

JUSTICE AND PUBLIC SAFETY CABINET
Internal Investigation Branch
(Amended After Comments)

500 KAR 2:020. Filing and processing SLEO commissions.

RELATES TO: KRS 15.334, 15.383, 61.300, 61.900-61.930, 61.990, 61.991, 62.010, 62.990

STATUTORY AUTHORITY: KRS. 61.904

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.902 authorizes the Secretary of the Justice and Public Safety Cabinet to commission special law enforcement officers. KRS 61.904 requires the Secretary to promulgate administrative regulations that are reasonable and necessary to carry out the provisions of KRS 61.900 to 61.930. This administrative regulation establishes the criteria and procedures required for filing and processing applications for commissions to be a special law enforcement officer.

Section 1. Definitions.

- (1) "Cabinet" is defined by KRS 61.900(3).
- (2) "Governmental unit" means the unit or agency of state, county, city, or metropolitan government or other governmental entity authorized by KRS 61.900(6) or 61.902 to employ SLEOs.
- (3) "Secretary" is defined by KRS 61.900(5).
- (4) "SLEO Act" means the Special Law Enforcement Officer Act found in KRS 61.900 to 61.930.
- (5) "SLEO program administrator" means the person designated or appointed by the Secretary of the Justice and Public Safety Cabinet to administer the Special Law Enforcement Officer Program whose address is: SLEO Program Administrator, Internal Investigations Branch, 125 Holmes Street, Frankfort, Kentucky 40601.
- (6) "Special Law Enforcement Officer" or "SLEO" is defined by KRS 61.900(6).

Section 2. Qualifications to Apply for Commission as a Special Law Enforcement Officer. To qualify for a commission as a SLEO pursuant to KRS 61.900 to 61.930, an individual shall comply with the conditions and requirements established in KRS 61.906.

Section 3. Application for Commission as a Special Law Enforcement Officer.

- (1) An applicant shall meet the requirements of the SLEO Act before a commission is granted.
- (2) An applicant shall provide to the governmental unit two (2) complete, signed and notarized Special Law Enforcement Officer (SLEO) Application Forms (SLEO-1).
- (3) The governmental unit shall submit both application forms to the SLEO program administrator.
- (4) The application forms shall contain the following information:
 - (a) The name, address, telephone number, and detailed personal description of and information about the applicant; and
 - (b) All arrests and convictions, including traffic offenses committed within the past ten (10) years, violations, misdemeanors, or felonies as requested on the application and any other information necessary to conduct a criminal history check.
- (5) Any false or misleading information, or withholding of information requested on the application or by the cabinet investigator may be grounds for rejection without further consideration.

Section 4. Additional Requirements.

- (1) In addition to the application form, an applicant shall provide to the governmental unit who shall submit to the SLEO program administrator the following with his or her

application:

- (a) A copy of the applicant's high school diploma, GED, official college transcript, or college degree;
 - (b) A copy of the applicant's certified birth certificate;
 - (c) Two (2) recent photographs of the individual (full face) measuring not larger than three (3) inches by five (5) inches and taken within thirty (30) days of the date the application is submitted;
 - (d) If the applicant is a veteran, a copy of his or her military release (Form DD-214);
 - (e) An Authority to Release Information Form, SLEO-2, which allows the release of all necessary information to the SLEO program administrator. It shall be signed by the applicant and witnessed by a second person;
 - (f) A Letter of Intent Form, SLEO-3, completed by the governmental unit giving the name of the applicant, the specific public property to be protected, and the signature of the authorizing official of the requesting governmental unit;
 - (g) Proof that the applicant has successfully completed first aid and cardiopulmonary resuscitation (CPR) training provided according to the American Heart Association or the American Red Cross requirements and is certified in first aid and CPR; and
 - (h) The application fee required by KRS 61.908.
- (2) An applicant shall be fingerprinted by an approved vendor. The governmental unit shall contact the SLEO program administrator for information related to an approved vendor.
- (3) The applicant shall arrange for and be interviewed by the SLEO program administrator or assigned cabinet investigator before a commission is granted.
- (4) All SLEO applicants shall sign and the governmental unit shall submit to the cabinet the SLEO Acknowledgment Form, SLEO-4, which indicates that the applicant:
- (a) Received, read, and understands:
 1. Provisions of the SLEO Act, KRS 61.900-61.930;
 2. Administrative regulations in 500 KAR Chapter 2;
 3. Penalties imposed for violating the SLEO Act and its administrative regulations; and
 4. KRS 61.300, 61.990, 61.991, 62.010, and 62.990; and
 - (b) Acknowledges that the applicant's authority is limited and restricted under the SLEO Act.

Section 5. Fees. All fees required by KRS 61.908 shall be:

- (1) Submitted with the application form;
- (2) Nonrefundable; and
- (3) Paid in the form of a check or money order made payable to the Kentucky State Treasurer.

Section 6. Approval of Application.

- (1) If the applications and all required documents are in order, and if the criminal history information record review and background investigation are favorably completed, the governmental unit for whom the SLEO applicant will be employed shall notify the Department of Criminal Justice Training concerning any training the applicant needs to satisfy the requirements of KRS 61.906(2)(f).
- (2) In notifying the Department of Criminal Justice Training, the governmental unit shall describe the training needed by the applicant. The Department of Criminal Justice Training shall schedule and conduct the training and collect the related fees as prescribed in KRS 61.908(3), (4), and (5). An applicant who has successfully completed the training previously shall not be required to repeat the course.
- (3) The Department of Criminal Justice Training shall notify the governmental unit of the results of the training upon completion.

Section 7. Receipt of Defective or Falsified Application.

- (1) If the application is incomplete, or otherwise defective in some way other than those referenced in Section 3(5) of this regulation, or in conflict with the SLEO Act or its administrative regulations, 502 KAR Chapter 2, the cabinet shall notify the governmental unit.
- (2) Upon notice that an applicant's application is incomplete or otherwise defective, the governmental unit shall notify the applicant. An application may be corrected and resubmitted at no additional cost if it is resubmitted to the SLEO program administrator within sixty (60) days of the date the governmental unit is sent notice of the deficiencies by the SLEO program administrator.
- (3) An application that has been falsified, contains material omissions, or contains incomplete information may be rejected, and the applicant shall be prohibited from submitting an application for commission as a SLEO for one (1) year.

Section 8. The Grant of the Commission and the Required Oath of Office.

- (1) A commission for a SLEO shall be validated and granted as follows:
 - (a) If the applicant has successfully satisfied the requirements of the act and a commission has been recommended, a commission certificate shall be forwarded by the SLEO program administrator to the secretary or the secretary's designee for review.
 - (b) After the commission is issued by the secretary or the secretary's designee, a copy of the commission shall be placed in the SLEO's file maintained by the cabinet.
- (2) The governmental unit shall be notified that the commission has been granted.
 - (a) One (1) of the original applications and two (2) County Clerk Oath verification forms (SLEO-6) shall be forwarded by the cabinet to the governmental unit whose property is to be protected.
 - (b) The governmental unit shall arrange for the appointed applicant to take the oath of office.
- (3) The appointed applicant shall take:
 - (a) One (1) of the applications and the two (2) County Clerk Oath verification forms to the county clerk in the county where the applicant is to serve; and
 - (b) The constitutional oath of office within thirty (30) days after notice of appointment.
- (4) The county clerk shall then:
 - (a) Complete and sign the clerk's attestation on both County Clerk Oath verification forms;
 - (b) Retain the application and one (1) of the County Clerk Oath verification forms, for filing purposes in the county clerk's office; and
 - (c) Give the second County Clerk Oath verification form, signed by the clerk, to the applicant.
- (5) The applicant shall return the second County Clerk Oath verification form, signed by the Clerk, to the governmental unit. The governmental unit shall return it to the SLEO program administrator within thirty (30) days of the grant of the commission to indicate that the oath was administered and that the application and oath verification form are filed with the county clerk.
- (6) Upon receipt of the oath verification, the commission certificate shall be forwarded by the cabinet to the governmental unit whose property is to be protected.
- (7) If the second County Clerk Oath verification form, signed by the clerk, is not returned to the SLEO program administrator within thirty (30) days of the granting of the commission, the commission shall be null and void and the applicant shall be required to repeat the application process.
- (8) The applicant shall not exercise the authority of a SLEO until the governmental unit has received the commission certificate from the cabinet.

(9) The commission certificate shall be kept by the governmental unit so long as the SLEO is employed or until his or her authority is terminated as a result of the expiration of the commission term or by action of the government unit or the secretary or the secretary's designee.

(10) The SLEO Commissions shall be issued for a period of two (2) years, or five (5) years if the SLEO is employed as a facilities security officer with the Kentucky State Police pursuant to KRS 16.187, if the SLEO continues to meet all statutory and regulatory criteria.

(11) After the governmental unit has received the SLEO commission certificate, the governmental unit shall issue an identification card that shall be carried by the SLEO whenever he or she is acting under the authority of KRS 61.900-61.930.

(12) The identification card shall be:

- (a) Presented as requested by any duly sworn peace officer or cabinet official;
- (b) Subject to control by the cabinet; and
- (c) Comply with Section 11(4) of this administrative regulation.

(13) If for any reason a SLEO is terminated or otherwise relieved of his or her duties as a SLEO by the governmental unit or the cabinet, he or she shall immediately return this identification card to the SLEO's governmental unit.

- (14) The SLEO commission certificate shall be held by the governmental units and shall:
- (a) Be available for inspection by the SLEO program administrator or his or her designee;
 - (b) Remain the property of the cabinet; and
 - (c) Be returned upon the SLEO's authority being withdrawn for any reason.

Section 9. Special Provisions.

(1) Training pursuant to KRS 61.906(2)(f)2. A SLEO applicant may request approval from the Kentucky Law Enforcement Council (KLEC) for eighty (80) or more hours of training, if that training is not currently approved, by providing documentation verifying successful completion of the training and detailed information concerning the contents of the training to the SLEO program administrator. The training approval request shall be provided to the KLEC to review the request and make a decision.

(2) Training waiver. A SLEO applicant may apply for a training waiver by providing sufficient proof of past police experience, military records, or examination records that substantiates that the applicant meets the waiver requirements set forth in KRS 61.906(2)(f)2.

(3) Firearms and First Aid Proficiency. A SLEO applicant shall:

- (a) Be certified in first aid and cardiopulmonary resuscitation (CPR) through training provided according to the American Heart Association or the American Red Cross requirements; and
- (b) One (1) of the following:
 - 1. Meet the marksmanship qualification requirements for a retired peace officer as specified in KRS 237.140; or
 - 2. Fire twenty (20) rounds at an adult size silhouette target at a range of twenty-one (21) feet, with a handgun, and shall hit the target not less than eleven (11) times. The range test shall be conducted and certified by a firearms instructor trainer or certified firearms instructor trained pursuant to KRS 237.122 or by other firearms instructor program provided by the Department of Criminal Justice Training.

Section 10. Renewals.

(1) A letter of intent from the governmental unit stating its request to renew a commission, two (2) complete signed and notarized SLEO Renewal Application Forms (SLEO-5), and the renewal application fee required by KRS 61.908(2) for each individual

involved shall be filed with the SLEO program administrator at least sixty (60) days before the expiration date of the existing commission.

(2) The applicant for renewal shall be fingerprinted by an approved vendor and undergo a background investigation to bring the applicant's records up-to-date.

(3) In addition to the requirements set forth above in this section, for each renewed commission granted, the governmental unit and SLEO applicant shall comply with the requirements set forth in Section 8 of this administrative regulation.

Section 11. Governmental Units Employing SLEOs - Records, Reports, and Responsibility.

(1) All governmental units employing SLEOs shall:

(a) Keep their files current as to the expiration date on each SLEO's commission;

(b) Keep the individual SLEO's commission certificates on file, to be returned to the cabinet upon termination of the SLEO and his or her authority;

(c) Provide proof to the SLEO program administrator at the time of request for renewal that its SLEOs:

1. Are currently certified in First Aid and CPR; and

2. Have met the same marksmanship qualification required of certified peace officers in KRS 15.383; and

(d) Mail or email to the SLEO program administrator by June 30 of each year:

1. A current list of all active SLEO personnel; and

2. The number of arrests made or citations issued by the agency the previous calendar year.

(2) The unit shall post a copy of the SLEO administrative regulations, 500 KAR Chapter 2, and a copy of KRS 61.900-61.930, 61.990, and 61.991 of the SLEO Act in a conspicuous location in any office or building that is designated security headquarters for persons operating as SLEOs.

(3) Complaints or unusual incidents involving SLEOs shall be handled by the governmental unit whose public property is being protected by the SLEO involved except:

(a) The governmental unit shall notify the SLEO program administrator by:

1. Direct verbal communication within twenty-four (24) hours of any reported incident involving the misconduct or unlawful act by any of its SLEOs; and

2. A follow-up written report to be filed with the SLEO program administrator, within thirty (30) days of the original oral report, stating the details of the incident and listing any action taken by the governmental unit; and

(b) If formal charges are pending, the governmental unit shall advise the SLEO program administrator as to the specific charge, trial date, and the final disposition of the charge.

(4) The governmental unit shall issue each SLEO an identification card upon the individual's appointment. The identification card shall be:

(a) Encased in plastic;

(b) Billfold size (approximately two and one-fourth (2 1/4) inches by three and one-half (3 1/2) inches); and

(c) Composed as follows:

1. One (1) side containing the following language: "The holder of this card is commissioned as a Special Law Enforcement Officer, pursuant to KRS 61.902 and deemed to be a peace officer within the meaning of KRS 527.020 with the powers set forth in KRS 61.900 to 61.930."; and

2. The other side containing a full-faced photograph of the SLEO with his or her:

a. Name;

b. Identification or notation that the SLEO has been commissioned a "Special Law Enforcement Officer";

- c. Governmental unit employing the SLEO;
 - d. Badge number, if any; and
 - e. Signature of the SLEO's chief, supervisor, or employer.
- (5) The governmental unit shall obtain and destroy the identification card from any SLEO whose employment is terminated.

Section 12. Violations.

- (1) All governmental units utilizing SLEO's shall be subject to inspection and investigation by the cabinet as circumstances may warrant for possible violations.
- (2) Violations may result in prosecution and recommendation to the secretary or the secretary's designee that the commission be revoked.

Section 13. Revocation or Suspension of SLEO Commissions.

- (1) A SLEO may have his or her commission suspended or revoked in accordance with KRS 61.910.
- (2) The SLEO program administrator shall notify the secretary or the secretary's designee of any violations of KRS 61.910, who shall send written notice of the alleged violation to the:
 - (a) SLEO; and
 - (b) Governmental unit employing the SLEO.
- (3) The notice of alleged violation shall be sent to the SLEO and employing governmental unit by regular, first-class mail and by certified mail, return receipt requested to their last known addresses.
- (4) The SLEO may request an administrative hearing before suspension or revocation is imposed. The request for hearing shall be in writing and shall be received by the SLEO program administrator within thirty (30) days of receipt by the SLEO of the notice of intent to seek suspension or revocation.
- (5) The secretary or the secretary's designee shall suspend or revoke the commission of a SLEO who fails to request an administrative hearing within the thirty (30) days.
- (6) All administrative hearings shall be conducted in accordance with KRS Chapter 13B.
- (7) The cabinet may temporarily suspend the commission of a SLEO prior to holding a hearing pursuant to KRS Chapter 13B if the cabinet believes that the safety of the public requires that action. If a commission is temporarily suspended prior to holding a hearing pursuant to KRS Chapter 13B, the cabinet shall hold a Chapter 13B hearing not later than thirty (30) days from the date of the temporary suspension unless the SLEO requests an extension for a time certain. If the SLEO requests an extension for a time certain, then the commission shall remain suspended until the conclusion of the hearing.
- (8) If a SLEO commission is suspended or revoked:
 - (a) The SLEO program administrator shall notify the governmental unit involved to return the commission of the SLEO;
 - (b) The governmental unit responsible for the SLEO shall forward a letter to the SLEO stating that:
 - 1. His or her commission has been revoked or suspended; and
 - 2. He or she shall immediately return the SLEO identification card to the governmental unit;
 - (c) Upon receipt of the card, the governmental unit shall destroy it; and
 - (d) The SLEO program administrator shall notify the county clerk in the SLEO's county of jurisdiction of the revocation or suspension.

Section 14. Procedures for Investigating Complaints or Unusual Incidents Involving SLEO Officers.

- (1) Complaints or unusual incidents involving SLEO's shall be handled by the governmental units whose public property is being protected by the SLEO involved. The

governmental unit shall notify the cabinet of all incidents involving their SLEO personnel as required by Section 11(3) of this administrative regulation.

(2) The SLEO program administrator or other assigned officers may investigate complaints or unusual incidents involving SLEOs, if there is reason to believe the provisions of KRS 61.900-61.930, 61.990, 61.991, or 500 KAR Chapter 2, or other applicable laws or administrative regulations have been violated and an investigation is necessary.

(3) Any investigation conducted by the cabinet shall become part of the official record of the SLEO involved.

Section 15. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Special Law Enforcement Officer (SLEO) Application Form", SLEO-1, 2023;
- (b) "Authority to Release Information Form", SLEO-2, 2023;
- (c) "Letter of Intent Form", SLEO-3, 2023;
- (d) "SLEO Acknowledgment Form", SLEO-4, 2023;
- (e) "Special Law Enforcement Officer (SLEO) Renewal Application Form", SLEO-5, 2023; and
- (f) "County Clerk Oath", SLEO-6, 2023.

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KERRY HARVEY, Secretary

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