

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(Amended at ARRS Committee)

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

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

STATUTORY AUTHORITY: KRS 15A.070(1),(5)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) requires the department to establish, supervise, and coordinate training programs and schools for law enforcement personnel. KRS 15A.070(5) authorizes the commissioner of the department to promulgate administrative regulations. This administrative regulation establishes conduct requirements of recruits attending basic law enforcement training courses conducted by the department, procedures for disciplinary action, and penalties for violations of conduct requirements.

Section 1. Operator's License and Criminal History Records Check Required.

(1) A recruit shall present proof of a valid motor vehicle operator's license to the class administrator prior to participating 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) has been conducted within ninety (90) days before the recruit attends basic law enforcement 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 the basic law enforcement 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 shall:

(a) Be removed from basic training by the commissioner or designee; and

(b) Not receive credit for completed portions of basic law enforcement training course.

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

(3) A recruit shall be considered unqualified if:

(a) An incomplete or fraudulent application to attend basic training is filed;

(b) There is a failure to comply with admissions requirements in KRS 15.382 and this administrative regulation; or

(c) The recruit:

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

2. Is physically unable to participate due to physical injury or the recruit's failure of the physical training entry requirements established in 503 KAR 1:110 and 503

KAR 1:140 if the recruit is required to complete basic training to fulfill the peace officer certification provisions established in KRS 15.380 to 15.404; or

3. Was the subject of disciplinary action initiated during a previous DOCJT training course which has not been resolved or would preclude participation.

(4) The department shall remove a recruit from the basic law enforcement training course upon the department's receipt of a written request from the recruit's employing law enforcement agency. Depending on the circumstances, the recruit may not receive credit for the completed portions of the basic law enforcement training course.

Section 3. Recruit Performance Report.

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

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

(b) Immediate notice of specific nonperformance or lack of progress.

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

Section 4. Authority to Impose Discipline.

(1) A recruit may receive a verbal warning from a department instructor, section supervisor, branch manager, division director, or the commissioner or designee without meeting the requirements of formal discipline procedures established in Sections 24 through 28 of this administrative regulation.

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

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

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

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

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

Section 5. Uniforms and Hygiene.

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

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

(a) Navy blue utility uniforms shall be:

1. Clean, pressed, and in good condition;

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

3. Worn over a clean white or department-issued tee-shirt, visible at the neck; and
 4. Worn with a wide black police-type belt, clean black police-type footwear, black or navy blue socks, and when outdoors, a department-issued cap.
- (b) The recruit may wear one (1) watch and one (1) ring. A wedding and engagement ring worn together shall be considered one (1) ring.
 - (c) A name tag, provided by the department, shall be worn on the left shirt-pocket flap.
 - (d) Sleeves on winter shirts shall not be rolled up outside the classroom.
 - (e) A physical fitness uniform shall be provided by the recruit and shall consist of solid dark blue athletic shorts, solid dark blue sweatshirt and sweatpants, solid white athletic socks, and a pair of athletic shoes. A department-issued tee-shirt shall be worn during physical training.
 - (f) Optional clothing may be worn during a training activity if authorized by the instructor.
- (3) Grooming:
- (a) A recruit may wear a neatly trimmed mustache, if allowed by the recruit's employing law enforcement agency.
 - (b) A recruit's hair shall be clean, neat, kept off the collar, and shall not obstruct the recruit's vision.
- (4) The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 6. Accommodations.

- (1) The department may authorize a recruit to commute to the basic law enforcement training course.
 - (a) Authorization to commute shall be contingent on the following:
 1. Written authorization from the police chief, sheriff, or chief administrator of the recruit's employing law enforcement agency prior to the recruit's participation in the basic law enforcement training course, which may be revoked at any time at the discretion of the recruit's employing law enforcement agency;
 2. Approval of the commissioner or designee based on the needs of the department; and
 3. The recruit's continued compliance with the requirements set forth in KRS 15.382 and this administrative regulation.
 - (b) The recruit's authorization to commute to the basic law enforcement training course shall be terminated upon the recruit's second absence or third tardy to the basic law enforcement training course.
 - (c) The department shall not be responsible for any expense incurred by the recruit or the recruit's employing law enforcement agency related to the recruit's commute to and from or between training sites of the basic law enforcement training course.
 - (d) A recruit that is authorized to commute to the basic law enforcement training course shall receive one (1) meal allowance per day of attendance at the basic law enforcement training course.
 - (e) If a recruit is required to stay overnight at the basic law enforcement training course due to an exigent circumstance that is preapproved and documented in writing by the commissioner or designee, the recruit shall be entitled to a meal allowance for dinner the night of the stay and a meal allowance for breakfast the next morning.
 - (f) Unless an exception is granted by the commissioner or designee, a recruit shall not be authorized to commute to the basic law enforcement training course if:
 1. The recruit has had his or her authorization to commute terminated by the recruit's employing law enforcement agency or the department; or
 2. The recruit has previously voluntarily elected to discontinue commuting to the basic law enforcement training course.

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

- (a) Report and return to the recruit's residence hall by curfew times designated by the coordinator, Sunday through Thursday evenings, and remain there until 5:00 a.m. the next morning. Exceptions shall require approval from the class coordinator or above. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;
- (b) Clean the recruit's area as directed by the coordinator. The eligible penalties shall be verbal warning or written reprimand;
- (c) Keep doors of the recruit's room locked whenever the room is unoccupied. The eligible penalties shall be verbal warning or written reprimand;
- (d) Not use hot plates or other table-top cooking surfaces not pre-installed in the residence hall by the department, hotel, or other department-funded accommodation. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;
- (e) Not allow a visitor in the recruit's room, unless authorized by the class coordinator. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;
- (f) Not keep pets or animals of any kind in the recruit's room, except ADA-defined service animals with advanced, written approval from the commissioner or designee. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;
- (g) Not engage in dangerous or disruptive behavior. The eligible penalties shall be verbal warning, written reprimand, loss of privileges, or suspension; and
- (h) Submit to inspections of residence hall rooms, closets, and containers therein by department staff. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges.

Section 7. Department Property.

- (1) A recruit shall:
 - (a) Not damage, destroy, or fail to return property of the department or any other facility used by the department;
 - (b) Use department property in a manner that conserves resources and avoids waste; and
 - (c) Not use department property for personal benefit or gain.
- (2) A recruit shall not be allowed to graduate until the recruit has returned all issued items or made satisfactory arrangements to pay for unreturned or damaged items.
- (3) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 8. Absences.

- (1) A recruit shall:
 - (a) Be considered tardy if the recruit is not physically present at a class or other required department activity for fewer than ten (10) minutes.
 - (b) Be considered absent if the recruit is not physically present in a class or other required department activity for ten (10) or more minutes; and
 - (c) Give advance notice of an absence or tardy, if possible.
- (2) Excused absence or tardy.
 - (a) An absence or tardy may be excused if due to:
 - 1. Illness;
 - 2. Illness of an immediate family member;
 - 3. Death of an immediate family member;
 - 4. Necessity of the recruit's agency; or
 - 5. Emergency circumstances.
 - (b) The determination as to whether an absence or tardy is excused shall be made by the section supervisor or branch manager.

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

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

(3) Unexcused absence or tardy.

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

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

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

Section 9. Tobacco, Food, and Drink Products.

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

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

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

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

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

Section 12. Controlled Substances.

(1) A recruit shall not possess or consume any controlled substance, not prescribed or certified by a qualified medical professional, while present at the basic law enforcement training course or participating in basic law enforcement training course activities. The eligible penalties shall be suspension or expulsion.

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

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

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

Section 14. Dangerous or Disruptive Conduct.

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

(2) If the conduct or condition of a recruit constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of a department activity, a department staff member may take reasonable steps necessary to resolve the situation.

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

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

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

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

Section 18. Sexual Harassment.

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

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

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

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

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

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

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

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

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

Section 19. Criminal Conduct.

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

(2) While enrolled in a basic law enforcement training course, if a recruit is convicted of, charged with, or under investigation for a misdemeanor or violation, the commissioner or designee shall determine the penalty after consultation with the investigating or prosecuting agency, and the recruit's agency. Depending on the nature of the conduct and whether the recruit is convicted of, charged with, or under investigation for a misdemeanor or violation, the recruit shall be penalized by a verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 20. Other Conduct.

(1) A recruit shall refrain from:

- (a) Vulgarity, rudeness, confrontation, dishonesty, or other disrespectful conduct directed toward a department staff member, guest, or other recruit;
- (b) Conduct that is patently offensive;
- (c) Conduct that creates a disruptive learning environment; and
- (d) Knowingly and purposely filing a false complaint.

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

Section 21. Classroom Activities.

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

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

(3) Insufficient performance of assignments.

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

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

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

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

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

Section 22. Penalties for Misconduct.

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

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

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

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

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

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

(2) Second and subsequent violations.

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

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

(3) Notice of disciplinary action.

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

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

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

Section 23. Summary Discipline.

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

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

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

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

Section 25. Investigation.

(1) If the section supervisor or above receives a complaint of or witnesses apparent misconduct, the section supervisor or other department employee designated by the

commissioner or designee shall take statements and otherwise investigate the matter. A notice of investigation shall be provided to the recruit.

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

- (a) Take no action if none is justified by the evidence;
- (b) Impose appropriate summary discipline; or
- (c) File, with the commissioner or designee, a written request that charges be brought against the recruit. The request for charges shall describe the alleged misconduct and designate the specific conduct requirements violated. All pertinent evidence and documents, including the complaint and statements of the recruit and witnesses, shall be included.

Section 26. Review by Commissioner.

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

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

(3) The commissioner or designee shall:

- (a) File any charges against the recruit the commissioner or designee believes are justified by the evidence; or
- (b) Deny the request for charges if the evidence does not support any charges. If the commissioner or designee declines to file charges, the commissioner or designee shall provide the recruit with a statement of the reasons for not filing charges.

(4) The charging document shall:

- (a) Be in writing;
- (b) Particularly describe the alleged misconduct to reasonably inform the recruit of the nature of the allegation;
- (c) State the time, date, and place the recruit shall make an initial appearance before the commissioner or designee to answer the charges;
- (d) Be signed by the commissioner or designee;
- (e) Be served upon the recruit at least one (1) hour before his initial appearance before the commissioner or designee; and
- (f) State the recruit's right to be represented by legal counsel.

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

- (1) The commissioner or designee has reasonable suspicion to believe the recruit would be dangerous or disruptive if not removed; or
- (2) The recruit may be charged with misconduct serious enough to authorize suspension or expulsion.

Section 28. Initial Appearance before the Commissioner.

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

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

- (a) The commissioner or designee shall:
 - 1. Read the charges to the recruit; and

2. Explain to the recruit:
 - a. The charges;
 - b. The recruit's right to a hearing in accordance with KRS Chapter 13B; and
 - c. The recruit's right to be represented by legal counsel.
- (b) The commissioner or designee shall explain to the recruit the possible answers to the charges including:
 1. Admit the charges are true;
 2. Deny the charges are true but waive a hearing; or
 3. Deny the charges are true and ask for a hearing.
- (c) The commissioner or designee shall advise the recruit of the penalty which shall be imposed if the recruit admits the charges or waives a hearing.
- (d) The recruit shall be requested to answer the charges.
- (e) If the recruit chooses to waive his or her rights and admits the charges or denies the charges but waives a hearing:
 1. The recruit shall be permitted to make a statement of explanation; and
 2. The commissioner or designee shall impose a penalty.
- (f) If the recruit denies the charges and requests a hearing or refuses to answer the charges, the commissioner or designee shall set a date for the hearing. A notice of administrative hearing as required by KRS 13B.050 shall be served on the recruit within forty-eight (48) hours after the initial appearance before the commissioner or designee.
- (3) The hearing shall be conducted in accordance with KRS Chapter 13B.
- (4) The commissioner or designee may remove the recruit from some or all training until the hearing if:
 - (a) There are reasonable grounds to believe the recruit would be dangerous or disruptive if not removed; or
 - (b) The recruit is charged with misconduct serious enough to authorize expulsion or suspension as a possible penalty.

Section 29. Incorporation by Reference.

- (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/>.
- CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, KY 40601, Justice.RegContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.