

95.765 Removal or reduction in grade -- Grounds -- Procedure -- Suspension -- Punishment.

- (1) (a) No member of the police or fire departments shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted for the departments.
- (b) Any person may file a complaint against a member of the fire department, which shall be filed in the office of the mayor, who shall notify the legislative body without delay. Any person may file a complaint against a member of the police department under KRS 15.520.
- (c) Any complaint shall be written, signed by the person making the allegations, and shall set out with clearness and distinctness each and every allegation.
- (d) Subject to the provisions of KRS 15.520, it shall be the duty of the mayor and the legislative body, whenever probable cause appears, to prefer charges against any member of the police or fire departments whom he or she believes to have been guilty of any conduct justifying his or her removal or punishment in the interest of public order.
- (e) The charges filed shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented.
- (f) All charges against members of the police or fire departments shall be filed with the clerk of the legislative body. Within ten (10) days after filing, the legislative body shall proceed to hear and examine the charges unless otherwise agreed by the legislative body and the member charged; provided five (5) days before the hearing the member has been served with a copy of the charges, and a statement of the day, place, and hour at which and when the hearing of the charges shall begin.
- (g) The member accused may waive service of the charges in writing, and demand trial within ten (10) days after the charges are filed with the clerk of the legislative body.
- (h) The legislative body shall have the power to summon and compel the attendance of witnesses at all hearings or sittings by the body, upon subpoena issued by the clerk of the body, and served upon the witnesses by any officer authorized to serve subpoenas from any court of justice in the county. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he or she may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court.
- (i) The member accused shall have the right to have subpoenaed, on his or her behalf, any witness he or she may desire, upon furnishing their names to the

clerk of the body, and the action and decision of the body on the charges shall be reduced to writing and shall be entered in a book to be kept for that purpose by the clerk of the legislative body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the legislative body's decisions.

- (2) (a) In cases where the mayor or chief has probable cause to believe that a member of the police or fire department has been guilty of any conduct justifying removal or punishment, he or she may suspend the member from duty, or from both pay and duty, pending trial, and the member shall not be placed on duty or allowed pay thereafter until the charges are heard by the legislative body.
 - (b) The body shall fix punishment against a member of the police or fire departments found guilty of any charge under KRS 95.761 to 95.784, by reprimand in writing or suspension for any length of time in their judgment, not to exceed six (6) months, or by reducing the grade, if the accused be chief or other officer, or by combining any two (2) or more of the punishments, or by removal or dismissal from the service of any such member of the police or fire department.
 - (c) No member of the police or fire department except as provided in KRS 95.761 to 95.784 shall be reprimanded in writing, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.
- (3) This section shall only apply to a member of the police department when the provisions of KRS 15.520 do not apply.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 191, sec. 8, effective July 14, 2022. -- Amended 2016 Ky. Acts ch. 31, sec. 18, effective July 15, 2016. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 121, effective January 2, 1978. -- Created 1942 Ky. Acts ch. 9, sec. 6.