

**WOODFORD COUNTY BOARD OF EDUCATION
AGENDA ITEM**

ITEM #: VIII F **DATE:** August 11, 2023

TOPIC/TITLE: BACKUPPS

PRESENTER: Garet Wells *GW*

ORIGIN:

- TOPIC PRESENTED FOR INFORMATION ONLY (No board action required.)
- ACTION REQUESTED AT THIS MEETING
- ITEM IS ON THE CONSENT AGENDA FOR APPROVAL
- ACTION REQUESTED AT FUTURE MEETING: (DATE)
- BOARD REVIEW REQUIRED BY

- STATE OR FEDERAL LAW OR REGULATION
- BOARD OF EDUCATION POLICY
- OTHER:

PREVIOUS REVIEW, DISCUSSION OR ACTION:

- NO PREVIOUS BOARD REVIEW, DISCUSSION OR ACTION
- PREVIOUS REVIEW OR ACTION

- DATE:
- ACTION:

BACKGROUND INFORMATION:

Pursuant to the authority granted in it under KRS 160.160 and KRS 160.290, local boards of education are authorized to establish a police department for local school districts, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the school district, and designate and operate emergency vehicles.

SUMMARY OF MAJOR ELEMENTS:

BACKUPPS is a consortium of other law enforcement agencies that is a pre-existing interlocal agreement. By joining, it eliminates the need to coordinate with a partner law enforcement agency in an certain emergency situations.

IMPACT ON RESOURCES:

TIMETABLE FOR FURTHER REVIEW OR ACTION:

SUPERINTENDENT'S RECOMMENDATION: Recommended Not Recommended

Dary Adly

BACKUPPS

1. WCPS officers' primary authority and responsibility is still the safety and security of WCPS staff, students, visitors while on WCPS property.

2. Officers shall carry the authority as described in the below BACKUPPS operating procedures. When possible on "incidental enforcement action" if officers can safely do so and any delay would not enhance the risk to public safety or injury officers may still attempt to contact the host agency before taking action. In matters in which officers directly witness a risk to public safety or a risk of substantial injury to a person officers may take law enforcement action without delay.

3.. The purpose of this policy is not to create a statewide/county wide police agency. This policy should be used with discretion and as intended.

BACKUPPS Model Standard Operating Procedures for Participation in the Bluegrass and Central Kentucky Unified Police Protection System (BACKUPPS)

Effective July, 2016

1. Purpose

The purpose of this SOP is to provide policies and procedures for law enforcement officers employed by Member Entities of the Interlocal Agreement ("the Agreement") creating the Bluegrass and Central Kentucky Unified Police Protection System (BACKUPPS) as required in paragraph 3.5 of the Agreement.

2. General

- a) The policies and procedures contained herein are mandatory for all law enforcement officers employed by a jurisdiction participating in the Agreement, unless that jurisdiction obtains the approval of the BACKUPPS administrative Board to use a different SOP. Failure to follow these policies may result in disciplinary action. However, in no event shall failure to follow these policies affect the authority of an officer to exercise the rights, responsibilities, powers and immunities granted to him or her under the terms of the Agreement, including but not limited to the right to enter the jurisdiction of another member entity and to exercise the powers of arrest therein.
- b) Upon agreement of the chief law enforcement officers of the host and visiting

Member Entities, any of the policies and procedures may be waived on a case by case

3. Definitions

- a) The definitions contained the Agreement are incorporated as though set forth herein.
- b) "Incidental enforcement action" means action of a law enforcement officer that is unrelated to the officer's reason for entry into a host jurisdiction. Generally, only felonies or misdemeanors witnessed by a police officer while visiting a host jurisdiction require incidental enforcement action. This includes action taken by an officer who resides in the host jurisdiction.
- c) "Intended enforcement action" means action of a law enforcement officer that is directly related to the officer's reason for entry into a host jurisdiction. Investigations, undercover operations, and criminal interdictions are examples of direct enforcement actions.
- d) "Host jurisdiction" means the jurisdiction, other than an officer's home jurisdiction, in which an officer is performing law enforcement activities. If an officer is performing law enforcement activities in a county, but not within the corporate limits of a city, the county shall be the host jurisdiction. If an officer is performing law enforcement activities in the corporate limits of a city, the city shall be the host jurisdiction.

4. Policy

- a) An officer shall not take ***incidental enforcement action*** unless he or she directly witnesses a risk to public safety or a risk of substantial injury to a person, or unless requested by the host jurisdiction to provide such action or assistance.

Officers shall not perform routine traffic details (for example, radar checks and seatbelt and DUI checkpoints) in a host jurisdiction unless the chief law enforcement officer of the host jurisdiction requests such action.

- b) Officers shall coordinate intended enforcement action with the appropriate law enforcement agency(ies) of the host jurisdiction.
- c) Complaints of misconduct of an officer who performs law enforcement action in a host jurisdiction shall be directed to the officer's home jurisdiction for investigation. Officers in the host jurisdiction where the complaint occurred shall fully cooperate with the investigation.

5. Notice

When Notice Shall be Provided

Whenever an officer, acting under the authority of the Agreement, enters a host jurisdiction for the purpose of performing an ***intended enforcement action***, such officer shall, to the extent feasible, provide the host jurisdiction with notice within a reasonable time prior to entry. The officer shall provide the host jurisdiction with information sufficient to enable the host jurisdiction to provide assistance to the officer.

In the event it is not feasible for an officer performing an intended enforcement action to provide notice to the host jurisdiction prior to entry, the officer shall provide such notice as soon as practical after entry.

Officers performing undercover operations shall, in all circumstances, contact the host jurisdictions on duty supervisor immediately prior to entry.

Whenever an officer, acting under the authority of the Agreement, has need to take incidental enforcement action within a host jurisdiction, such officer shall, to the extent feasible, provide the host jurisdiction with notice prior to initiating the action. The officer shall provide the host jurisdiction with information sufficient to enable the host jurisdiction to provide assistance to the officer.

In the event it is not feasible for an officer performing an incidental enforcement action to provide notice to the host jurisdiction prior to initiating the action, the officer shall provide such notice as soon as practical after taking action.

How Notice is Accomplished

Notice to a host jurisdiction shall be accomplished through dispatch or by direct communication with the host jurisdiction. Under emergency circumstances, an officer may request his or her own dispatch to provide notice to the host jurisdiction.

6. Jurisdiction and Custody

In all enforcement actions performed within a host jurisdiction, the circumstances of the case and the discretion of the officers and prosecutors involved shall determine which Member Entity has jurisdiction over a case and/or custody of persons under arrest, evidence and seized property.

7. Command and Rank Structure

An officer performing law enforcement action in a host jurisdiction shall remain under the rank structure and operating policies of his or her own agency. However, the on-scene supervising officer of the host jurisdiction shall be in command. Officers performing law enforcement actions in a host jurisdiction shall be respectful of the officers of the host jurisdiction, regardless of rank.