11 ~~[(12)] [Training activities, dishonesty.]~~

12 ~~[(a)] [A recruit shall not cheat or attempt to cheat on a test, or alter or attempt to alter a test~~
13 ~~grade or other evaluation result. A recruit shall not permit, assist or facilitate this conduct by~~
14 ~~another recruit. Penalty: suspension or expulsion.]~~

15 ~~[(b)] [A recruit shall not cheat or attempt to cheat on any other assignment or activity, engage~~
16 ~~in any other conduct intended to gain an undeserved evaluation, or falsify a document provided to~~
17 ~~the department during basic training. A recruit shall not permit, assist or facilitate this conduct by~~
18 ~~another recruit. Penalty: written reprimand, loss of privileges, probation, suspension or expulsion.]~~

19 ~~[(13)] [Residence hall.]~~

20 ~~[(a)] [During the basic training course a recruit shall reside in the residence hall designated by~~
21 ~~the department.]~~

22 ~~[(b)] [A recruit shall return to his residence hall at curfew times designated by the~~
23 ~~commissioner, Sunday through Thursday evenings, and Friday or Saturday if a training session is~~

1 ~~scheduled for the following day, and remain there until 5 a.m. the next morning. Exceptions shall~~
2 ~~be approved by the class coordinator and reported in writing through channels to the director.~~
3 ~~Penalty: verbal warning, written reprimand, loss of privileges, probation.]~~

4 ~~[(c)] [A recruit shall observe "lights out" thirty (30) minutes past the designated curfew. This~~
5 ~~time may be temporarily moved up or extended by the branch manager or designee based upon~~
6 ~~training or testing activities the following day. Penalty: verbal warning or written reprimand.]~~

7 ~~[(d)] [Each recruit shall be responsible for cleaning his area. Each morning, prior to leaving for~~
8 ~~class training, a recruit shall ensure his room is clean and free of trash, with beds made and the~~
9 ~~room ready for inspection. Penalty: verbal warning, written reprimand, loss of privileges.]~~

10 ~~[(e)] [The use of cooking appliances or space heaters is prohibited. Penalty: verbal warning,~~
11 ~~written reprimand, loss of privileges.]~~

12 ~~[(f)] [All residence hall rooms, closets, and containers therein may be inspected by department~~
13 ~~staff for purposes of safety, sanitation and rule violations.]~~

14 ~~[(g)] [A recruit residing at the residence hall shall not:]~~

15 ~~[1.] [Have any person of the opposite sex in his room, or visit in the room of a recruit of the~~
16 ~~opposite sex without the permission of the class coordinator. Penalty: verbal warning, written~~
17 ~~reprimand, loss of privileges, probation, or suspension.]~~

18 ~~[2.] [Have a visitor in his room after 9 p.m. Penalty: verbal warning or written reprimand, loss~~
19 ~~of privileges.]~~

20 ~~[3.] [Keep pets, animals, or birds of any kind in his room. Penalty: verbal warning, written~~
21 ~~reprimand, loss of privileges.]~~

22 ~~[4.] [Engage in dangerous, disruptive, immoral or obscene behavior. Penalty: verbal warning,~~
23 ~~written reprimand, loss of privileges, probation, suspension, or expulsion.]~~

1 ~~[Section 7.] [Honor Code.]~~

2 ~~[(1)] [The recruit shall abide by the provisions of the Honor Code which reads as follows: We~~

3 ~~are a dynamic team of individuals who possess a wide array of talent and strengths. In order for~~

4 ~~our team to grow and be successful, we will respect the leadership of the agency and follow~~

5 ~~directives to the best of our ability. We will make sacrifices for the benefit of the team. We will~~

6 ~~practice humility and show a spirit of compromise. As recruits of the Department of Criminal~~

7 ~~Justice Training, Law Enforcement Basic Training class, we will not lie, steal or cheat nor tolerate~~

8 ~~any among us who do. We will keep our private lives honorable as an example to all. We will be~~

9 ~~exemplary in obeying the laws of the commonwealth and the administrative regulations of the~~

10 ~~Department of Criminal Justice Training. Whatever we see or hear of a confidential nature or~~

11 ~~confided to us in our official capacity shall be kept confidential unless revelation is necessary in~~

12 ~~the performance of duty. We will never allow personal feelings, prejudices, ill will or friendships~~

13 ~~to influence our decisions. We know that each of us is individually responsible for standards of~~

14 ~~professional performance. Therefore, we will make the utmost effort to improve our level of~~

15 ~~knowledge and competence. We recognize the badge of our office as a symbol of public faith and~~

16 ~~accept it as a public trust to be held so long as we are true to the ethics of the police service. We~~

17 ~~will constantly strive to achieve these ideals, dedicating ourselves to our chosen profession—law~~

18 ~~enforcement. Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension~~

19 ~~or expulsion.]~~

20 ~~[(2)] [The coordinator shall designate a minimum of one (1) Honor Code representative during~~

21 ~~the first week of basic training. The Honor Code representative may be replaced:]~~

22 ~~[(a)] [For nonperformance of duties, including conduct violations; or]~~

1 ~~[(b)] [If the coordinator determines that a rotating assignment as Honor Code representative is~~
2 ~~in the best interest of the class.]~~

3 ~~[(3)] [All recruits shall report Honor Code violations to the Honor Code representative who~~
4 ~~shall report the offense to the class coordinator. The representative shall recommend the penalty~~
5 ~~to be imposed for the violation.]~~

6 ~~[(4)] [All disciplinary procedures contained in this administrative regulation shall apply to the~~
7 ~~Honor Code violation. The department may pursue separately any additional offenses discovered~~
8 ~~during the investigation of the Honor Code violation. The department may charge a recruit with~~
9 ~~an Honor Code violation without a prior report from the Honor Code representative. A penalty~~
10 ~~recommendation for the violation shall be solicited from the Honor Code representative.]~~

11 ~~[Section 8.] [Department's Responsibilities to Recruit's Agency. In order to keep the agency~~
12 ~~advised of the recruit's progress and performance in basic training so that the agency may~~
13 ~~adequately assess the recruit's ability to perform required duties, the department shall provide the~~
14 ~~following to the police chief, sheriff or chief administrator of the recruit's agency:]~~

15 ~~[(1)] [Recruit performance report which shall be completed at least three (3) times throughout~~
16 ~~the current KLEC approved basic training course and shall include recruit conduct, demonstrated~~
17 ~~leadership abilities, examination scores, physical fitness scores and overall effort on performance,~~
18 ~~observed social and interpersonal skills, and appearance;]~~

19 ~~[(2)] [Immediate notice of specific nonperformance or lack of progress;]~~

20 ~~[(3)] [Immediate notice of any off campus activity which reflects negatively on the profession,~~
21 ~~including the following:]~~

22 ~~[(a)] [Parking a marked police vehicle at a:]~~

23 ~~[1.] [Bar;]~~

1 ~~[2.] [Tavern;]~~

2 ~~[3.] [Lounge;]~~

3 ~~[4.] [Nightclub; or]~~

4 ~~[5.] [Other establishment with the primary purpose of serving alcoholic beverages;]~~

5 ~~[(b)] [Disorderly conduct;]~~

6 ~~[(c)] [Speeding; or]~~

7 ~~[(d)] [Other behavior that gives rise to a citizen's complaint;]~~

8 ~~[(4)] [Written notice of any conduct or Honor Code penalty imposed upon the recruit;]~~

9 ~~[(5)] [Notice if a recruit has been charged with a violation of a conduct or Honor Code~~

10 ~~requirement and has requested a hearing;]~~

11 ~~[(6)] [Notice if a recruit has been removed from training pending an initial appearance before~~

12 ~~the commissioner as defined in Section 10 of this administrative regulation, or if a recruit has been~~

13 ~~removed from training pending a disciplinary hearing as defined in Section 14(3) of this~~

14 ~~administrative regulation; and]~~

15 ~~[(7)] [Immediate notice of concerns related to the recruit's safety, or physical or emotional~~

16 ~~health.]~~

17 ~~[Section 9.] [Summary Discipline. Except for summary discipline, a penalty shall not be~~

18 ~~imposed upon a recruit unless charges have first been brought by the legal officer.]~~

19 ~~[(1)] [The department staff members listed in this subsection may impose the specified penalties~~

20 ~~summarily without meeting the requirements of the formal disciplinary procedures provided by~~

21 ~~Sections 10 through 15 of this administrative regulation. To have the authority to impose summary~~

22 ~~discipline, the staff member shall have reasonable grounds to believe the recruit has engaged in~~

23 ~~the misconduct.]~~

1 ~~[(a)] [A department instructor may summarily impose a verbal warning.]~~

2 ~~[(b)] [The section supervisor, branch manager, director, or commissioner may summarily~~
3 ~~impose a verbal warning, or written reprimand.]~~

4 ~~[(c)] [The branch manager, director, or commissioner may summarily impose a verbal warning,~~
5 ~~written reprimand, or loss of privileges consisting only of a change in curfew.]~~

6 ~~[(2)] [Before imposing a penalty summarily, the staff member shall give the recruit the~~
7 ~~opportunity to give an explanation.]~~

8 ~~[(3)] [A summarily imposed penalty shall be reviewed by, and may be rescinded or modified~~
9 ~~by, the immediate supervisor of the staff member imposing the penalty. The reviewer shall provide~~
10 ~~the recruit with the opportunity to give an explanation.]~~

11 ~~[Section 10.] [Removal From Training Pending an Initial Appearance Before the~~
12 ~~Commissioner.]~~

13 ~~[(1)] [If a charge is filed against a recruit, the commissioner or director may remove the recruit~~
14 ~~from some or all training until the recruit's initial appearance before the commissioner if he has~~
15 ~~reasonable grounds to believe the alleged misconduct took place and:]~~

16 ~~[(a)] [He has reasonable suspicion to believe the recruit would be dangerous or disruptive if not~~
17 ~~removed; or]~~

18 ~~[(b)] [The recruit has been charged with misconduct for which suspension or expulsion is~~
19 ~~authorized, and the facts demonstrate that suspension or expulsion is the appropriate penalty if the~~
20 ~~recruit is found guilty of the conduct violation.]~~

21 ~~[(2)] [A recruit who has been removed from training pending an initial appearance before the~~
22 ~~commissioner shall be provided the initial appearance within three (3) training days of the~~
23 ~~removal.]~~

1 ~~[Section 11.] [Complaint. Anyone having reasonable grounds to believe that a recruit has~~
2 ~~violated any of the conduct or Honor Code requirements identified in this administrative regulation~~
3 ~~may file a complaint with the section supervisor. This complaint shall be in writing setting forth~~
4 ~~the facts upon which the complaint is based.]~~

5 ~~[Section 12.] [Investigation by Section Supervisor.]~~

6 ~~[(1)] [If the section supervisor or his or her designee receives a complaint of or witnesses~~
7 ~~apparent misconduct, he or she shall take statements and otherwise investigate the matter.]~~

8 ~~[(2)] [After investigating the matter, the section supervisor shall:]~~

9 ~~[(a)] [Take no action if none is justified by the evidence;]~~

10 ~~[(b)] [Impose appropriate summary discipline; or]~~

11 ~~[(c)] [File, with the legal officer, a written request that charges be brought against the recruit.~~
12 ~~The request for charges shall describe the alleged misconduct and designate the specific conduct~~
13 ~~requirements violated. All pertinent evidence and documents including the complaint, and~~
14 ~~statements of the recruit and witnesses shall be forwarded to the legal officer.]~~

15 ~~[Section 13.] [Review by Legal Officer; Placing Charges.]~~

16 ~~[(1)] [The legal officer shall review the request for charges and the supporting evidence and~~
17 ~~documents.]~~

18 ~~[(2)] [The legal officer may make or cause further inquiry into the matter for additional~~
19 ~~information.]~~

20 ~~[(3)] [The legal officer shall:]~~

21 ~~[(a)] [File charges against the recruit as he believes are justified by the evidence; or]~~

1 ~~[(b)] [Deny the request for charges if the evidence does not support any charges. If the legal~~
2 ~~officer declines to file charges, he shall provide the commissioner with a statement of his reasons~~
3 ~~for not filing charges.]~~

4 ~~[(4)] [The charging document shall:]~~

5 ~~[(a)] [Be in writing:]~~

6 ~~[(b)] [Particularly describe the alleged misconduct so as to reasonably inform the recruit of the~~
7 ~~nature of the allegation;]~~

8 ~~[(c)] [State the time, date, and place the recruit shall make an initial appearance before the~~
9 ~~commissioner to answer the charges;]~~

10 ~~[(d)] [Be signed by the legal officer; and]~~

11 ~~[(e)] [Be served upon the recruit at least forty eight (48) hours before his initial appearance~~
12 ~~before the commissioner.]~~

13 ~~[Section 14.] [Initial Appearance Before the Commissioner.]~~

14 ~~[(1)] [The initial appearance before the commissioner shall be held no more than five (5)~~
15 ~~training days after the charges have been served on the recruit. If the recruit after receiving proper~~
16 ~~notice, fails to appear, the commissioner may proceed in his absence and the recruit shall be~~
17 ~~notified in writing of any action taken.]~~

18 ~~[(2)] [At the initial appearance before the commissioner:]~~

19 ~~[(a)] [The legal officer shall:]~~

20 ~~[1.] [Read the charges to the recruit; and]~~

21 ~~[2.] [Explain to the recruit:]~~

22 ~~[a.] [The charges;]~~

23 ~~[b.] [His right to a hearing in accordance with KRS Chapter 13B; and]~~

1 ~~[(c)] [His right to be represented by legal counsel.]~~

2 ~~[(b)] [The legal officer shall explain to the recruit the possible answers to the charges: admit~~
3 ~~the charges are true, deny the charges are true but waive a hearing, or deny the charges are true~~
4 ~~and ask for a hearing.]~~

5 ~~[(e)] [The commissioner shall advise the recruit of the penalty which shall be imposed if the~~
6 ~~recruit admits the charges or waives a hearing.]~~

7 ~~[(d)] [The recruit shall be requested to answer the charges.]~~

8 ~~[(e)] [If the recruit chooses to waive his rights and admits the charges or denies the charges but~~
9 ~~waives a hearing.]~~

10 ~~[1.] [He shall be permitted to make a statement of explanation; and]~~

11 ~~[2.] [The commissioner shall impose a penalty.]~~

12 ~~[(f)] [If the recruit denies the charges and requests a hearing, the commissioner shall set a date~~
13 ~~for the hearing. A notice of administrative hearing as required by KRS 13B.050 shall be served on~~
14 ~~the recruit within forty eight (48) hours of the initial appearance before the commissioner.]~~

15 ~~[(g)] [If the recruit remains silent or refuses to answer the charges, the commissioner may~~
16 ~~suspend the recruit from training until the recruit answers the charges or the legal officer drops the~~
17 ~~charges.]~~

18 ~~[(3)] [The commissioner may remove the recruit from some or all training until the hearing if:]~~

19 ~~[(a)] [He has reasonable grounds to believe the recruit would be dangerous or disruptive if not~~
20 ~~removed; or]~~

21 ~~[(b)] [The recruit is charged with misconduct serious enough to authorize expulsion as a~~
22 ~~possible penalty.]~~

23 ~~[Section 15.] [Hearing. The hearing shall be conducted in accordance with KRS Chapter 13B.]~~

- 1 [Section 16:] [Incorporation by Reference.]
- 2 [(1)] [DOCT Form 151, "Applicant Confirmation", 05-08-14, is incorporated by reference.]
- 3 [(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law,
- 4 at Department of Criminal Justice Training, Funderburk Building, Kit Carson Drive, Richmond,
- 5 Kentucky 40175-3102, Monday through Friday, 8:00 a.m. to 4:30 p.m.]

503 KAR 3:010. Basic law enforcement training course recruit conduct requirements; procedures and penalties.

11-12-25
Date

Mike Bosse
Mike Bosse, Commissioner
Department of Criminal Justice Training

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

503 KAR 3:010

Contact Person: Nathan Goens, phone (502) 564-8216, email Justice.RegContact@ky.gov

Subject Headings: Criminal Justice Training, Law Enforcement, Education

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes conduct requirements, procedures for disciplinary action, and penalties for violations of conduct requirements of recruits attending the basic law enforcement training courses conducted by the Department of Criminal Justice Training.

(b) The necessity of this administrative regulation: KRS 15A.070(1) requires the Department of Criminal Justice Training to establish, supervise, and coordinate training programs and schools for law enforcement and any other justice or nonlaw-enforcement-related personnel. KRS 15A.070(5) authorizes the Commissioner to promulgate administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning training programs for justice and nonlaw-enforcement-related personnel. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Criminal Justice Training concerning training programs for justice and nonlaw-enforcement-related personnel. It provides direction and information to department employees and recruits attending the basic law enforcement training courses conducted by the Department of Criminal Justice Training.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment reorganizes the sections by moving, combining, adding, or deleting to make the requirements, procedures, and penalties in the regulation more concise and easier to reference.

(b) The necessity of the amendment to this administrative regulation: The amendment provides the basic law enforcement training course recruit conduct requirements, procedures, and penalties for easy reference.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.070(1) and (5) authorize the Department of Criminal Justice Training to promulgate administrative regulations to establish procedures and participation requirements for basic training and annual in-service course instruction for the proper administration of the department and its programs. The authorizing statutes permit the department to implement or amend practices or procedures to ensure the safe and efficient operation of the department.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides the basic law enforcement training course recruit conduct requirements, procedures, and penalties for easy reference.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects recruits attending basic law enforcement training courses conducted by the Department of Criminal Justice Training, with approximately 40 recruits per training course attending 11 training courses per calendar year.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: There are no actions that the Department of Criminal Justice Training is required to take for implementation of this regulation. All rules and regulations are explained in the basic training orientation to the recruits. The recruits need only to follow the rules.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional impact as a result of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the basic law enforcement training courses.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional impact as a result of this regulation.

(b) On a continuing basis: There will be no additional impact as a result of this regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department of Criminal Justice Training is funded by the Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding is not anticipated.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

503 KAR 3:010

Contact Person: Nathan Goens, phone (502) 564-8216, email Justice.RegContact@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15A.070(5).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.070(1) requires the Department of Criminal Justice Training to establish, supervise, and coordinate training programs and schools for law enforcement and any other justice or nonlaw-enforcement-related personnel. KRS 15A.070(5) authorizes the Commissioner to promulgate administrative regulations.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Justice and Public Safety Cabinet, Department of Criminal Justice Training is promulgating this regulation. Employees of law enforcement agencies will be affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: No expenditures are anticipated as a result of this regulation for the first year.

For subsequent years: No expenditures are anticipated as a result of this regulation in subsequent years.

2. Revenues:

For the first year: No revenues are anticipated as a result of this regulation for the first year.

For subsequent years: No revenues are anticipated as a result of this regulation in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated as a result of this regulation for the first year.

For subsequent years: No cost savings are anticipated as a result of this regulation in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Law enforcement agencies may be affected by this regulation.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: No expenditures are anticipated as a result of this regulation for the first year.

For subsequent years: No expenditures are anticipated as a result of this regulation in subsequent years.

2. Revenues:

For the first year: No revenues are anticipated as a result of this regulation for the first year.

For subsequent years: No revenues are anticipated as a result of this regulation in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated as a result of this regulation for the first year.

For subsequent years: No cost savings are anticipated as a result of this regulation in subsequent years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Employees of law enforcement agencies may be affected by this regulation.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: No expenditures are anticipated as a result of this regulation for the first year.

For subsequent years: No expenditures are anticipated as a result of this regulation in subsequent years.

2. Revenues:

For the first year: No revenues are anticipated as a result of this regulation for the first year.

For subsequent years: No revenues are anticipated as a result of this regulation in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated as a result of this regulation for the first year.

For subsequent years: No cost savings are anticipated as a result of this regulation in subsequent years.

(6) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The administrative regulation impacts how the Department of Criminal Justice Training operates as well as conduct requirements, procedures for disciplinary action, and penalties for violations of conduct requirements of recruits attending basic law enforcement training courses conducted by the Department of Criminal Justice Training but is not expected to have a fiscal impact beyond the cost of administering the program.

(b) Methodology and resources used to determine the fiscal impact: The regulation was examined, and it was determined that the regulation impacts how the Department of Criminal Justice Training operates as well as conduct requirements, procedures for disciplinary action, and penalties for violations of conduct requirements of recruits attending basic law enforcement training courses conducted by the Department of Criminal Justice Training but is not expected to have a fiscal impact beyond the cost of administering the program because it does not impose any financial requirements on recruits or their employing law enforcement agencies.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): A major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: A major economic impact is not anticipated based on consideration of the possible expenses, the number of training courses offered, the number of recruits attending each training course, and the lack of financial requirements imposed on the recruits attending the training courses or their employing law enforcement agencies.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The total number of pages incorporated by reference in this regulation is 2.

DOCJT Form 151, "Applicant Confirmation", 2024 Edition, includes information required to be provided by agencies regarding recruits selected to attend the DOCJT basic law enforcement training course, including the name of the recruit, the type of basic law enforcement training course the recruit will be attending, the requested start date, the employing law enforcement agency, and a certification by the agency head that a background check has been completed and the applicant is not prohibited from accessing the Criminal Justice Information System or other restricted records' databases.

STATEMENT OF CONSIDERATION RELATING TO:
503 KAR 3:010. Basic law enforcement training course recruit conduct requirements; procedures and penalties.

Justice and Public Safety Cabinet
Department of Criminal Justice Training
AMENDED AFTER COMMENTS

I. The public hearing on 503 KAR 3:010. Basic law enforcement training course recruit conduct requirements; procedures and penalties that was scheduled on October 21, 2025 at 9:00 a.m., in the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, was canceled because no written requests to attend were received. Written comments were received during the public comment period.

II. The public hearing was cancelled because no requests to hold the hearing were received.

The following people submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity, Other</u>
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Anita Yandle, Counsel, Policing at NYU School of Law	
Josh Parker, Deputy Director of Policy, Policing at NYU School of Law	

III. The following people from the promulgating administrative body responded to the written and oral comments:

Name and Title

Mike Bosse, Commissioner, Department of Criminal Justice Training
Brian Bowling, Deputy Commissioner, Department of Criminal Justice Training

IV. Summary of Comments and Responses

1. Commenters: Anita Yandle and Josh Parker

(a) Comment: The commenters stated the following:

We applaud the inclusion of Section 18, addressing sexual harassment. As is well established, sexual harassment and gender-based discrimination in the workplace can affect the physical and mental wellbeing of officers, particularly women officers, and discourage them from staying on the force.¹ Indeed, a national study of women officers found that 93 percent of respondents experienced sexual harassment at some point during their career.² While sexual harassment of men in law enforcement remains underreported, a study showed that around 40 percent of male law enforcement officers also experience sexual harassment in their careers.³

Section 18 includes not only more specific language than the previous conduct requirements regarding sexual harassment, but an assurance that recruits will be free from retaliation for participating in an investigation on the matter. In addition, the section laudably adds a duty to report observed sexual harassment. These new provisions create clear expectations of all participants and instructors. This language is a strong step at creating an environment that can retain women officers.

We would also suggest adding clarifying language on who has a duty to report sexual harassment and to whom. Proposed section 18, clause 4 requires recruits aware of a complaint of sexual harassment to immediately notify the class coordinator, section supervisor, or branch manager. Clause 5 adds that recruits may also report the complaint to the agency human resources administrator or agency or state EEO coordinator. That language could reasonably be read to mean that the immediate notification could take the form of an oral or written notice. Meanwhile, proposed sections 24 and 25 require complaints to be in writing, for those written complaints to be filed with the section supervisor or branch manager, and then sets forth a process for evaluation of complaints. But is not clear what process governs immediate reports of sexual harassment that are for example, made orally or in writing to the class coordinator or made orally to the section supervisor. In order to ensure a clear and smooth sexual harassment reporting and investigation process, we recommend amending the rule to clarify the process.

(b) Response: The Administrative Regulation was amended regarding this comment to include in Section 18 (7), "A recruit who makes an oral report under this section shall be advised

¹ Preeya Patel, *What Works: The Social Science Research behind Advancing Women in Policing: Retention & Culture*, 30x30 (2013), <https://30x30initiative.org/wp-content/uploads/2021/08/30X30-What-Works-Retention-Culture.pdf>.

² Robin Haar and Merry Morash, *The Effect of Rank on Police Women Coping With Discrimination and Harassment*, 16 *Police Quarterly* 4 (2013), <https://journals.sagepub.com/doi/abs/10.1177/1098611113489888>.

³ Bruce Taylor, et al., *Sexual Harassment of Law Enforcement Officers: Findings From a Nationally Representative Survey*, US DOJ (2021), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/sexual-harassment-law-enforcement-officers-findings-nationally>.

that the report will be documented in writing by department staff.”

2. **Commenters:** Anita Yandle and Josh Parker

(a) Comment: The commenters stated the following:

The proposed language revisions would benefit from including the duty to report a recruit’s criminal conduct to a prosecuting authority that is present in the current rule.

The revised language commendably creates a floor for discipline when a recruit is investigated, charged, or convicted by a prosecuting or other investigating authority for felonious conduct and adds more structure regarding discipline decisions. But, the revised language only applies to conduct that is already being criminally investigated (e.g., by a prosecutor’s office); the revised language removes the existing requirement that the department notify prosecutorial authorities of criminal activity that constitutes a felony or class A misdemeanor and notify the prosecutorial authority of other criminal activity when appropriate.⁴

By removing this language, the proposed rule creates a gap not present in the current rules. Under the proposal, criminal conduct would not trigger disciplinary action without an investigation, charge, or conviction. The change in structure, then, requires prosecutorial knowledge of the recruit’s criminal conduct. Removing the duty to report creates a risk for a recruit’s criminal conduct to evade consequences because a prosecutorial authority does not know of it and cannot act on it. Shifting from the existing rule language focused on the underlying criminal activity to the new language focused on convictions, charges, and investigations increases the need for information sharing with prosecutorial authorities so that they can investigate potentially criminal conduct, when appropriate, which would trigger potential department discipline. To close the gap and strengthen the proposed rule, we thus recommend re-introducing the language requiring that the department notify the appropriate prosecutorial authorities of qualifying criminal activity.

(b) Response: The Administrative regulation was not amended as a result of this comment. The Department of Criminal Justice is not a law enforcement or prosecuting agency, and existing policy requires referral of any potential criminal activity to the appropriate law enforcement body rather than directly to prosecutors.

V. Summary of Statement of Consideration and Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was canceled because the Department of Criminal Justice did not receive a notice of intent to attend. Written comments were received. The Department of Corrections considered and responded to the comments and amended 503 KAR 3:010 based on the comments received as follows:

Page 14
Section 18.(7)
Lines 15

After “(7)”, insert the following:

A recruit who makes an oral report under this section shall be advised that the report will be documented in writing by department staff.

(8)

And renumber subsequent subsections accordingly.