503 KAR 3:110. Certified Court Security Officers academy trainee requirements; misconduct; penalties; discipline procedures.

RELATES TO: KRS 15.380(1)(c), 15.3975

STATUTORY AUTHORITY: KRS 15.3975(1), 15A.070(1), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) requires the Department of Criminal Justice Training to establish, supervise, and coordinate training programs and schools for law enforcement personnel. KRS 15A.070(5) authorizes the commissioner of the Department of Criminal Justice Training to promulgate administrative regulations. This administrative regulation establishes conduct requirements of trainees attending the Certified Court Security Officers academy conducted by the Department of Criminal Justice Training, procedures for disciplinary action, and penalties for violations of conduct requirements.

Section 1. Uniforms and Criminal History Records Check Required.

(1) A trainee shall acquire and wear the designated uniform of his or her employing agency while participating in the academy. If an agency has not adopted a uniform, male trainees shall wear a shirt and tie and female trainees shall wear business casual for women. Penalty: verbal warning, written reprimand, loss of privileges, or probation.

(2) A uniform shall be:

(a) Clean, pressed, and in good condition; and

(b) Appropriately sized to fit the trainee and not excessively loose, baggy, or tight. Penalty: verbal warning or written reprimand.

(3) Jewelry.

(a) The trainee may wear one (1) ring per hand. A wedding and engagement ring worn together shall be considered one (1) ring.

(b) Necklaces, earrings, bracelets, and other jewelry shall not be worn unless authorized by the coordinator.

(c) The penalty for violation of this subsection shall be a verbal warning or written reprimand.

(4) Optional clothing may be worn during a training activity if authorized by the class coordinator or an instructor.

(5) The trainee's employing agency shall submit Form 151 to the department stating that:

(a) A criminal history check, in accordance with 503 KAR 1:140, Section 4(1)(f) and (2), has been conducted within ninety (90) days before the trainee attends the Academy for Certified Court Security Officers; and

(b) The trainee is not prohibited by state or federal law from accessing the Criminal Justice Information System (CJIS) or any other restricted records database.

(6) If the criminal history check required by KRS 15.3971(1)(e) and (k) has been performed within ninety (90) days before the trainee arrives for the academy, an additional criminal records check shall not be required of the employing agency.

Section 2. Removing a Trainee from the Academy.

(1) Unqualified trainee. If the Department discovers that a trainee does not meet the Certified Court Security Officer qualifications in KRS 15.3971, he shall:

(a) Be removed from the academy by the:

1. Director;
2. Branch manager; or
3. Section supervisor; and

(b) Not receive credit for completed portions of academy training.

(2) If a trainee is removed from the academy he may request an administrative hearing, conducted in accordance with the requirements of KRS Chapter 13B, within thirty (30) days of the removal. The request for an administrative hearing shall be in writing.

(3) Agency request. The department shall remove a trainee from the academy upon written request of the trainee's law enforcement agency. The trainee shall not receive credit for completed portions of academy training.

Section 3. Gifts. A gift from trainees to department staff shall conform with KRS Chapter 11A, the executive branch code of ethics.

Section 4. Penalties for Misconduct.

(1) The penalties established in this section shall apply to a trainee's failure to meet conduct or honor code requirements of the department. The penalties are listed in order of decreasing severity.

(a) Expulsion. The trainee is dismissed from the academy, and all privileges are terminated.

(b) Suspension. The trainee is suspended from the academy for a specified period of time; all privileges are rescinded during the suspension period.

(c) Loss of privileges. The trainee's privileges as specified in the imposed penalty are rescinded for a stated period of time. The trainee's participation in academy activities is not affected.

(d) Written reprimand. The trainee is reprimanded in writing for violating a conduct or honor code requirement.

(e) Verbal warning. The trainee is warned verbally that he has violated a conduct or honor code requirement.

(2) Second and subsequent violations.

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

(b) If a trainee has previously received two (2) penalties for violating two (2) conduct or honor code requirements, upon a third or subsequent violation of any conduct or honor code 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 to trainee and trainee's agency. The department shall give written notice to a trainee of any penalty imposed upon him. The trainee's agency shall be given written notice of any penalty imposed upon the trainee except a verbal warning, and shall be given verbal notice if a trainee has been charged with a violation of a conduct or honor code requirement and has requested a hearing.

(4) Penalty records.

(a) The department shall keep a written record of a penalty imposed on a trainee by placing it in the trainee's file.

(b) Except if required by law, a trainee's training file shall not be available for access except by:

1. The department, including the department's use of redacted records for accreditation purposes;
2. The trainee; or
3. The trainee's agency head.

Section 5. Termination of Dangerous or Disruptive Situation. If the conduct or condition of a trainee 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 all reasonable steps necessary to terminate the situation.

Section 6. Conduct Requirements. A trainee attending the academy shall meet the conduct requirements established in this section.

(1) General conduct - chain of command. All communications shall follow the chain of command of the department. Exceptions are the unavailability of a supervisor, or the trainee's complaint regarding a supervisor. Penalty: verbal warning or written reprimand.
(2) General conduct - insubordination. A trainee shall:
(a) Obey a lawful order from a department staff member. Penalty: verbal warning or written reprimand, loss of privileges, probation, or suspension; and
(b) Refrain from:
1. Engaging in sexual activity on Department property;
2. Physical contact with another person that is inappropriate in a professional training setting, for example, hugging or kissing;
3. Vulgarity;
4. Sexual harassment;
5. Rudeness;
6. Confrontation; and
7. Other disrespectful conduct directed toward a department staff member, trainee or other department trainee or guest. Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension, or expulsion.
(3) General conduct - grooming.
(a) A male trainee:
1. Shall be clean shaven with sideburns no longer than the bottom of the ear lobe;
2. May wear a mustache if he had it upon arrival and keeps it neatly trimmed; and
3. Shall not wear a beard unless he receives permission from the department, based upon a written request from the trainee's agency.
(b) A trainee's hair shall:
1. Not be unkempt; and
2. Be kept above the collar.
(c) Penalty: verbal warning or written reprimand.
(4) General conduct - alcoholic beverages and other intoxicants.
(a) Regardless of amount, a trainee shall not possess, consume nor be under the influence of alcoholic beverages, controlled substances, or other intoxicating substances not therapeutically prescribed by a physician or a qualified medical professional while attending a basic training course which shall include all dates of training and periods when residing in the dormitory, including the weekend if the trainee is granted permission to stay beyond the normal Friday evening checkout.
(b) "Attending a basic training course" shall not include the weekend period during which trainees check out of the dormitory and return to their homes.
(c) A trainee shall not report to the dormitory having consumed alcoholic beverages, controlled substances, or other intoxicating substances.
(d) A trainee shall submit to testing as requested by the department to determine the presence of alcoholic beverages, or controlled or other intoxicating substances at the department's expense.
(e) Testing shall not be required to impose a penalty under this subsection, but may be requested if a department or dormitory staff member, instructor, section supervisor, branch manager, director, or commissioner has a reasonable suspicion that the trainee has violated the provisions of this section.
(f) Testing may be randomly requested of all members of an academy class or all dormitory residents. If a test is requested, a trainee shall be considered to have consumed alcoholic beverages if his or her blood alcohol concentration is 0.01 percent or greater.
(g) If a trainee has taken a controlled substance as prescribed by a physician or a qualified medical professional or has taken any other medication, whether prescribed or not, he shall not participate in any academy activity if he is under the influence

thereof to the extent that the trainee may be impaired or may endanger himself or other persons or property. A trainee shall advise the class coordinator or the section supervisor in writing of the use of a controlled substance or medication whether or not it has been prescribed by a physician or a qualified medical professional.

(h) Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension, or expulsion.

(i) Confiscation.

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

2. A confiscated item shall be stored in a secure facility of the department until the item is returned to the trainee at the completion of the academy, or disposed of by the department.

(5) General conduct - weapons and other dangerous devices.

(a) Due to the accidents that have occurred in the training setting in other jurisdictions, a trainee shall not possess the following on property used by the department except under circumstances specifically authorized by the department:

1. Deadly weapons as defined in KRS 500.080;
2. Ammunition;
3. Destructive devices as defined in KRS 237.030;
4. Booby trap devices as defined in KRS 237.030;
5. Hazardous substances as defined in KRS 224.1-400;
6. Fireworks; or
7. Instruments used by law enforcement for control purposes, such as batons, stun guns, Mace, and pepper spray.

(b) Weapons specifically designated by the department to be used for training purposes shall be stored in a vault provided by the department at all times when they are not being used directly in academy activities and may be removed only for scheduled training, servicing, cleaning, or repair. Servicing, cleaning, and repairs of weapons (other than repairs that may require the expertise of a qualified gunsmith) shall be carried out only as authorized by the section supervisor and only in the presence of a certified firearms instructor.

(c) Penalty: verbal warning, written reprimand, loss of privileges, or probation.

(d) Confiscation.

1. If a dormitory staff member, department instructor, section supervisor, branch manager, director, or commissioner observes a weapon or other dangerous device possessed in violation of this subsection, he shall immediately confiscate it.

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

(6) General conduct - department property.

(a) A trainee shall not damage, destroy, fail to return, or be wasteful of property of the department or any other facility used by the department. Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension, or expulsion.

(b) A trainee shall not have successfully completed the academy, and shall not be allowed to graduate until he has returned all issued items or made satisfactory arrangements to pay for unreturned or damaged items.

(7) General conduct - conduct unbecoming a trainee. A trainee shall not:

(a) Engage in criminal activity, including acts which would constitute a felony, misdemeanor, or violation, while enrolled in the academy.

(b) Engage in conduct that creates a danger or risk of danger to the trainee or another;

(c) Possess obscene material as defined in KRS 531.010;

(d) Engage in conduct that is annoying;

(e) Engage in fighting or in violent, tumultuous, or threatening conduct;

(f) Engage in sexual harassment; or

(g) Engage in conduct that is offensive. Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension, or expulsion.

(8) Academy activities - absences.

(a) A trainee shall be considered absent if he is not physically present in a class or other required department activity for more than ten (10) minutes. A trainee shall be considered tardy if he is not physically present at a class or other required department activity for fewer than ten (10) minutes. A trainee shall give advance notice of an absence if possible. Penalty for unexcused absence: verbal warning, written reprimand, loss of privileges, probation, or suspension. Penalty for unexcused tardiness: verbal reprimand or written reprimand.

(b) An absence shall be excused if the trainee was absent due to:

1. Illness;
2. Illness of an immediate family member;
3. Death of an immediate family member;
4. Necessity of trainee's agency; or
5. Emergency circumstances.

(c) An absence from the academy shall be approved by the section supervisor or branch manager.

(d) If a trainee is absent, excused or unexcused, he 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 academy area.

(e) If a trainee is absent for a combined period of more than ten (10) percent of the academy, he or she may be required to return to a later class in order to complete all coursework.

(9) Academy activities - breaks. Trainees shall be allowed a ten (10) minute break per hour of instruction if possible. A trainee shall not take a break in an area restricted by the department. Penalty: verbal warning or written reprimand.

(10) Academy activities - general conduct.

(a) A trainee shall be attentive during academy activities. Penalty: verbal warning or written reprimand.

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

(c) A trainee shall not use tobacco products during, or bring food or drink into an academy activity. Penalty: verbal warning or written reprimand.

(d) A trainee shall not engage in conduct that creates or may create a risk of injury to others during a training session. Penalty: probation, suspension, or expulsion.

(11) Academy activities - dishonesty. A trainee shall not cheat or attempt to cheat on a test or on any other assignment or activity; or alter or attempt to alter a test grade or other evaluation result; or engage in any other conduct intended to gain an undeserved evaluation for himself or another. Penalty: suspension or expulsion.

(12) Residence hall.

(a) During the academy a trainee shall reside in the residence hall designated by the department. Upon request of the head of the trainee's agency, exceptions shall be approved by the training director or his designee. Costs incurred as a result of an approved request shall not be the responsibility of the Department of Criminal Justice Training.

(b) A trainee shall return to his residence hall at curfew times designated by the commissioner, Sunday through Thursday evenings, and remain there until 5 a.m. the

next morning. Exceptions shall be approved by the class coordinator and reported in writing through channels to the director. Penalty: verbal warning, written reprimand, loss of privileges, or probation.

(c) A trainee shall observe "lights out" by 11:30 p.m. Sunday through Thursday except on nights prior to an academic test when the time shall be extended to 12 midnight. Penalty: verbal warning or written reprimand.

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

(e) Doors shall be locked whenever a room is unoccupied. Penalty: verbal warning, written reprimand or loss of privileges.

(f) A hot plate shall not be used in the residence hall. Penalty: verbal warning, written reprimand or loss of privileges.

(g) All residence hall rooms, closets, and containers therein may be inspected by department staff for purposes of safety, sanitation, and rule violations.

(h) A trainee residing at the residence hall shall not:

1. Have any person of the opposite sex in his room without the permission of the department. Penalty: verbal warning, written reprimand, loss of privileges, probation, or suspension.

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

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

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

Section 7. Honor Code. The trainee shall abide by the provisions of the honor code which reads as follows: We are a dynamic team of individuals who possess a wide array of talent and strengths. In order for our team to grow and be successful, we will respect the leadership of the agency and follow directives to the best of our ability. We will make sacrifices for the benefit of the team. We will practice humility and show a spirit of compromise. As trainees of the Department of Criminal Justice Training, Certified Court Security Officers Academy, we will not lie, steal or cheat nor tolerate any among us who do. We will keep our private lives honorable as an example to all. We will be exemplary in obeying the laws of the Commonwealth and the administrative regulations of the Department of Criminal Justice Training. Whatever we see or hear of a confidential nature or confided to us in our official capacity shall be kept confidential unless revelation is necessary in the performance of duty. We will never allow personal feelings, prejudices, ill will or friendships to influence our decisions. We know that each of us is individually responsible for standards of professional performance. Therefore, we will make the utmost effort to improve our level of knowledge and competence. We recognize the badge of our office as a symbol of public faith and accept it as a public trust to be held so long as we are true to the ethics of the police service. We will constantly strive to achieve these ideals, dedicating ourselves to our chosen profession - law enforcement. Penalty: verbal warning, written reprimand, loss of privileges, probation, suspension, or expulsion. All disciplinary procedures contained in this administrative regulation shall apply to the honor code violation. The department may pursue separately any additional offenses discovered during the investigation of the honor code violation.

Section 8. Department's Responsibilities to Trainee's Agency. In order to keep the agency advised of the trainee's progress and performance in the certified court security officers

academy so that the agency may adequately assess the trainee's ability to perform required duties, the department shall provide the following to the sheriff of the trainee's agency:

(1) Immediate notice of specific nonperformance, misconduct, or lack of progress; and

(2) Immediate notice of any off-campus activity that reflects negatively on the profession, including the following:

(a) Parking a marked police vehicle at a:

1. Bar;
2. Tavern;
3. Lounge;
4. Nightclub; or
5. Other establishment with the primary purpose of serving alcoholic beverages;

(b) Disorderly conduct;

(c) Speeding; or

(d) Other behavior that gives rise to a citizen's complaint.

Section 9. Summary Discipline. Except for summary discipline, a penalty shall not be imposed upon a trainee unless charges have first been brought by the legal officer.

(1) The department staff members listed in this subsection may impose the specified penalties summarily without meeting the requirements of the formal disciplinary procedures provided by Sections 10 through 15 of this administrative regulation. To have the authority to impose summary discipline, the staff member shall believe by a preponderance of the evidence that the trainee has engaged in the misconduct.

(a) A department instructor may summarily impose a verbal warning.

(b) The section supervisor, branch manager, director, or commissioner may summarily impose a verbal warning, written reprimand, or loss of privileges.

(2) Before imposing a penalty summarily, the staff member shall give the trainee the opportunity to give an explanation.

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

Section 10. Removal from the Academy Pending an Initial Appearance Before the Commissioner.

(1) If a request for charges is filed against a trainee, the commissioner or director may remove the trainee from some or all training until the trainee's initial appearance before the commissioner if he has reasonable grounds to believe the alleged misconduct took place and:

(a) He has reasonable suspicion to believe the trainee would be dangerous or disruptive if not removed; or

(b) The trainee may be charged with misconduct serious enough to authorize expulsion.

(2) A trainee who has been removed from the academy pending an initial appearance before the commissioner shall be provided the initial appearance within three (3) training days of the removal.

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

Section 12. Investigation by Section Supervisor.

(1) If the section supervisor receives a complaint of or witnesses apparent misconduct, he shall take statements and otherwise investigate the matter.

(2) After investigating the matter, the section supervisor shall:

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

Section 13. Review by Legal Officer; Placing Charges.
(1) The legal officer shall review the request for charges and the supporting evidence and documents.
(2) The legal officer may make or cause further inquiry into the matter for additional information.
(3) The legal officer shall either:
(a) File any charges against the trainee that he believes are justified by the evidence; or
(b) Deny the request for charges if the evidence does not support any charges.
(4) If the legal officer declines to file charges, he shall provide the commissioner with a statement of his reasons for not filing charges.
(5) The charging document shall:
(a) Be in writing;
(b) Particularly describe the alleged misconduct so as to reasonably inform the trainee of the nature of the allegation;
(c) State the time, date, and place the trainee shall make an initial appearance before the commissioner to answer the charges.
(d) Be signed by the legal officer; and
(e) Be served upon the trainee at least one (1) hour before his initial appearance before the commissioner.

Section 14. Initial Appearance Before the Commissioner.
(1) The initial appearance before the commissioner shall be held no more than three (3) training days after the charges have been served on the trainee. If the trainee, after receiving proper notice, fails to appear, the commissioner may proceed in his absence and the trainee shall be notified in writing of any action taken.
(2) At the initial appearance before the commissioner:
(a) The legal officer shall:
1. Read the charges to the trainee; and
2. Explain to the trainee:
a. The charges;
b. His right to a hearing in accordance with KRS Chapter 13B; and
c. His right to be represented by legal counsel.
(b) The legal officer shall explain to the trainee that he shall answer the charges by:
1. Admitting the charges are true;
2. Denying the charges are true but waiving a hearing; or
3. Denying the charges are true and requesting a hearing.
(c) The commissioner shall advise the trainee of the penalty that shall be imposed if the trainee admits the charges or waives a hearing.
(d) The trainee shall be requested to answer the charges.
(e) If the trainee chooses to waive his rights and admits the charges or denies the charges but waives a hearing:
1. He shall be permitted to make a statement of explanation; and
2. The commissioner shall impose a penalty.

(f) If the trainee denies the charges and requests a hearing, or refuses to answer the charges, the commissioner shall set a date for the hearing, notice of which shall be provided in writing to the trainee.

(3) The commissioner may remove the trainee from some or all training until the hearing if:

(a) He has reasonable grounds to believe the trainee would be dangerous or disruptive if not removed; or

(b) The trainee is charged with misconduct serious enough to authorize expulsion as a possible penalty.

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

Section 16. Incorporation by Reference.

(1) DOCJT Form 151, "Applicant Confirmation", 05-08-14, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at 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.

(11 Ky.R. 1542; Am. 1776; eff. 5-14-85; 12 Ky.R. 1628; eff. 5-6-86; 16 Ky.R. 1982; 2412; eff. 5-13-90; 26 Ky.R. 1203; 2-14-2000; 27 Ky.R. 2574; 3083; eff. 5-14-2001; 29 Ky.R. 2340; 2883; eff. 6-16-03; 31 Ky.R. 1733; 32 Ky.R. 68; eff. 8-5-05; 953; 1395; eff. 3-3-06; 33 Ky.R. 2138; 2944; eff. 4-6-07; 35 Ky.R. 1012; 1457; eff. 1-5-2009; 36 Ky.R. 2383; 37 Ky.R. 713; eff. 10-1-2010; 41 Ky.R. 108; 458; eff. 10-3-2014; Cert. eff. 10-2-2021.)