




POWELL COUNTY SCHOOLS
POLICE DEPARTMENT
POLICY MANUAL

REVISED:

04.02.26

Powell County Board of Education

	Powell County Public Schools Police Department General Policy Statements			
	Title / Subject <p style="text-align: center;">Powell County SRO General Information</p>		EFFECTIVE DATE July 1, 2025	Revised DATE April 2, 2026
			DISTRIBUTION Sworn personnel	
			REPORT: <input type="checkbox"/>	

Per Powell County School Board Policy 02.31:

DEFINITION

"School Resource Officer" SRO means an officer whose primary job function is to work with youth at a school site who has specialized training to work with youth at a school site and is:

- (a)
 1. A sworn law enforcement officer certified under [KRS 15.380](#) to [KRS 15.404](#); or
 2. A special law enforcement officer appointed pursuant to [KRS 61.902](#) and certified under [KRS 15.380](#) to [KRS 15.404](#); or
 3. A police officer appointed as a certified SRO; and
- (b) Employed:
 1. Through a contract between a local law enforcement agency and a school district;
 2. Through a contract as secondary employment for an officer, as defined in [KRS 16.010](#), between the Department of Kentucky State Police and a school district; or
 3. Directly by a local Board of Education.¹

PURPOSE

The purpose of the SRO program is to: promote and foster a safe environment in schools, at school-sponsored events, and on school transportation; provide a law enforcement presence on school property and at school-sponsored events; enhance educational programs relating to safety and positive behaviors; and provide a liaison to community and law enforcement agencies. The purpose of the program is not to enforce or administer matters of school discipline and student conduct which are the responsibility of other District or school personnel.

ROLES AND EXPECTATIONS

- An SRO will have such training, certification, and commission as is required by provisions of KRS Chapters 15, 61, and 158. Per [KRS 158.4414](#), an SRO who fails to successfully and timely complete SRO training requirements shall lose his/her SRO

certification and shall no longer serve in the capacity of an SRO in a school. An SRO is also expected to obtain training on the use of physical restraint and seclusion as required of all school personnel except additional training applicable to “core team” school personnel designated to respond to dangerous behavior.²

- An SRO is vested with law enforcement jurisdiction and authority as described in [KRS 61.902](#) to [KRS 61.930](#) and other applicable law, including, but not limited to, investigating and responding to possible criminal offenses and to health or safety threats to students or school personnel.
- As authorized under the Family Educational Rights and Privacy Act (“FERPA”), SROs are designated as the District’s “law enforcement unit” possessing the law enforcement authority and exercising safety and security functions described in state law and referenced above. Records created and maintained by an SRO for a law enforcement purpose do not constitute education records under FERPA.³ District staff other than law enforcement personnel are not responsible for the creation of law enforcement records and are expected to observe restrictions on access to such records. An SRO is expected to provide guidance and insight to District officials and staff on such restrictions.

Nature of Employment

An SRO who is directly employed by the District is a classified employee. An SRO is therefore generally covered by District classified employee policies, including, but not limited to, policies regarding terms and conditions of employment; fringe benefits; employee discipline; and reductions in force.⁴ However, as applied to an SRO, such general District classified employee policies may be subject to the terms of his/her contract with the District; his/her job description; and his/her authority to carry out certain law enforcement functions as permitted by law, including, but not limited to, statutory provisions permitting officers to carry and use weapons.⁵

ASSIGNMENT

The Board shall ensure, for each campus in the District, that at least one (1) certified SRO is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the Board shall fulfill the requirements on a per campus basis, as approved in writing by the State School Security Marshal, until a certified SRO is assigned to and working on-site full-time on each campus in the District.

BOARD MAY AUTHORIZE POLICE DEPARTMENT

[KRS 158.471](#) provides that the Board is authorized to establish a police department for the District, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the District, and designate and operate emergency vehicles. Police officers appointed shall take an appropriate oath of office in the form and manner consistent with the constitution of Kentucky. Police officers shall be granted with the protections provided in [KRS 15.520](#) and shall be certified in accordance with [KRS 15.380](#).⁷

If the Board establishes a police department, the Superintendent/designee shall develop standard operating procedures governing the department.

TRAINING REQUIREMENTS

SROs with active SRO certification shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for SROs. Any SRO who fails to successfully complete training requirements within the specified time periods, including approved extensions, shall lose his/her SRO certification and shall no longer serve in the capacity of an SRO in a school.

FIREARM REQUIREMENT

Each SRO shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.⁶

SUPERINTENDENT TO REPORT

No later than November 1 of each year, the Superintendent shall report to the Center for School Safety the number and placement of SROs in the District. The report shall include the source of funding and method of employment for each position.

ADDITIONAL GUIDELINES OF THE DEPARTMENT

I. SELECTION AND SPECIFIC LOCATION ASSIGNMENT

A. The selection process for SRO's shall be in accordance with the current School districts hiring practices and KRS P.O.P.S standards/certifications.

B. The assignment to schools will be based on the needs of the school district. All assignments will be based on the recommendation of the Chief of Police to the Superintendent.

II. GENERAL DUTIES

A. The SRO's duties include, but are not limited to, the following:

- i. Providing a visible deterrent to criminal activity on school property.
- ii. Promoting a safe and secure environment on school property.
- iii. Responding to criminal activity and disturbances on school property.
- iv. Investigating crimes occurring within their assigned school property or stemming from incidents occurring at the school property.
- v. Participate and collaborate in the development of the school's crime prevention programs.
- vi. Being a positive role model to the students.

vii. Supporting faculty and staff, when requested, and when circumstances necessitate a law enforcement response.

viii. Working after school events such as athletic events, dances or other sanctioned events related to after-school activities.

B. SRO's will not enforce administrative or disciplinary rules enacted by the school district, individual schools, administrators or faculty. This includes, but is not limited to:

- a. Failure to follow classroom rules or disrupting class.
- b. Dress code violations.
- c. Failure to carry a hall-pass or other appropriate identification.
- d. Failure to participate in, or being unprepared for, class.
- e. Truancy, excessive tardiness, or cutting class.
- f. Possession or use of cell phones, or other electronic devices.
- g. Possession of other inappropriate personal items.
- h. Public displays of affection or other inappropriate touching.
- i. Verbal altercations unless deemed to be of legal harassment or terroristic threatening.

III. SHIFT SCHEDULE

SRO's will work hours and days consistent with the hours of operation of the school to which they are assigned. Generally, these hours of operation are Monday – Friday, dayshift hrs.

SRO's will remain in the school during normal school operating hours and are only permitted to be off school property with supervisory approval and/or exigent circumstances exist. Preplanned training or meetings do not require supervisory notification.

IV. EXTRACURRICULAR ACTIVITIES & EVENTS

The employment of SRO's at extracurricular activities or school or district events outside of normal school operating hours will be conducted as needed. The Chief of Police will be contacted by district personnel to request a police presence. The Chief of Police will set the schedule for the events.

V. ARRESTS

1. An SRO may take a juvenile into custody at his/her discretion with probable cause. The SRO shall comply with all statutory requirements and departmental policies regarding juveniles.
2. An SRO may arrest an adult at his/her discretion. The arrest shall be in accordance with applicable arrest statutes and departmental policies regarding arrests.

VI. RESPONSE TO RESISTANCE

1. Any use of force shall comply with the department Response to Resistance Policy.
2. If an SRO is involved in a use of force incident, he/she shall immediately notify a department supervisor to respond to the school for investigation and reporting per the department policy.

VII. INVESTIGATING INCIDENTS INVOLVING STUDENTS

1. Investigations by SRO officers will be in accordance with KRS statutes and Departmental /school policies, along with applicable local, state and federal laws.
2. SRO's officers should not routinely conduct investigations pertaining to criminal activities unrelated to the operation of the school, on the school premises, during school operating hours. Such investigations should be limited to only those in which a delay might result in danger to any person or the destruction of evidence. In such cases, the officers should obtain prior approval from a supervisor.

VIII. INTERVIEWING STUDENTS

- A. Interviews by SRO's or other officers will be in accordance with the current agreement between the department and the school district along with applicable local, state and federal laws. The following procedures will apply:
 - i. If an officer is investigating allegations that a student is the victim of dependency, neglect or abuse, the SRO will consult with the school official before any notification to the student's parent/guardian that the interview has occurred or will occur.
 - ii. If an officer is investigating allegations that a student is the victim or witness to a crime occurring off school property and unrelated to the operation of the school, then the SRO should weigh the need to immediately interview the student versus the interruption to the student's educational process.

iii. If an officer is investigating allegations that a student is the victim of or witness to a crime occurring on school property or during a school-sponsored event, the SRO should interview the student as soon as possible. Notification to a parent/guardian should be made as soon as practicable in accordance with the school's policy.

iv. The notification of a parent or guardian may be disregarded in cases where the parent or guardian is suspected of perpetrating the crime against the student.

IX. INTERROGATING STUDENTS

A. Interrogations by SRO's should be in accordance with the departmental and school policy along with applicable local, state and federal laws.

B. Prior to interrogating a juvenile, the officer will advise the juvenile of his/her constitutional rights. KRS 610.200(1).

C. When officers seek to interrogate a student who is a suspect in a crime occurring on school property, the officer should interrogate immediately if there is an imminent threat to the health or safety of the school, student(s), staff or faculty or other person(s). If there is no imminent threat, the officer can allow the school official to conduct an administrative investigation outside of the officer's presence prior to any interrogation. The officer can then proceed with the investigation as he/she would any other investigation.


D. When an SRO is involved or if a school administrator is working in concert with the SRO in obtaining incriminating statements, the student must be advised of his/her Miranda warning.

X. SEARCHES

A. All searches of persons and/or property will be in accordance with current constitutional procedures and case law.

B. Although school personnel may conduct a search based on reasonable articulable suspicion, absent consent. SRO's and other law enforcement officers need probable cause to conduct a search.

C. SRO's must act independently from the school personnel. SRO's cannot use school personnel as an agent in conducting searches.

	Powell County Public Schools Police Department			
	Policy Number 1			
	Title / Subject		EFFECTIVE DATE July 1, 2025	Revised DATE April 2, 2026
	Duties of the Officer (SRO) - General			
REFERENCES			DISTRIBUTION	
			Sworn personnel	
			REPORT: <input type="checkbox"/>	

UNIFORM, EVIDENCE, REPORT WRITING, NOTIFYING DISPATCH, INSPECTIONS, COURT, CITATIONS

A. Uniforms

1. Class A Uniform:

The Class A Uniform will consist of a dark blue or navy in color trouser and blouse with the department's patches displayed on both shoulders of the blouse.

A white or blue T-shirt will be worn under the blouse.

A name tag, badge and rank insignia will also be displayed.

Shoes/boots shall be black in color and dark Navy or Black socks will be worn with the shoes/boots.

Officers' duty rig will consist of duty approved weapons and equipment that will meet the needs of the department and the officer's assignment. All officers shall be trained and certified with their department issued weapons and equipment.

NO part of the uniform clothing will be worn while off duty, except in an emergency call out.

2. Class B Uniform:

The Class B uniform will consist of a Polo style shirt and tactical style pants or khaki pants. The shirt will display a sewn-on badge and name tag.

The color of the uniform shall be approved by the Chief of Police.

Black Boots/shoes are permitted to be worn with the Class B uniform

Dark Navy or Black socks will be worn with the uniform.

NO part of the uniform clothing will be worn while off duty, except in an emergency call out.

B. Care and use of equipment

It shall be the duty of the officer to maintain all issued equipment items. The officer should take action to ensure that all equipment is in working order and report to his supervisor any equipment that is not adequate for service.

The officer shall check his oil and all engine fluid levels during fuel fill ups. The engine oil for each cruiser is to be changed at 5000 miles, and the tires are to be rotated at that service call promoting even wear on the tires.

The officer will be expected to keep his vehicle in a condition which provides the officer with an optimum level of safety. In doing so, the officer will also maintain a cleanliness of the vehicle that would project a positive image of the individual officer and the department.

C. In-Service:

While attending In-Service Training all officers shall dress in a professional manner, a shirt with collar and khaki pants are required, unless the training dictates other dress requirements.

D. Evidence:

A secured evidence locker is located in the Powell County Board of Education Central Office. Once an officer has obtained evidence, the evidence should be packaged accordingly, sealed with evidence tape, with all the necessary information (Case Number, Officer, Date, Suspect, Contains) written on the evidence bag. A white envelope should be then stapled to the evidence bag with the case number written on the envelope. The evidence form after being completed (All Three Copies) should be placed in the white envelope. The evidence should then be placed in one of the evidence lockers. If the officer wants the evidence submitted to the lab for testing, a KSP 26 lab request form should also be filled out and placed in the white envelope with the evidence form.

The officer will submit and store obtained evidence before the end of his patrol shift.

E. Report Writing:

All reports, Accident or Criminal Case Reports will be completed on the KYOPS program. The accident reports will be completed on E-Crash and the Criminal Case Reports will be completed on E-NIBRS.

Once the officer has completed the report, the officer will then submit the report for review, which will be reviewed by a supervisor; if the report is incorrect the report will be returned to the officer for corrections.

If the report is correct, the supervisor will print a copy of the report. If the report is an accident report, the supervisor will place the report in the file folder marked by the month the accident occurred in. (Example if the accident occurred in January the report will be placed in the January file folder, if the accident occurred in February the report will be placed in the February file folder.) The officer shall submit all photos to the office so the photos can be attached to the accident. If the photos are digital they should saved on a thumb drive, which the office will replace for you. Also the officer may download the photos to the office computer photo file and the photos can be saved to a USB drive at a later date if necessary. **IT IS RECOMMENDED PHOTOS BE TAKEN ON ALL SERIOUS OR INJURY ACCIDENTS**

If the report is a Criminal Case Report the supervisor will print a copy of the report and place it in a case file jacket labeled by the case number. (Example: The case number will start with the year, then the last digits of the number will be the case number, 07= Year / and 001 = case number such as 07-001). The officer shall submit all written statements, photos, or other items associated with the case and the supervisor will place these items in the correct case file. These items shall have the case number placed on them.

F. Start and End of shift:

Based on the needs of the school system, full -time sworn officers are to be on duty 24 hours a day on an “On-Call” basis. The officer is to work his/her regular shift hours as well as be accessible to be called out by supervising officials within the school district for emergency situations.

G. Inspections of vehicle and personnel:

Inspections will be conducted on at least a quarterly basis, the inspection will consist of the officer’s appearance, weapon(s), and vehicle. However, a supervisor may conduct inspections as they deem necessary.

H. COURT:

An appropriate uniform for court will be worn.


I. Citation Books:

Citations should be drawn from KYOPS and transmitted electronically. However, when circumstances do not permit using KYOPS the officer may use a paper citation.

NEVER destroy a citation, VOID it out and forward it on to the office daily activity basket, these citations have to be returned to Frankfort.

J. Vehicle Use:

Police vehicles are to be used for police business purposes only. Vehicles may be driven home but may not be used for personal use.

	Powell County Public Schools Police Department			
	Policy Number 2			
	Title / Subject		EFFECTIVE DATE July 1, 2025	Revised DATE April 2, 2026
	Standards of Conduct			
REFERENCES			DISTRIBUTION	
Policy 1,2, 3 7,8,9, 10 & 12			Sworn personnel	
			REPORT: <input type="checkbox"/>	

I. POLICY

Officers shall conduct themselves at all times in such a manner as to reflect most favorably on the Department and School District. Conduct unbecoming an officer shall include that which tends to reflect discredit upon the officer as a representative of the department, or that which tends to impair the operation or efficiency of the department or its officers. Such offenses do not need to be specifically defined or set forth in this manual. Rules of conduct cannot be established to cover all incidents that may arise in the usual discharge of police officers’ duties or in the personal activities of individual members. Therefore, it is the duty of each individual employee to regulate his or her own actions. Any act of omission contrary to good order, moral or discipline shall be subject to disciplinary action.

II. RULES AND REGULATIONS

Officers shall not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, procedures, policies, directives, School district personnel policies or orders of the department.

1. Officers shall obey all laws.
2. Officers shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and work rules of that agreement.
3. Officers of the department shall promptly obey the legitimate orders of superior officers and other officers acting in a supervisory capacity.
4. When two or more officers of equal rank are simultaneously employed in the same operation, the senior member shall be in charge, except when otherwise ordered.
5. Officers of the department shall conduct official business through channels as indicated in the current organizational structure. Rank shall not be disregarded

in conducting official business except where authorized by the Police Chief, or by law.

6. Officers of the department, having a disagreement involving another member that cannot be resolved amicably, shall consult their immediate supervisor.
7. All command and supervisory personnel will be addressed by their correct title and last name when in public and/or when appropriate.
8. Officers will keep their commanding officer informed of their current residence and telephone number.
9. Officers of the department shall always be civil, orderly, and courteous in dealing with the public, subordinates, superiors and associates. They shall avoid the use of coarse, violent or profane language. They shall not express any prejudice concerning race, sex, religion, national origin, lifestyle, or similar personal characteristics.
10. Officers of the department shall provide necessary advice and/ or assistance to citizens in a prompt and courteous manner, whether the request is by telephone or in person. Information that is from citizens relating to complaints or reports will be thoroughly documented in accordance with existing departmental procedure.
11. Officers shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by officers, as well as official statements, shall be truthful and complete. No member shall knowingly state, enter, or cause to be entered any inaccurate, false, incomplete, misleading, or improper information.
12. Officers of the department shall not remove or attempt to remove any official record, report or citation from any file or take any official record from the office where it is kept except in the performance of their official duties.
13. Officers shall not exhibit or divulge the contents of any criminal record to any person except in the conduct of departmental functions or in accordance with the provisions of law.
14. Officers shall treat the official business of the department as confidential. They shall not disclose information concerning department activities when such disclosures would hinder accomplishment of police objectives.
15. Officers shall not publicly criticize or ridicule the department, its policies, or other officers by talking, writing or expressing themselves in any manner, when such expression:

- a. Is directed towards a person with whom the member has a working relationship and that the expression would impair the working relationship.
 - b. Is stated or inferred as the official position of the department, without obtaining prior approval of the department.
 - c. Improperly disclosed investigative or confidential information.
 - d. Would impair the operation of the department by interfering with its efficiency; interfering with the ability of supervisors to maintain discipline; is made with reckless disregard for truth or falsity.
16. Officers of the department shall not authorize the use of their name, a photograph that identifies them as being affiliated with the department, or their official title, in connection with testimonial or advertisement of any commodity or commercial enterprise without official approval.
 17. Officers shall not engage in any other employment or business without the permission of the Chief of Police. Requests for permission to engage in outside employment shall be in written form.
 18. Officers shall report for duty at the time and place required by assignment or orders. Officers shall be neatly and properly groomed, as well as physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
 19. Sworn officers on duty assigned to the uniform force will report to court in the uniform of the day. Officers who are off-duty may report to court in the uniform of the day or in acceptable civilian attire, of conservative color and design. Male officer's attire is to include a button-down shirt. Female member's attire to include dress pants, skirt or dress when applicable.
 20. Officers of the department shall not be absent from duty without first obtaining permission.
 21. Officers, when reporting for or ending their tour of duty, will report to their immediate supervisor or that person designated as being in charge.
 22. Officers of the department shall not be absent from any trial or hearing except for a good cause. In such instances, they shall notify their supervisor at a reasonable time before the trial or hearing begins.
 23. Officers of the department will be thorough in the preparation of their cases for trial by proper execution of legal documents, analysis and preservation of evidence, summoning of witnesses, and review of their testimony.

24. Officers shall not consume alcoholic beverages while in uniform or on duty.
25. Officers shall not report for duty or be on duty while under the influence of alcoholic beverages, controlled substances or with an odor of either on their person.
26. Officers shall not possess or use any controlled substances except when prescribed in the treatment of officers by a physician or dentist. When controlled substances are prescribed, officers shall notify their supervisor when reporting for duty.
27. Officers shall not at any time use or attempt to use their official position, badge, or credentials for personal gain.
28. Officers shall not use or attempt to use their position as a police officer to influence the decisions of government officials in matters relating to the member's personal advantage.
29. Officers shall not solicit or accept from any person, business or organization, any gifts, gratuities or loans for the benefit of the officer, department, or any other person or organization. These limitations are not intended to prohibit employees from accepting articles of negligible value that are widely distributed to the public nor social courtesies that promote good public relationships. Officers should guard against relationships which might be construed as favoritism, coercion, unfair advantage or collusion.
30. Officers shall immediately report to their commanding officer any arrest or court actions instituted against them, except civil matters arising outside the scope of their employment.
31. Officers shall not interfere with cases being investigated by other officers of the department or by any other governmental agency. Interference with a case include but is not limited to, actions taken which may affect an arrest, bond setting, prosecution, sentencing, or any other facet of the investigation.
32. Officers subpoenaed, in their capacity as a police officer (or when there is a probability that the member's position will be made known to the court), to testify on behalf of the defense shall notify their supervisor of said subpoena.
33. Officers shall not participate directly or indirectly in any unethical or unlawful compromise, arrangement or settlement between criminals and their victims. They shall report to their supervisor any knowledge of such arrangement in which any other member of the department is involved.
34. Officers of the department shall not support, join or be a member of any organization or society designed to interfere with the orderly process of


government by illegal acts, or designed to disrupt the discipline and control of officers of the department.

35. Officers of the department shall not wear on their uniform any insignia of a fraternal organization, or any insignia that would prejudice their position or neutrality. Authorized insignia for service or achievement in the police department may be worn when authorized by the Chief of Police.
36. Officers of the department will keep their clothing or uniform in good repair, cleaned and pressed, their shoes shined, belt and holster shined, and metal parts of their uniform polished, and will wear their uniform completely fastened.
37. Officers shall not use tobacco products while in contact with the public. Smoking is prohibited inside all Schools and or District owned properties.
38. Officers are obligated to take action in any criminal or emergency situation coming to their attention while on duty, in accordance with any laws or departmental policy.
39. Sworn officers of the department shall carry their badge and identification card when carrying their department approved firearm.
40. Officers shall not knowingly or with malice make any arrest, search or seizure that is not in accordance with law and departmental policies and procedures.
41. Officers shall not verbally and/ or physically mistreat persons who are in custody and shall protect them from mistreatment by others. Officers shall handle such persons in accordance with the law and department policy.
42. Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and departmental policy.
43. Officers of the department, while acting in an official capacity, shall not fire any weapon except as authorized by departmental policy.
44. Officers of the department while using department radios shall conduct themselves in a professional manner at all times and will adhere to proper radio discipline.
45. Officers of the department shall not permit any other person to possess, control or use their badge or police department credentials.
46. Officers of the department shall not use department equipment or other resources for personal business.

47. Officers of the department shall not operate any police vehicle or equipment unless they are qualified and authorized to do so.
48. Officers of the department shall operate department vehicles in a careful and prudent manner and shall conform to departmental procedures pertaining to such operation.
49. Officers, before use, shall examine any departmental vehicle or equipment assigned to them, and report unrecorded damage or operational defects to their supervisor, and complete necessary reports.
50. Officers of the department will be responsible for the care of department property of every description and the prompt reporting of loss, damage or defect.
51. Officers assigned to operate police vehicles are responsible for the cleanliness and maintenance of such vehicles.
52. Officers of the department are responsible for ensuring the safety and welfare of persons and their personal property when transporting or having custody of persons who are sick, injured, arrested, or incapacitated in any way.
53. A member of the department must, upon direction of the Chief of Police or his designated representative, respond completely and truthfully to all questions that are specifically, directly and narrowly related to the performance of their duty as a police officer or member of the department.

TRAINING

In addition to required training for School Resource Officers, our officers will be required to be trained and qualified on the use of the Powell County Police Department issued duty weapon and rifle two times per year.

	Powell County Public Schools Police Department Policy Number 3			
	Title / Subject Use of Force		Effective Date: July 1, 2025	Revision Date: April 2, 2026
	REFERENCES		DISTRIBUTION	
			Sworn personnel REPORT: <input type="checkbox"/>	

I. PURPOSE:

The policy on use of force is established to provide guidelines and direction to officers regarding the limitations of force used and clearly describes certain prohibited activities. The policy supports the Department’s mission to maintain the highest regard for all individuals “Constitutional Rights”, safety, and protection afforded by law.

II. POLICY:

Officers are confronted daily with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the officer perceives it as reasonable and necessary under the circumstances. The use of physical force shall be restricted to circumstances authorized by law to the minimum degree required to accomplish a lawful police action.

The objective of the use of force is to overcome the suspect’s resistance to an officer’s lawful purpose. Police officers shall not unreasonably or unnecessarily endanger him or herself or the public when applying this policy. Officers, regardless of rank, have a duty to intervene if they observe unreasonable or excessive use of force by another officer.

III. DEFINITIONS:

Deadly Physical Force

Any force which is used with the purpose of causing death or serious physical injury or which the officer knows to create a substantial risk of causing death or serious physical injury.

Serious Physical Injury

Any physical injury which creates a substantial risk of death, or which causes serious and prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ.

Physical Injury

Any injury, which causes substantial physical pain or impairment of bodily condition.

Non-Deadly Force

Force employed which is neither likely nor intended to cause death or serious physical injury.

Reasonable Belief

The facts or circumstances the officer knows, or reasonably should know, that would cause an ordinary prudent person to act or think in a similar manner under similar circumstances.

Reasonable force

The minimum amount of force required to overcome the use or imminently threatened use of force against the officer or other person, which, based on facts or circumstances the officer knows, or should know, would cause an ordinary prudent person to act or think in a similar manner.

Intervene

To come between, whether verbally or physically, to change the course of events that clearly would result in a violation of law or agency policy.

Vascular Neck Restraint

A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.

Choke Hold

Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involved contact with the neck that is not intended, anticipated, or expected to reduce the intake of air.

III. PROCEDURE – GENERAL GUIDELINES: REASONABLE FORCE

A. Use of Force in an Arrest

1. In all instances, officers of this department are expected to use only the force necessary to affect lawful objectives. The officer is responsible to the following elements when using force to make an arrest, pursuant to KRS 503.090 (1):

- a. Believes that such force is necessary to affect the arrest;
- b. Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested.
- c. Believes the arrest to be lawful.
- d. Uses such force to prevent the escape of an arrested person.

2. An officer may use deadly force in making an arrest only when he meets the three requirements set forth in KRS 503.090 (2), and the following conditions apply:

- a. The officer, in effecting the arrest, is authorized to act as a peace officer; and
- b. The arrest is for a felony involving the use or threatened use of physical force that is likely to cause death or serious physical injury; and
- c. The officer making the arrest believes the person to be arrested is likely to endanger human life unless apprehended without delay.

B. Use of Force in Self-Protection

Self – Protection (KRS 503.050)

1. An officer may use physical force upon another person when the officer believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.
2. An officer may use deadly force in self-defense when he believes such force is necessary to protect against death, serious physical injury, kidnapping, or forcible rape.
3. In the event an officer reacts with force in self-defense as a result of an unlawful act, the officer should file the appropriate charge (if any) against the person committing the unlawful act.

C. Use of Force in Protection of Others

An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury.

D. Use of Force - Fleeing Felon

The use of deadly force against a fleeing felon is used only when the officer believes the person to be arrested is likely to endanger human life unless apprehended without delay.

E. Summary of Use of Force

1. Officers of this department shall use only the force necessary to affect lawful objectives while performing their duty in accordance with KRS Chapter 503.
2. An officer must frequently employ the use of force to affect an arrest and ensure public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat (with all the risks involved) before resorting to the use of force that will more quickly, humanely, and safely bring the arrest under physical control. This, of course, assumes that the officer is acting in accordance with KRS Chapter 503.
3. Officers may use reasonable physical force to defend themselves, another person, and/or to affect an arrest. Under the following conditions:
 - a. The officer is acting under official authority assisting in making a lawful arrest or self-defense.
 - b. Believes such force is necessary to affect the arrest.
 - c. Makes known the purpose of the arrest or believes that it is otherwise known or cannot be reasonably be made known to the person being arrested: and
 - d. Is acting to prevent escape of an arrested person

F. Levels of Force

When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and shall not use a more forceful measure unless it is determined that a lower level of force would not be adequate, or that such level of force is

attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is established as:

- a. Officers Presence
- b. Verbal Commands
- c. Soft Empty Hand Control
- d. Chemical Spray
- e. Electronic Control Devices
- f. Hard Empty Hand Control
- g. Impact Weapons
- i. Deadly Force

It is not the intent of this order to require officers to try each option before escalating to the next level. Clearly, good judgment and the circumstances of a given situation will dictate what level the officer chooses as appropriate to the risk confronted. The department shall hold the officer accountable for any type of force used.

G. Procedures for Application of Non-Deadly Force

1. Officers Presence

Visual appearance of officer where it is obvious to the subject due to the officer's uniform or identification that the officer has the authority of law.

2. Verbal Commands

Words spoken by the officer directing the subject as to the officer's expectations. An officer should use verbal commands whenever possible. The practice of courtesy in all public contacts encourages understanding and cooperation; lack of courtesy arouses resentment, and often physical resistance. This level of force may be obtained through advice, persuasion, and warnings before resorting to actual physical force.

3. Soft Empty Hand Control

Officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.

4. Chemical Spray

Where subject exhibits some level of active resistance/active aggression, officers may use chemical spray to temporarily incapacitate the subject. Officers must exercise sound judgment when using chemical sprays and realize the dangers this chemical agent poses to the user, assisting officers, and people who may not react to the spray (e.g., highly intoxicated or mentally disturbed persons).

- a. Officers must be properly trained in the use of chemical sprays in order to be authorized by the Chief of Police to use or carry chemical sprays.
- b. Officers will ensure that suspects are decontaminated upon arrival at the detention center.

5. Electronic Control Devices

Where subject exhibits some level of active resistance/active aggression an officer may use an electronic control device to temporarily incapacitate the subject.

6. Hard Hand Empty Hand Control

Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.

7. Impact Weapons

Batons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion. When properly used, the baton can deliver extremely powerful blows to stun and incapacitate a subject. A baton is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, and to the side of the neck must be avoided when possible.

H. Procedure for Application of Deadly Force

Chokeholds & Neck Restraints

1. An officer shall not use a chokehold or neck restraint in the performance of his or her duties, unless deadly force is justified.
2. Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. Officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted for the purpose of seizing evidence or preventing the destruction of evidence by ingestion.

Firearms (Sidearm)

1. The general policy of this department regarding the use of firearms or other deadly force by an officer, on or off duty, is authorized provided the officer is using the firearm only to prevent the death or serious physical injury to himself or other persons.
2. All officers are strictly prohibited from drawing or displaying their firearm except for a legal use, official inspection, formal training exercise while on duty, acting in any other official capacity as a peace officer or when he has sufficient cause to expect it will be used and is preparing for its use.
3. An officer may discharge his firearm while in performance of official duty for the following reasons:
 - a. During formal training exercises authorized by the Chief of Police.
 - b. During safe practice in any area where firing a weapon would not be in violation of the law.
 - c. To humanely kill a seriously injured or dangerous animal when other alternatives are impractical or unavailable, and then only with authorization from the officer's Watch Commander or Supervisor unless time does not permit.

- d. When all other levels of force and control have failed or are not practical, and the officer reasonably believes that such action is necessary to defend against imminent serious physical injury or death in accordance with KRS Chapter 503.
- e. When the officer is authorized to use deadly physical force in making an arrest or preventing the escape of an individual that is very likely to kill or cause serious physical injury to another person in accordance with KRS Chapter 503.

I. Unauthorized Discharge of Firearms

1. Officers will not fire warning shots.
2. No department issued firearm shall be used for any purpose not described in policy (e.g., patrol rifles, shall not be used for hunting).

J. Reporting Use of Force / Weapon Discharge

1. Officers shall notify the immediate supervisor and complete all documentation in the event of any use of force or discharge of firearms.
2. In the event an officer is involved in the use of force against another person, no public statement shall be made by any officer unless approved by the Chief of Police.
3. All use of force will be documented clearly on the KSP uniform citation and appropriate charges filed. Documentation shall include:
 - a. The circumstances causing the officer to resort to physical force.
 - b. The type of force used.
 - c. Description of deadly or non-deadly weapons used.
 - d. Any other circumstances that pertain to the use of force and/or assisting in explaining the event.
4. The Supervisor on duty at the time of the event shall review the Uniform Citation and, if necessary, require supplemental material containing additional facts, opinions, or other pertinent information about the event.

K. Incidents of Firearms Discharge: Special Requirements

1. All intentional or accidental discharges of firearms by an officer, other than for practice where permitted, or hunting off duty, must be reported to the officer's immediate supervisor as soon as possible. If the discharge of the firearm results in injury to any person, the Chief of Police or his designee shall be notified immediately.
2. In the event of firearm discharge, the officer is responsible for the following:
 - a. Summon medical assistance for any injured individuals.
 - b. Immediately notify the on-duty Watch Commander.

L. Duty to Intervene

Officers of this agency have an affirmative duty to intervene if they witness a use of force or response to resistance that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee's response to resistance that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

M. Shift Supervisor Responsibilities

1. Confirm that immediate emergency medical assistance has been requested.
2. Secure the weapon that was discharged. It is recommended that the Supervisor replace the discharged weapon with another department issued weapon. This prevents the officer from feeling vulnerable.
3. Notify the Chief of Police as soon as possible.
4. Coordinate the protection of the scene and the investigation until relieved by a higher authority.

N. Administrative Review

1. All reports shall be reviewed by the Chief of Police. In any case of intentional or accidental discharge of firearms or use of deadly or non-deadly force by an officer, the Chief of Police shall seek to determine if the officer's conduct was proper or improper. If the facts of the incident are not clear or if a possible violation of Department Policy exists, the Chief of Police may choose to assign investigators to examine the circumstances and forward a copy of the investigation to him. Any officer that has used force which results in death will be removed from line duty, pending administrative review. Any officer that has used force which results in a death shall be required to undergo an evaluation by a qualified mental health professional at no cost to the officer.

O. Use of Handcuffs / Restraints

This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

The responsibility of an officer for the safe custody of his prisoner permits some discretion in the use of handcuffs and restraining devices. The department requires officers to exercise safety awareness by carefully restraining most prisoners who must be transported to a jail or other location. The purpose is to establish guidelines for the use of handcuffs and restraining devices.

Procedure

A. Handcuffs

Arrested subjects will be handcuffed when the officer has reasonable cause to believe their use is necessary for the safety of the arrested subject, the officer, or other persons.

1. Handcuffs shall be used when transporting all prisoners charged with a felony.
2. Officers shall handcuff a subject with the hands behind their back but may choose to handcuff in front owing to the subject's deformity or disability.
3. When a subject is handcuffed, the officer shall double lock the handcuffs. Use of the double lock helps insure subject and officer safety.

B. Body Belt

The body belt allows the officer to handcuff a subject in front yet restricts the movement of the subject's arms and hands. Normally, this device will be used when transporting subject's considerable distances.

C. Ankle Shackles

Ankle shackles may be used by officers when transporting any subject, they have reason to believe might be an escape risk.

D. Plastic Handcuffs

Plastic handcuffs may be used when officers have taken into custody several subjects, or when a subject requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can only be removed with a knife or a pair of cutters.

E. Hobble Restraint

Officers may use hobble restraints if a subject becomes violently kicking and threatens to cause damage to a vehicle or injury to officers or other persons. Hobble restraints can limit the mobility of a subject. Officers must understand that a subject that is hobbled must be handled carefully as to not cause injury. Also, officers should be aware of positional asphyxia, and monitor the subject while he is hobbled. Officers should only use hobble restraints as a last resort.

NOTE: Positional Asphyxia, also known as postural asphyxia, is a form of asphyxia which occurs when someone's position prevents them from breathing adequately. A small but significant number of people die suddenly and without apparent reason during restraint, by police, prison (corrections) officers and health care staff. Positional asphyxia may be a factor in many of these deaths. Research has suggested that restraining a person in a face down position is likely to cause greater restriction of breathing than restraining a person face up. Vascular neck restraints or "choke holds" are prohibited by officers of this department as a means of control or response to resistance unless deadly physical force is justified.

All restraints are for the purposes of preventing escape and protecting the officer. Restraints will never be applied or tightened in a painful manner for punishment purposes.

P. Prisoner Transportation

This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this rule or regulation, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting. The purpose of this section is to establish procedures to ensure that all prisoners are transported safely.

Transportation usually occurs in two instances. The first is immediately after arrest when the subject is taken into custody by the arresting officer to booking and holding. In all instances of transfer of persons in custody of the department, officers shall take care not to endanger themselves, and to ensure both the prisoner's safety and to limit opportunities to escape.

Procedures

1. General

- a. With only limited exceptions all prisoners will be transported in secure, caged vehicles.
- b. Under no circumstances will a juvenile, known or believed to be under the age of 18, be transported with adults suspected of or charged with criminal acts.

2. Searching the Prisoner

Officers shall always search a prisoner before placing them in the vehicle. Officers should not assume that a prisoner does not possess a weapon, contraband, or that someone else has searched the prisoner.

3. Searching Police Vehicles

All officers will search their vehicles at the start of each shift to ensure that there are no weapons or contraband in the vehicle. Officers will search their vehicles after they remove a prisoner from the back seat to ensure that the prisoner did not hide contraband or other items. Officers shall conduct a complete search of the entire passenger compartment of their vehicle at the end of their tour of duty.

4. Transporting Prisoners of the Opposite Sex

- a. The officer shall contact dispatch by radio and transmit starting location, and odometer mileage. The officer should proceed directly to the destination by using the most direct route.
- b. Upon arrival at the officer's destination, he shall contact dispatch, by radio, and transmit the ending location, and odometer mileage.


5. Handicapped Prisoners

- a. When transporting a handicapped prisoner, the officer will request assistance when needed in order that the transport may be completed in a manner that is most convenient, comfortable, and safest for both the prisoner and the officer.
- b. EMS may be contacted for assistance. The transporting officer will ensure that whatever special equipment or medication is necessary for the prisoner is taken as well.
- c. The officer, when having a handicapped person in custody, must use common sense. When the handicap is such that no danger exists then restraining devices may be inappropriate.

6. Mentally Disturbed Persons

KRS 202A.241 states that all individuals transporting or holding persons under Chapter 202A, 202B, or 645 shall use the least restrictive level of restraint consistent with the person's needs. The Cabinet for Health Services shall promulgate administrative regulations subject to the provisions of KRS Chapter 13A which shall include guidelines addressing the person's need for privacy, particularly when being restrained, and the

person’s ability to communicate by phone at the earliest opportunity available. Officers who apply restraints to a mentally disturbed are required to file a Restraint Form with the Cabinet.

	Powell County Public Schools Police Department Policy Number 4			
	Title / Subject Employee Grievances- General		Effective Date: July 1, 2025	Revision Date: April 2, 2026
	REFERENCES		DISTRIBUTION	
	<input type="checkbox"/>	<input type="checkbox"/>	Sworn personnel REPORT: <input type="checkbox"/>	

I. POLICY

This department recognizes that every employee has the right to be treated fairly in matters arising from employment in this agency; that each employee should have the opportunity to be heard fully any time his right to fair treatment has been violated; and that a carefully designed grievance process can help to reduce personnel dissatisfaction, increase morale, identify problems in the organization and increase the positive perception employees have of their employment with this agency. Therefore, whenever an employee believes that he has been treated unfairly with regard to the terms and conditions of his employment, he may initiate proceedings as specified in this policy in order to resolve those matters.

As a classified employee of the Powell County Board of Education, all Board policies and procedures in relation to employee grievances apply.

II. PURPOSE

The purpose of this policy is to provide a procedure whereby employees may resolve disputes or complaints concerning the terms or conditions of their employment.

III. DEFINITION

Eligible Employee: All permanent, probationary or regular part-time employees. Regular part-time employees are those who work 20 hours per week or more on a continuous basis for at least six months.

IV. PROCEDURES

A Conditions and Limitations

1.The grievance procedures set forth in this policy are only applicable to eligible employees.

2. This grievance procedure shall not be used in addition to other grievance procedures as may be in effect through the governing jurisdiction or the eligible employee's collective bargaining agreement. Under no circumstances shall more than one procedure be

used to redress the same grievance, although use of this or other procedures does not preclude employees from seeking legal remedies as appropriate.


3. The department retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees for just cause.
4. This grievance procedure is not applicable to matters for which an appeal process is otherwise provided and may not be used in addition to or in replacement of those processes.
5. The scope of the employee grievance must
 - a. clearly define the situation in question through a written allegation of the specific wrongful act or situation, the harm done and the facts upon which it is based;
 - b. arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the employee's employment relationship;
 - c. define a matter within the control of the department; and
 - d. state such relief sought is within the power of the department to grant.

B, Grievance Procedure

Any grievance sought by an eligible employee shall exercise the procedures outlined and adopted by the Powell County Board of Education.

C. Superseding legislation:

Any Policy set forth by this department is subject to interpretation by the Powell County Board of Education. If a circumstance occurs that is not specifically addressed within this policy manual, all policies set forth by the Powell County Board of Education shall be referenced.

	Powell County Public Schools Police Department Policy Number 5			
	Title / Subject Sexual Assault Investigations		Effective Date: July 1, 2025	Revision Date: April 2, 2026
	REFERENCES		DISTRIBUTION	
	KRS 15.247 KRS 17.175 502 KAR 12:010 KRS 15.440 KRS 216B.400 502 KAR 20:020		Sworn personnel REPORT: <input type="checkbox"/>	

PURPOSE

The purpose of this general order is to provide sexual assault investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and victim service agencies, submitting evidence for laboratory testing, and keeping victims notified.

POLICY

It is the policy of Powell County School Police Department that all reported incidents of sexual assault are properly and ethically investigated in an unbiased and truth-seeking manner that will support a fair and accurate decision in the criminal justice system. A victim-centered approach includes investigation practices that focus on the actions and choices of the offender, not the actions or inactions of the victim. Methods shall be employed throughout the investigation to reduce the physical and psychological trauma to the victim of sexual violence by responding in a compassionate, sensitive and non-judgmental manner.

DEFINITIONS

- A. **Investigating officer:** An officer assigned to investigate the report of a sexual assault. The investigating officer might be the responding officer or a detective as determined by the supervisor.
- B. **SAFE Kit – Sexual Assault Forensic Evidence Kit:** A forensic evidence collection kit consisting of instructions and labeled packages for properly collecting and storing potential DNA evidence. A victim’s kit includes the victim’s medical history and assault information form. A suspect’s kit includes the request for examination form. SAFE kits are usually collected by trained medical personnel.
- C. **SANE – Sexual Assault Nurse Examiner:** A registered nurse who has completed required education and clinical experience and maintains a current credential from the Kentucky Board of Nursing to conduct forensic examinations of victims of sexual offenses who are 14 years of age or older.

- D. **SANE-ready Hospital:** An acute care hospital certified by the Cabinet for Health and Family Services that a sexual assault nurse examiner is available on call twenty-four hours a day for the examination of persons seeking treatment as victims of sexual offenses. A list of SANE ready hospitals is available on the CHFS Inspector General's webpage.
- E. **Sexual assault examination facility:** A licensed health facility, emergency medical facility, primary care center, or a children's advocacy center or rape crisis center that is regulated by the Cabinet for Health and Family Services, and that provides sexual assault examinations.
- F. **Victim advocate:** A rape crisis center advocate's priority is addressing the victim's full range of needs. Advocates assist with the victim's emotional, physical, psychological, economic, and spiritual needs. The advocate can work collaboratively with the investigator on behalf of the victim and acts as a liaison among sexual assault response agencies to identify and facilitate access to services.

SUMMARY OF RELEVANT LAWS & REGULATIONS

KRS 15.440, sexual assault investigation policy shall include the following requirements:

1. Evidence collected as a result of an examination performed under KRS 216B.400 is required to be taken into custody within five (5) days of notice from the collecting facility, with the consent of the victim. A victim may consent to having a kit collected, but **not** consent to report the assault to law enforcement. These are called non-reporting kits and are not required to be collected by law enforcement and sent to the lab.
2. Evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the department shall be transmitted to a department with jurisdiction within ten (10) days of receipt by the department.
3. Evidence retrieved from a collecting facility shall be transmitted to the Kentucky State Police Forensic Laboratory within thirty (30) days of its receipt by the department.
4. A suspect standard, if available, shall be transmitted to the Kentucky State Police Forensic Laboratory with the evidence received from the collecting facility.
5. A process for notifying victims from whom evidence was collected of the progress of testing, whether testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. Disclosure of the suspect's identify is not required in the notice to the victims. The notice may be delayed until a

suspect is apprehended or the office of the Commonwealth's attorney consents to the notification.

6. Victim's DNA samples collected as a result of an examination performed under KRS 216B.400 that are voluntarily submitted solely for elimination purposes shall not be checked against any DNA index, retained, or included in any DNA index.

KRS 17.175 (3)(a)

The department shall analyze and classify all sexual assault evidence collection kits it receives.

KRS 216B.400

(2) Every hospital of this state which offers emergency services shall provide SAFE exams.

(7) A minor may consent to an examination. Consent of the parents or guardians of the minor is not required for an examination. Hospital personnel will not perform a SAFE Exam on a minor without the consent of the minor.

(9) No charge shall be made to the victim for sexual assault examinations by the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth.

(10)(a) Each victim shall have the right to determine whether a report or other notification shall be made to law enforcement. No victim shall be denied an examination because the victim chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.

502 KAR 12:010

Section 2(2)(b)(1) The examination facility shall not contact law enforcement or release any information to law enforcement without the victim's authorization.

502 KAR 20:020 Detection of Deception Examiners

Section 4 (2) An examination shall not be requested, required, or conducted of a sex crime victim as a condition for proceeding with the investigation of the crime.

920 KAR 2:010 & 502 KAR 12:010 Mandatory Notification to Regional Rape Crisis Center

Hospital personnel will notify the Regional Rape Crisis Center that a victim has requested a SAFE exam and request that an advocate be dispatched.

Title VI of the Civil Rights Act of 1964

Victims with limited English proficiency, or who have difficulty reading, writing, speaking, or understanding English, have the right to a competent interpreter at no cost. In no circumstance should a friend or family member be used to interpret, similarly, victims with a disability should be provided an interpreter or appropriate accommodation to ensure that they have no barriers to reporting a sexual assault.

KRS 431.600

Coordinate child sexual abuse investigations according to KRS 431.600. A referral to a regional Children's Advocacy Center may be appropriate if the victim is under 18 years of age.

SEXUAL ASSAULT INVESTIGATION

- A. Sexual assault investigations shall be conducted in accordance with all agency policies including, but not limited to, preliminary investigation, follow-up investigation, and assignment of detective personnel.
1. The investigating officer shall approach the victim in a respectful, non-judgmental manner while maintaining objectivity.
 - a. Individuals respond to trauma in a variety of ways. Victims may display a range of demeanor and emotions from crying and distress, to extremely calm and/or seemingly cheerful.
 - b. Trauma can affect a victim's ability to give a detailed or chronological statement. A person experiencing trauma often will recall and/or disclose information over a period of time as memories are triggered and as trust is established with responders.
 - c. A victim's demeanor or inability to articulate a chronological narrative should not be a determining factor in judging credibility. Responses to trauma can appear to be contradictory.
 - d. Allowing the victim 2-3 sleep cycles prior to interviewing is recommended.
 2. A sexual assault investigation shall be conducted even when the report by the victim to law enforcement is delayed.
 3. The investigating officer shall advise the victim that a medical examination is recommended for their well-being and may yield evidence of the assault even if

the victim has already showered or cleaned themselves.

- a. Victims have the right to receive a medical forensic examination and have evidence collected even if they do not want to participate in the criminal justice process.
 - b. Submission to a medical examination or sexual assault forensic examination shall not be a condition of continuing the sexual assault investigation.
4. When the investigating officer suspects that the assault may have been facilitated with drugs or alcohol, the necessity for collection of urine and/or blood samples should be determined as soon as possible. Consent from the victim must be obtained to collect any samples.
- a. Submission of urine and/or blood samples by the victim shall not be a condition of continuing the sexual assault investigation.
 - b. A victim's voluntary use of alcohol, drugs, or illegal substances shall not be a determining factor in whether or not a sexual assault was perpetrated.
5. The investigating officer and polygraph examiner shall not request or require any victim to submit to a polygraph examination as a condition of proceeding with the investigation.
- B. The investigating officer shall offer victim assistance and support. If requested by the victim, the officer shall facilitate or provide the following:
1. Contacting a support person of the victim's choice.
 2. Contacting a victim advocate on the victim's behalf as soon as possible.
 3. Arranging transportation to a safe place, if necessary.
 4. Advise the victim what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates the victim.
 5. Inform the victim of subsequent steps in the processing of the case.
 6. Provide a telephone number so that the victim may call to report additional information about the case, additional injuries that have appeared, or to receive information about the status of the case.
 7. Ensure the confidentiality of the victim and their role in case development.
 8. Provide a copy or inform the victim how to obtain a copy of the Kentucky Crime Victims' Bill of Rights handbook, or an equivalent resource.
 9. Agency personnel shall provide appropriate assistance to victims who have been

threatened or who express specific, credible reasons for fearing intimidation or further victimization. Assistance may include, but is not limited to, the following:

- a. Advising the victim of available legal remedies and assist the victim in accessing those legal remedies (i.e. protective orders or warrants).
- b. Discussing alternative safety plans with the potential victim.
- c. Contacting the Office of the Attorney General, **KRS 15.247**, who is responsible for developing and administering a program for the protection of crime victims, witnesses and their families.

IMINARY INVESTIGATION

When responding to a reported sexual assault, officers shall begin a preliminary investigation to include the following:

1. Responding to immediate needs – rendering aid to the injured, by noting such facts as the position of victims or injured subjects, listening for spontaneous statements, and observing any unusual actions or activities;
2. Determining that a crime has been committed;
3. Initiating enforcement action – arresting or pursuing the offender (if applicable) and/or communicating apprehension information;
4. Conducting a thorough search of the crime scene. This may require securing and limiting access to the crime scene and protecting all evidence, especially short-lived evidence (impressions in sand or mud, etc.);
5. Assessing and advising supervisor(s) of the situation and determining the need for investigative personnel;
6. Initiating an investigation – collecting and preserving evidence, photographing the scene and evidence, checking for fingerprints, sketching the crime scene, and describing in detail all stolen property;
7. Interviewing victim(s), witness(es), and suspect(s), and identifying and describing the suspect(s). The victim should be interviewed in a location that is convenient, accessible, and comfortable when possible;
8. Canvassing the area;
9. Compiling a thorough and accurate report of on-the-scene activities and completing all documents.

ASSIGNMENT OF DETECTIVE PERSONNEL

- A. A supervisor shall determine if a detective shall be sent to the scene. If that supervisor is a uniformed supervisor, that supervisor shall contact the appropriate detective supervisor who shall make the decision on the assignment of detective personnel to the investigation.
- B. If a detective is dispatched to the scene and does not adopt the case but does provide assistance, then that detective shall supplement the case. If the detective adopts the case, the assisting officer shall supplement the case.

FOLLOW-UP INVESTIGATION

- A. The officer who adopts the case shall be responsible for the follow-up investigation and ensure all appropriate documents are included in the case report.
- B. A mandatory follow-up contact with the victim is required within 30 days of opening the case.
- C. The following activities are intended as a guide to ensure the investigation is complete and ready for prosecution:
 - 1. Review and analyze all previous reports prepared in the preliminary phase, including agency records, and results from laboratory examinations;
 - 2. Conduct additional interviews;
 - a. When conducting follow-up interviews with the victim, contact the rape crisis center's victim advocate and allow the advocate to be present during the interview.
 - b. When possible, conduct victim interviews in a location that is convenient, accessible and comfortable for the victim.
 - c. Confirm or update the victim's current contact information.
 - 3. Seek additional information (from officers, witnesses, victims, informants);
 - 4. Plan, organize, conduct searches, and collect physical evidence including re-photographing injuries to document changes since the preliminary interview;
 - 5. Identify and apprehend suspects;
 - 6. Determine involvement of suspects in other crimes;
 - 7. Check suspect's criminal history;
 - 8. Prepare a case for court prosecution.

SEXUAL ASSAULT FORENSIC EVIDENCE

- A. If a sexual assault forensic examination of the victim is warranted, the investigating officer shall explain the examination and its importance to the investigation.
1. Inform the victim that the sexual assault examination and evidence collection cannot be billed to them.
 2. Inquire whether the victim will consent to a forensic examination.
 - a. Inform the victim of their right to refuse any or all parts of the examination and explain how refusal to consent to the examination will affect the investigation.
 - b. Encourage a victim who refuses a forensic examination to seek medical attention including testing for pregnancy and sexually transmitted disease.
 - c. When the victim initially chooses not to submit to a forensic examination but subsequently does seek the examination, the investigating agency shall retrieve any collected evidence within five (5) days of notification by the collecting facility. **KRS 15.440**
 3. Inform a victim advocate that a sexual assault forensic examination is to be conducted.
 4. A victim advocate or support person of the victim's choice may be allowed to be present during the examination.
 5. Transport the victim to a SANE ready hospital. If a SANE ready hospital is not available, transport the victim to the closest sexual assault examination facility or Hospital Emergency Department.
 6. Coordinate with the medical examiner to photograph injuries to genitalia or sensitive body parts with the consent of the victim, if needed.
 7. The investigating officer shall interview the medical examiner and document the interview in a case supplement report.
 8. The investigating officer shall receive the completed SAFE kit, and any other physical evidence collected during the examination and shall coordinate with the medical examiner if photographic evidence is required.
 9. All evidence shall be identified, submitted for testing, stored, and retained according to the Kentucky State Police Forensic Laboratory *Physical Evidence Collection Guide* and agency evidence collection and storage policies.
 10. Victim's DNA samples collected as a result of an examination performed under

KRS 216B.400 that are voluntarily submitted solely for elimination purposes shall not be checked against any DNA index, retained, or included in any DNA index.
KRS 15.440(1)(i)(6)

- B. When the investigation identifies a suspect, the investigating officer shall attempt to collect a suspect DNA reference standard. A sexual assault forensic examination may be included.
1. If the suspect consents to submission of DNA evidence, the suspect's consent shall be documented in the case report.
 2. If the suspect refuses consent to submit DNA evidence, a search warrant may be required to collect the DNA reference standard.
 3. When a sexual assault forensic examination is performed on a suspect who is in custody, the investigating officer shall advise the suspect of his/her rights as required by the Miranda decision prior to his/her being asked any questions by the medical examiner.
 4. The investigating officer shall interview the medical examiner and document the interview in a case supplement report.
 5. The methods used to obtain the suspect DNA evidence shall be documented in the case report.
 6. The suspect's DNA evidence shall be collected, submitted for testing, stored, and retained according to the Kentucky State Police Forensic Laboratory *Physical Evidence Collection Guide* and agency evidence collection and storage policies.
- C. When notified by a medical facility that a sexual assault forensic evidence kit has been completed and the victim chooses to report the crime to law enforcement, an investigating officer shall retrieve the kit within five (5) days. An investigation shall proceed according to this policy. **KRS 15.440**
- D. All sexual assault forensic evidence (SAFE) kits shall be submitted to the forensic laboratory for testing within thirty (30) days of receipt. **KRS 15.440**
- E. Other associated evidence with potential DNA evidence should not be submitted to the lab initially. If testing the kit does not generate a DNA profile of the suspect, other items may be submitted for analysis.
- F. In sexual assault cases where suspect DNA evidence has been collected, the suspect DNA evidence shall be transmitted to the forensic laboratory at the same time as the victim's sexual assault forensic evidence or within thirty (30) days of collection, whichever is sooner. **KRS 15.440**


- G. All SAFE kits shall be submitted to the Kentucky State Police Central Laboratory Branch, Forensic Biology Section within thirty (30) days of their receipt and in accordance with KRS 17.175 and agency evidence collection and submission policies.
- H. In accordance with KRS 15.440 SAFE kits received from a collecting facility relating to an incident which occurred outside the jurisdiction of the agency shall be transmitted to a department with jurisdiction within ten (10) days of its receipt by the agency. A unique case number shall be obtained and a KSP 41 shall be completed for these SAFE kits per agency evidence collection policy.
- I. Retention of biological evidence shall be in accordance with **KRS 524.140**.
1. After laboratory testing has been completed, remaining biological evidence including sexual assault forensic evidence kits and associated evidence shall be transferred back to the originating evidence room.
 - a. Biological evidence, including sexual assault evidence, in any Class A, B, C, felony or Class D felony under KRS Chapter 510 shall not be destroyed prior to a trial unless:
 - i. It has been in custody for fifty (50) years; or
 - ii. It has been in custody for at least ten (10) years; and
 - (a) the prosecution has determined the defendant will not be tried; and
 - (b) the prosecution has made a motion before the court to destroy the evidence.
 - b. Biological evidence, including sexual assault evidence, in any Class A, B, C, felony or Class D felony under KRS Chapter 510 shall not be destroyed following a trial unless:
 - i. The evidence was DNA tested and presented at trial; and the suspect was found guilty, pled guilty, or entered an Alford plea; or
 - ii. The evidence was not introduced at trial or if introduced at trial DNA testing was not completed and the suspect was found guilty, pled guilty, or entered an Alford plea and the court has ordered the destruction of the evidence; or
 - iii. The court has ordered the destruction of the evidence, regardless of whether it was tested or presented at trial; or
 - iv. The trial resulted in the defendant being found not guilty or the charges were dismissed with jeopardy attached and the trial court ordered the destruction of the evidence; or
 - v. When the trial results in a dismissal of charges against the defendant, subject to retrial, the evidence shall be retained until after the retrial, subject to the provisions of (I)(1)(a), above.

- vi. In the absence of a destruction order by the court, evidence that may be subject to DNA evidence testing and analysis but for which no such testing or analysis has been completed shall be retained for the period of time that any person remains incarcerated in connection with that criminal case.
KRS 524.140(3),(7)

2. DNA evidence shall be retained pursuant to **KRS 17.175** and agency policy for evidence storage and retention.

VICTIM NOTIFICATION OF DNA TEST STATUS

- A. The investigating officer shall notify the victim of the progress of DNA evidence testing including whether the testing resulted in a match to other DNA samples. **KRS 15.440**
- B. It is recommended that a victim advocate be present during the notification.
 1. Upon receipt of the results of DNA evidence testing, the investigating officer shall confer with a victim advocate prior to notifying the victim of the results.
 2. When a suspect is identified, notification may be delayed until the suspect is apprehended if the safety of the victim is of concern or if the office of the Commonwealth's Attorney consents to the delay.
 3. If a DNA match is made to a known person, the person's identity need not be disclosed to the victim.
 4. These provisions shall apply regardless of the time elapsed between evidence collection, test results, and DNA matching.

	Powell County Public Schools Police Department		
	Policy Number 6		
	Title / Subject		EFFECTIVE DATE July 1, 2025
	Domestic Violence		Revised DATE April 2, 2026
REFERENCES			DISTRIBUTION
			Sworn personnel
			REPORT: <input type="checkbox"/>

I. INTRODUCTION

Domestic violence is a serious crime against the individual and the community. The failure of any law enforcement officer to properly respond and handle a domestic call, no matter how frequent, will expose individuals and the community to danger up to and including death. Because domestic violence can and does result in the death of individuals, every response to a domestic call, no matter how often, shall be treated the same as any other crime against a person.

Every response to a domestic call shall include a substantive investigation of the incident which shall involve the gathering of background information, the gathering of physical evidence including pictures, clothing, and statements from direct and indirect witnesses including children and neighbors.

Every response to a domestic call, no matter how frequent, requires that every step possible be taken to ensure the safety of the victim including providing a safety plan to the victim and, if necessary, transporting the victim and children, if appropriate, to another site for safekeeping.

II. PURPOSE

This domestic violence policy is designed to provide officers and support personnel with clear definitions, direction, and guidelines for providing and promoting a consistent, effective response to domestic violence crime in order to accomplish the following goals:

- make an arrest for any violation of an Emergency Protective Order ("EPO"), any violation of a Domestic Violence Order ("DVO"), any violation of a Foreign Protective Order ("FPO") or any violation of a condition of release or bond when authorized by state law;
- reduce the incidence and severity of domestic violence crime;
- afford maximum protection and support to adult and child victims of domestic violence through coordinated services of law enforcement and victim assistance; and

- reduce the risk of civil liability for officers, supervisors and administrators, and the employing unit of government.

III. DEFINITIONS

A. General Definitions

1. "Domestic Disturbance or Dispute Call" means a call involving an argument or disagreement between family members, unmarried couples, or household members.

2. "Domestic Violence Call" means a call where an adult, child, or a family member or member of an unmarried couple is alleged to be the victim of:

- physical injury or fear of imminent physical injury (explicit or implied threats);
- sexual abuse or in fear of imminent sexual abuse;
- unlawful imprisonment/kidnapping;
- property crime;
- stalking; or,
- violation of terms or conditions of a protective order by the other party.

NOTE: These calls are the types of cases which, by statute, must be reported to the Department for Social Services on the JC-3 form.

3. "Victim or Complainant" means any person who has been subjected to threats of or actual domestic violence and abuse. This includes persons who, at that time, may be reluctant to see the perpetrator arrested, file charges, or see the perpetrator prosecuted.

4. "Exigent Circumstances" means those circumstances or emergencies which authorize officers to enter a dwelling without consent or a warrant. Examples of such emergencies are:

- hot pursuit of a fleeing felon;
- the imminent destruction of evidence;
- the need to prevent a suspect's escape;
- the risk of danger to the police or others;
- reasonable belief that a person inside is in need of immediate protection or assistance.

NOTE: If the officer is not in hot pursuit, the officer must have probable cause that one or more of the other three circumstances are present. In assessing the risk of danger, the officer should consider the seriousness of the crime and the likelihood that the suspect is armed. Minnesota v. Olson, 110 S.Ct. 1684 (1990)

5. "Probable Cause" to justify an arrest means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit an offense. Probable cause means more than a simple suspicion or a hunch. The officer must have concrete facts or reliable information giving the officer a reasonable

belief that the suspect probably committed the crime. Probable cause is frequently referred to in cases and statutes as "reasonable grounds".

NOTE: (1) The victim's statement is a factor that should be considered in determining whether probable cause exists. (2) The officer shall use the JC-3 form (Child Abuse, Adult Abuse and Domestic Abuse Standard Report) to document the evidence giving the officer probable cause to make the arrest, and/or report suspected abuse.

B. Domestic Violence and Abuse Definitions

1. "Domestic Violence and Abuse" means not only causing physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple, but also causing fear of such imminent physical injury, serious physical injury, sexual abuse, or assault. KRS 403.720(1).

2. "Physical Injury" means substantial physical pain or any impairment of physical condition. KRS 500.080(13).

3. "Family member" means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim. See KRS 403.720(2). KRS 431.005(2)(b) also lists grandparents.

NOTE: The AOC Clerk's Manual lists the following as being included: spouse, exspouse, child, stepchild, grandparent, grandchild, brother, sister, son- or daughter-in-law, spouse's parent, spouse's grandparent, spouse's brother or sister.

4. "Member of an Unmarried Couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together. KRS 403.720(3); KRS 431.005(2)(c).

NOTE: (1) The AOC Clerk's Manual lists the following as being included: the parent of the victim's child even if the parties are not married, any children of that couple or member of an unmarried couple who are living together or formerly lived together; (2) The statutes do not define "couple" or "living together". Officers should make a determination of whether or not parties are a "couple" or "living together" without being influenced by gender or sexual orientation or whether or not sexual activity is involved.

C. Protective Orders

1. "Emergency Protective Order" ("EPO") means an ex parte court order (an order issued at the request of one party without a hearing) issued under the provisions of KRS 403.740 against a family member or a member of an unmarried couple who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order).

NOTE: (1) The officer seeking to enforce the order shall determine that certain conduct has been prohibited on the order form or in the LINK system--he cannot assume that any particular provision is in force; (2) He must also determine whether service or notice of the order has been completed.

2 "Mutual Protection Order" is an order of protection against both the Petitioner and Respondent only if each has filed a separate petition seeking protection against the other. The order must be specific so as to make clear to any peace officer which party has violated the order. KRS 403.735 (2).

NOTE: Out of state mutual protection orders are enforceable only if the issuing court has made specific findings that each party in a separate order was entitled to an order of protection.

3. "Domestic Violence Order" ("DVO") means a court order issued under the provisions of KRS 403.750 following a hearing against a family member or a member of an unmarried couple where the court has found violence has occurred and is likely to occur again. In Kentucky a "DVO" is valid for up to three years (the date of expiration should appear on the order).

4. "Foreign Protective Order" ("FPO") means any judgment, decree, or order of protection issued by a court of any state of the United States or tribal court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec. 2265. KRS 403.7521(1). Foreign Protective Orders shall be enforced as written.

NOTE: These out-of-state orders may not have an expiration date and may even contain provisions which could not otherwise be issued by a Kentucky court.

D. Adult Abuse or Neglect/Exploitation Definitions

1. "Abuse or Neglect" means the infliction of physical pain, injury or mental injury, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult, or a situation in which an adult, living alone, is unable to provide or obtain for himself the services which are necessary to maintain his health or welfare, or a situation in which a person inflicts physical pain or injury upon a spouse or deprives a spouse of reasonable services necessary to maintain the health and welfare of his spouse. KRS 209.020(7).

2. "Adult" means a person eighteen (18) years of age or older or a married person without regard to age, who because of mental or physical dysfunction, or who is the victim of abuse or neglect inflicted by a spouse, is unable to manage his own resources, carry out the activities of daily living, or protect himself from neglect, hazardous or abusive situations without assistance from others and may be in need of protective services. KRS 209.020(4).

3. "Exploitation" means the improper use of an adult or an adult's resources by a caretaker or other person for the profit or advantage of the caretaker or other person. KRS 209.020(8).

E. Abused or Neglected/Dependent Child Definitions

1. "Abused or Neglected Child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian or other person exercising custodial control or supervision of the child, inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means; commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child; abandons or exploits such child; does not provide the child with adequate care, supervision, food, clothing, shelter and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing his religious beliefs shall not be considered a negligent parent solely because he fails to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child. KRS 600.020(1).

2. "Dependent Child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child. KRS 600.020(15).

3. "Person Exercising Custodial Control or Supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child. KRS 600.020(34).

F. Stalking Definitions

1. "Stalking" means an intentional course of conduct directed at a specific person which seriously alarms, annoys, intimidates or harasses; which serves no legitimate purpose; and which would cause a reasonable person to suffer substantial mental distress. KRS 508.130(1).

2. "Course of Conduct" means a pattern of conduct composed of two or more acts, evidencing a continuity of purpose; it does not include constitutionally protected activity. KRS 508.130(2).

G. Other Definitions

1. "Self Protection" or "Protection of Another" means a person's justifiable use of physical force upon another person when the person believes such force is necessary to defend himself or a third person from the use, or imminent use, of unlawful physical force by such other person. KRS 503.050; KRS 503.070.

2. "Imminent" means impending danger, and, in the context of domestic violence and abuse as defined by KRS 403.720, belief that danger is imminent can be inferred from a past pattern of repeated serious abuse. KRS 503.010(3).

3. "Peace Officer" for purposes of this policy means an officer certified pursuant to KRS 15.380.

H. The Violence Against Women's Act Federal Crimes

1. "Interstate Domestic Violence" means: crossing a state line in order to commit domestic violence and subsequently committing the act. This crime occurs when:

- a. a person who travels across a state line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner; and,
- b. who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner. 18 .S.C sec. 2261 (a) (1).

2. "Interstate Domestic Violence" means: causing another to cross a state line due to domestic violence. This crime occurs when:

- a. a person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion duress, or fraud; and,
- b. in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner. 18 U.S.C. sec. 2261 (a)(2).

3. "Interstate Violation of a Protection Order" means: crossing a state line in order to commit domestic violence in violation of a protection order and subsequently violating the protection order. This crime occurs when:

- a. a person who travels across a state line or enters or leaves Indian country with the intent to engage in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment or bodily injury to the person or persons for whom the protection order was issued; or
- b. would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued; and,
- c. subsequently engages in conduct which violates the protection order. 18 U.S.C. sec. 2262(a)(1).

4. "Interstate Violation of a Protection Order" means: causing another to cross state lines fleeing because of domestic violence committed in violation of a protection order. This crime occurs when:

- a. A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion, duress, or fraud; and,
- b. In the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a state. 18 U.S.C. sec. 2262 (a)(2).

IV. POLICY

A. To Accomplish These Goals, Every Officer Shall:

- make an arrest when authorized by state law as the preferred response, instead of using dispute mediation, separation or other police intervention techniques;
- treat all acts of domestic violence as criminal conduct;
- respond with the same protection and sanctions for every domestic violence incident, regardless of race, religion, creed, national origin, gender, sexual orientation, disability, and socio-economic status, including cases where any of the alleged parties may be a law enforcement officer, public official or prominent citizen; and
- immediately report all known or suspected cases of domestic violence and abuse, adult abuse, or child abuse as required by state law;
- receive training on domestic violence as required by state law.

NOTE: Every officer shall document action taken (arrest or non-arrest) on the JC-3 form.

B. The following facts shall not be considered as an independent compelling reason not to arrest the perpetrator. These facts may be used as background information to complete a domestic violence investigation for prosecution:

- the marital status of the suspect and the victim;
- whether or not the suspect lives on the premises with the victim (except as may be necessary to qualify the parties as "members of an unmarried couple");
- whether the victim has not obtained a protective order against the perpetrator;
- the potential financial consequences of arrest;
- whether there have been previous law enforcement responses to domestic calls at this address;
- verbal assurances that the violence will cease;
- the victim's emotional status;
- whether or not physical injuries suffered by the victim can be personally observed at the time of the law enforcement response;
- the location of the incident (i.e., public or private);
- speculation that the victim may not follow through with the prosecution, or that the arrest may not lead to a conviction;
- the victim's initial reluctance regarding an officer-initiated arrest;
- the fact that the victim and suspect are of the same gender; or,
- the use of alcohol or drugs by either or both parties.

V. PROCEDURES

A. Communications: General Responsibilities

1. In progress domestic violence calls shall receive a high priority response. Communications will:

- use professional communications skills, obtain all pertinent critical information [see attached checklist];
- promptly relay all important information to the law enforcement officer including any information available through the LINK-Domestic Violence File;
- update the responding officer with additional information obtained from the caller by keeping them on the line unless they perceive themselves to be in danger;

2. Communications personnel should request the following information.

- location of incident, victim and perpetrator;
- type of incident (verbal/physical);
- need for emergency medical assistance including injuries and severity;
- weapons involved and descriptions;
- name and telephone number;
- dispatch two officers when available;
- other people involved including children/witnesses;
- perpetrator's dob/soc, previous history of domestic violence including previous law enforcement responses outstanding warrants;
- alcohol and or drug use;
- has perpetrator left scene, vehicle description, direction of travel;
- apparent hazards to responders including animals.

3. Safety of Complainant

- communications personnel should attempt to maintain telephone contact with the complaining party in order to monitor the situation and provide the most recent information until the officer arrives;
- if the complainant must leave the telephone to seek safety, advise the caller to lay the phone down and not disconnect so the communications personnel can monitor the situation;
- if the complainant is calling away from the scene advise them to remain there until the law enforcement officer arrives. Advise the responding officer of their location;
- for officer safety update the responding officer with all new information so he may approach the scene with as much information as possible;
- advise the responding officer of additional calls from the residence including those requesting to cancel the call but do not advise the officer to cancel the call;
- any interrupted or disconnected calls should be responded to if the location is known.

B. On-Scene Investigation, Arrest and Post Arrest Procedures

1. General Responsibilities at the Scene [see attached checklist]

When responding to domestic violence calls, officers should:

- respond promptly to the call - utilize two officers when available;
- establish control;

- assess the situation for risks to all parties including children;
- attend to the emergency medical needs of those involved;
- interview parties/witnesses separately and away from the line of sight and hearing of the perpetrator; (use direct quotes of witnesses about their fears and concern);
- effect an arrest of the perpetrator as the preferred response, if legally possible;
- seize any weapons used in the incident;
- inform the victim of rights;
- provide victim information on legal remedies and community services available for protection and safety planning;
- assist the victim in securing medical attention which shall include arranging for the transporting of the victim to obtain medical attention;
- assist the victim in securing legal protection (warrant, protective order) which may include transporting the victim to obtain the legal protection, if appropriate;
- report all actual and suspected incidents of abuse to the Cabinet for Families and Children, Department for Social Services, using the "Child Abuse, Adult Abuse, and Domestic Abuse Standard Report" form (JC-3);
- if the exigent circumstances have ceased, obtain a consent to search or obtain a search warrant when appropriate;
- collect and photograph all relevant evidence required for successful prosecution [use body map with checklist to document injuries];
- arrange for follow up photographs of the victim in order to demonstrate the extent of the injuries that may later become more obvious;
- attend to any children or dependent adults;
- check LINK and NCIC for outstanding warrants, history file on protective orders and whether there are any active "EPO's", "DVO's" or Foreign Protective Orders ["FPO's"]. [For various reasons not all valid domestic violence orders may be in the LINK system].
- When appropriate and safe to do so, the investigating officer shall notify his/her supervisor and apprise that supervisor of the situation.

2. Arrests

a. Arrest is the preferred response to domestic violence. All arrests shall be made in conformity with Kentucky state law, agency policy and procedures.

b. Warrantless arrest for domestic violence related felonies is the preferred response.

c. Misdemeanor arrests without a warrant:

(1) As long as there exists probable cause to believe an offender has intentionally or wantonly caused injury to a family member or a member of an unmarried couple the officer may arrest for Assault in the Fourth Degree. KRS 431.005(2)(a).

NOTE: (1) Effective July 1996 the officer does not have to determine whether the offender will present a danger or threat of danger to others if not immediately restrained in order to affect an arrest for an Assault in the Fourth Degree. KRS 431.005(2)(a). (2) A "Peace Officer" for purposes of this provision now include full-time sworn officers of the Kentucky Horse Park, a commissioned full-time State Park Ranger, a full-time State Water Patrol Officer, or a part-time paid law enforcement officer, who has completed a Kentucky Law Enforcement Council approved education training program prescribed by statute.

KRS 431.005(3). (3) If the misdemeanor assault charge is a third or subsequent offense, the penalty for the arresting offense can be enhanced by one degree. In order for the enhancement of the penalty it is not necessary that the victim be the same person. KRS 508.032. The officer should make a reasonable effort to determine if there is a prior history.

3. If there is probable cause to believe that any condition of a bond or pre-trial release has been violated and the officer has verified that the offender has had notice of the conditions, he shall arrest the offender without a warrant. KRS 431.005(4).

NOTE: Because release conditions are not contained in any computerized information system it is important to collect a criminal history background of the perpetrator at the scene as well as documentation of the release conditions, if available at the scene. Release checks can be made the following day and any arrests can be effected at that time.

4. Emergency Protective Orders ["EPO"]

- a. Emergency Protective Orders are immediately enforceable only if the respondent has been served or given notice of the contents;
- b. the law enforcement officer should check through the LINK-Domestic Violence File to verify service of the Emergency Protective Order;
- c. If personal service has not occurred the officer shall immediately give the respondent notice of the contents of the emergency protective order;
- d. After notice has been given to the respondent its terms are binding and enforceable for subsequent acts;
- e. The law enforcement officer shall then make arrangements for personal service of the "EPO" if possible and make notification to the communications center of this department and notification to the responsible agency for LINK entry of the orders.

NOTE: Information regarding notice and arrangements for service shall be marked on the JC-3 form.

5. Domestic Violence Orders ["DVO"]

- a. "DVO's" shall be enforced immediately upon issuance.
- b. The officer shall make sure that the conditions for which an arrest is made are prohibited in the "DVO".

NOTE: (1) All law enforcement officers should be aware that pursuant to the Carrying Concealed Deadly Weapon statute, "...when a domestic violence order or emergency protective order is issued pursuant to the provision of KRS Chapter 403 against a person holding a license issued under [the law], the holder of the permit shall surrender the license to the court or to the officer serving the order." KRS 237.110(13)(k); (2) The meaning of this statutory provision is not completely clear and law enforcement officers should be aware of any court decisions which interpret the authority of a law enforcement officer in this situation.

6. Foreign Protective Orders ["FPO"]

- a. General

- (1) All out of state protective orders shall be enforced as written including provisions which grant relief not available in Kentucky;
- (2) All foreign protective orders are presumed valid upon presentation to the law enforcement officer. Foreign protective orders do not have to have been entered into the LINK system to be valid and enforceable;
- (3) Some foreign protective orders may have been filed of record and may be verified through LINK.

C. Arrest procedures

1. When a foreign protective order is presented to the law enforcement officer by the complainant the officer shall:
 - a. determine whether the order is current.
 - b. determine whether the conduct complained of is prohibited by the order.

NOTE: For different reasons some foreign protective orders do not have expiration dates on them. Even though no expiration date is contained on the order the officer shall accept the statement (written or oral) of the complainant that the order is current.

2. The officer shall inquire of the complainant whether the protective order has been filed with the circuit clerk's office.
 - a. If the order has been filed with the clerk's office it can be further verified through the LINK system.

NOTE: Even if the order has not been filed with the court clerk and is not available on LINK it is still a valid order of protection as long as step 1 is completed.

3. The officer shall assume that the respondent was given notice of domestic violence order and its contents;
4. If the officer has probable cause to believe the respondent has violated the terms of the protective order he shall arrest the respondent as having violated a protective order; KRS 403.763.
5. All peace officers shall make arrests for a violation of a foreign protective order in the same manner as a violation of an emergency protective order or domestic violence order as if it had been entered by a Kentucky Court. The charge shall be a violation of a protective order.

NOTE: (1) This shall not preclude officers from arresting the perpetrator for other violations of the Kentucky Penal Code; (2) Law enforcement officers are not expected to be aware of any changes of a foreign protective order that are not clearly on the order itself, or, if the order is on LINK, if the changes are not indicated on LINK; (3) It is the obligation of the victim to notify the court of changes in the order.

D. Mutual Violence

1. Where the officer has probable cause to believe that two or more persons committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor and whether one party acted in self-defense;
2. The officer should arrest the primary aggressor;
3. Where there is probable cause to believe that all parties are equally responsible the officer should contact his immediate supervisor for assistance in a resolution;
4. Officers should not use mutual arrests as a substitute for a thorough investigation.

NOTE: Arresting both parties is not the preferred response.

5. Factors to consider in mutual violence situations to determine the primary aggressor:
 - (a) The history of domestic disputes/violence between the persons;
 - (b) The degree of injury inflicted upon each person keeping in mind that many injuries to the head and body may not be visible at the time;
 - (c) Objective and testimonial evidence from the parties and other persons at the scene including children;
 - (d) Whether one person acted in self-defense;
 - (e) The presence of fear of the parties involved and the level of fear (who is afraid of whom); and,
 - (f.) The likelihood of future injury.

NOTE: An injury inflicted in self-defense is not a basis for an arrest for a violation of a mutual protection order.

E. Obtaining Warrants/Protective Orders

1. When a domestic violence crime has allegedly been committed, and the officer is unable to arrest the alleged perpetrator under the provisions discussed above, the officer shall assist the victim in obtaining an arrest warrant and/or protective order;
2. The officer may apply for an arrest warrant himself when he has sufficient information to establish probable cause;
3. The officer may consult with his supervisor;
4. Prosecution is the preferred response even if the officer has to take the initiative;
5. The victim's non-cooperation shall not be considered when seeking warrants;

6. If the offense occurs after normal working hours this department will follow the 24-hour access policy established by the court;

NOTE: Each law enforcement agency should insert their local court's 24-hour policy for obtaining emergency protective orders and warrants and its own policy for transporting victims.

F. Duty to victim whether or not an arrest has been made

1. Whether or not an arrest has been made, if the officer has reason to suspect that a family member, member of an unmarried couple, or household member has been the victim of domestic violence, the officer is required by KRS 403.785(2) to use all reasonable means necessary to prevent further domestic violence, including but not limited to:

- a. remaining at the scene as long as the officer reasonably suspects there is danger to the physical safety of the individuals present without the presence of a law enforcement officer;
- b. assisting the victim to obtain medical treatment, including offering to transport, or arranging for the transportation of the victim to the nearest medical treatment facility capable of providing the necessary treatment; and
- c. advising the victim of rights and services available.

NOTE: (1) These "rights and services" include information about criminal complaint procedures, availability and enforcement of civil protective orders, availability of emergency shelter services, protective services of DSS, and other community resources. Many of these rights and services are printed on the "Victim Rights Information" tear-off portion of the JC3 form; (2) Tearing off the victim rights information portion of the JC3 form and giving it to a victim may not fully satisfy this duty. The responding officer should also ensure that the victim can read and understand the printed form.

2. In order to protect the victim and provide access to a safe environment the officer should:

- a. Provide a copy of a safety plan, if available;
- b. Inform the person of local procedures for victim notification.

3. Whether or not an arrest has been made, the officer shall report any known or suspected adult or child abuse, neglect or exploitation immediately, or any known or suspected domestic violence or abuse within 48 hours, to the Cabinet for Families and Children, Department for Social Services using the JC-3 form.

- a. Death of an adult or a child does not relieve the officer of the responsibility to report the circumstances surrounding the death related to abuse or neglect.

G. Special Circumstances

1. Agency Assigned Service of an Emergency Protective Order

- a. Emergency Protective Orders ("EPO") assigned by the District or Circuit Court for service by this agency shall receive high priority response. These orders shall be segregated from other orders or warrants to be served.

b. Upon service of the order on the respondent, the officer shall immediately notify the communications center of this agency and in turn the law enforcement agency in the issuing jurisdiction responsible for entry of domestic violence protective orders on the LINK-Domestic Violence File.

c. The officer should promptly arrange for a copy of the order with the verified service to be delivered to the entering agency for modification to the LINK-Domestic Violence File record.

2. Offender or Victim has Left the Scene

a. If probable cause exists that an alleged perpetrator has committed an assault on a family member or member of an unmarried couple, or has violated a protective order, a domestic violence order, or a foreign protective order, but the perpetrator has left the scene, the responding officer shall interview all available witnesses, record or document these interviews, and collect all available physical evidence.

NOTE: In order to arrest the perpetrator the officer does not have to make a determination that the perpetrator will present a danger or threat of danger to others if not immediately restrained. KRS 431.005(2)(a).

b. If the officer is unable to arrest the alleged perpetrator within a reasonable time, the officer should assist the victim in seeking an arrest warrant and/or emergency protective order to deter future domestic violence;

c. If probable cause exists that there has been an assault on a family member or a member of an unmarried couple or that a protective order has been violated, but the victim has left the scene, the responding officer shall, in addition to investigating the offense at the scene, attempt to locate the victim, determine whether the victim needs medical assistance and continue the investigation where the victim is located;

d. Effecting an arrest consistent with state law is the preferred response even when one party or the other has left the scene. This may include an arrest based on probable cause or the officer applying for an arrest warrant himself.

NOTE: Every law enforcement officer should check his local policies to determine whether he should apply for the arrest warrant.

3. Domestic Violence Perpetrator is a Juvenile

a. Officers shall handle juvenile perpetrators of domestic violence in the same manner as when the alleged perpetrator is an adult perpetrator;

b. If a juvenile is taken into custody, officers shall process the juvenile under the provisions of the Juvenile Code (KRS Chapters 600-645);

c. Officers should not release juvenile perpetrators at the scene

d. Officers should contact the Court Designated Worker (CDW) for an alternative placement for the juvenile perpetrator.

4. Special Needs Victims

a. Some domestic violence victims have special needs because of their relationship to the perpetrator, limited physical or mental abilities, or some other factor. These factors make

it extremely difficult for them to report their victimization, call for assistance, or participate fully in the investigation and prosecution of their case.

b. Such special needs victims may include:

- pregnant women,
- physically or mentally disabled persons,
- alcoholic or chemically dependent persons,
- males,
- adolescents, and,
- culturally diverse populations.

c. Officers should treat all victims respectfully and as seriously as any other criminal case;

d. Officers should refer these victims to specialized support services to ensure the victim receives protection, physical assistance, medical treatment or other services as needed.

5. Marital Rape/Sexual Assault

Responding officers shall follow all procedures relating to investigation and evidence collection (including comprehensive rape examinations) where a sex offense is reported, regardless of the relationship including the marriage of the victim to the alleged perpetrator.

NOTE: There is no exemption for marital rape. KRS 508 and KRS 510.

6. Children, Dependent Adults and Elderly Adults

Even where a spouse or partner is the primary victim, officers shall take appropriate action on behalf of children, dependent adults, and elderly adults at the scene who may be the direct or indirect victims of violence.

7. Domestic Violence Stalking

a. Officers should complete a full report and investigation where a domestic violence victim alleges that he or she has been stalked;

b. Officers should advise stalking victims to notify this agency of subsequent incidents.

8. Special Relationship/Prominent Citizen

a. A responding officer shall notify his supervisor when he responds to a domestic violence call involving a public official, or a prominent citizen.

(1) A responding officer and supervisor shall apply this policy equally to all members of the community;

(2) This applies whether the person is the victim or the perpetrator.

b. A responding officer shall notify his supervisor when he responds to a domestic violence call involving law enforcement personnel.

(1) When possible the investigation should be handled by an officer at least one rank higher than the party involved;

(2) The investigating officer shall notify the highest ranking officer on duty of the investigation.

c. When a law enforcement officer is investigating a member of another law enforcement agency that investigating officer should notify the highest ranking officer on duty of the agency with whom the officer under investigation is employed.

(1) This applies whether the person is the victim or the perpetrator.

9. Duty to Warn

- a. Officers who receive warnings from mental health professionals under the provisions of KRS 202A.400 of threatened violence against an identifiable victim or victims should attempt to contact the intended victim or victims;
- b. Officers should inform the victim of the threatened violence, advise him or her of all available legal remedies and assist the victim in accessing those legal remedies;
- c. Officers should discuss alternative safety plans with the intended victim, provide transportation to a safe location if necessary, and give other indicated assistance;
- d. Officers and supervisors should decide what further investigation or action (e.g., increased patrol, alert to all shift officers, etc.) is indicated;
- e. Officers and supervisors should fully document the report of threatened violence, all attempts by officers to contact the intended victim or victims, actions taken on behalf of the intended victim or victims, and all further recommended investigations or actions.

10. Involuntary Hospitalization

- a. If the officer believes the domestic violence perpetrator has a mental health condition which indicates that the person is an imminent danger to self or others, the officer needs to follow the provisions set forth in KRS 202A;
- b. This statute should not be used as a substitute for an arrest.

NOTE: Check local procedures for the placement of this individual in an appropriate facility.

H. Other Related Matters

1. Confidentiality

The actual location of any spouse abuse center, or other emergency shelters, shall not be communicated by any electronic means. Such information shall be communicated only on a face-to-face, need-to-know basis to other law enforcement personnel.


2. Training

KRS 403.784 requires that each officer receive initial training, followed at least every two years by continuing education courses, developed by the Justice Cabinet concerning the dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources, victims services, and reporting requirements.

3. Good Faith Immunity from Liability

- a. Officers who reasonably perform their duties in good faith have immunity from civil and criminal liability under the following situations:
 - Enforcing Emergency Protective Orders or Domestic Violence Orders. KRS 403.755(2).
 - Enforcing foreign protective orders. KRS 403.7529(3).

- Making a report or investigation for adult abuse or neglect. KRS 209.050; KRS 403.715(5).
- Making a report or investigation for child dependency, abuse or neglect. KRS 620.050(1); KRS 403.715(5).

	Powell County Public Schools Police Department Policy Number 7			
	Title / Subject <div style="text-align: center;">Prohibition of Racial Profiling</div>		EFFECTIVE DATE July 1, 2025	Revised DATE April 2, 2026
	REFERENCES RS 15A.195		DISTRIBUTION Sworn personnel	
			REPORT: <input type="checkbox"/>	

POLICY

The protection of, and the preservation of the constitutional and civil rights of individuals remains one of the paramount concerns of government, and law enforcement in particular. To safeguard these rights, law enforcement personnel shall not engage in any behavior or activity that constitutes racial profiling. The decision of an officer to make a stop or detain an individual, or conduct a search, shall not be solely motivated by consideration of race, color, or ethnicity. Stops, detention, or searches shall be based on articulable reasonable suspicions, observed violations of law or probable cause, and shall comply with accepted constitutional and legal provisions, and with the Code and Cannon of Ethics adopted by the Kentucky Law Enforcement Council through Peace Officer Professional Standards.

DEFINITIONS

For purposes of this policy:


“Racial Profiling” means a process that motivates the initiation of a stop, detention, or search which is solely motivated by consideration of an individual’s actual or perceived race, color, or ethnicity, or making discretionary decisions during the execution of law enforcement duties based on the above stated considerations. Nothing shall preclude an officer from relying on an individual's actual or perceived race, color, or ethnicity as an element in the identification of a suspect or in the investigation of a crime, a possible crime or violation of law or statute.

TRAINING


All officers shall complete the Kentucky Law Enforcement Council approved training related to racial profiling. Such training shall comply with Federal Law, state statutory provisions, case law and other applicable laws, regulations, and established rules.

DISCIPLINE

An officer who violates a provision of this policy shall be subject to the agency's disciplinary procedures, which shall be consistent with other penalties imposed for similar officer misconduct.

	Powell County Public Schools Police Department Policy Number 8		
	Title / Subject		Revised DATE
	Vehicle Pursuits		April 2, 2026
	EFFECTIVE DATE		July 1, 2025
REFERENCES			DISTRIBUTION
			Sworn personnel
			REPORT: <input type="checkbox"/>

It is the intent of the Powell County Schools Police Department to not pursue other vehicles.

	Powell County Public Schools Police Department Policy Number 9			
	Title / Subject Chain of Command		EFFECTIVE DATE July 1, 2025	Revised DATE April 2, 2026
	REFERENCES		DISTRIBUTION Sworn personnel	
				REPORT: <input type="checkbox"/>

I. Policy:

The purpose of this policy is to establish a Chain of Command for the Police Department.

The Chain of Command of sworn personnel in the absence of the Police Chief shall be the Officer in Charge (Designated by the Police Chief or his designee.)

II.Chain of Command Procedure

Members of the Police Department shall recognize and utilize established command protocol in situations involving personnel of different organizational components of the Police Department that are engaged in a single operation.

Chain of Command

A. The chain of command is the clear line of authority from the Chief of Police to every member of the organization. The chain of command facilitates effective decision making and organizational communication. Members shall utilize, recognize and respect the chain of command as designated in the Order of Rank in all official actions. In certain instances, the chain of command may be bypassed. In doing so, a member must be prepared to justify the departure from normal procedure.

B. Order of Rank

- a. Chief of Police
- b. Lieutenant
- c. Sergeant
- d. Officer in Charge (Designated by the Police Chief or his designee.)

C. Unity of Command

a. Each member is accountable to only one supervisor at any given time. It is recognized that there may be times when a commanding officer has to give a lawful command to a member who is outside of their normal chain of command. In these cases, the order shall be obeyed.

D. Section Command

a. Each organizational component of the department shall have a supervisor responsible for the activities of the respective component and shall be accountable through the chain of command.

E. Incident Command Protocol

a. Unless a specific policy or higher-ranking authority dictates otherwise, the officer-in-charge has command responsibility for field operations. In the absence of a supervisor, the first officer at the scene of an incident shall assume command until relieved.

b. The officer in charge of any non-planned assignment shall be the first officer to arrive on the scene. He shall remain in charge unless relieved by a ranking officer who will specifically advise the officer that they are being relieved. When two officers of equal rank arrive simultaneously at a scene and a conflict exists as to who is in charge, the officer in charge shall be the one with the most seniority.

F. Span of Control/ Supervisory Accountability

a. To achieve effective direction, coordination and control, a limit must be placed on the number of personnel who report directly to the Police Chief and all other command and supervisory personnel. The nature of the assignment shall serve as criteria to determine the proper supervisory/ subordinate ratio.



**Powell County Public Schools Police Department
Policy Number 10**

Title / Subject		EFFECTIVE DATE July 1, 2025	Revised DATE April 2, 2026
Extra Duty, Secondary, Outside Employment			
REFERENCES		DISTRIBUTION	
		Sworn personnel	
		REPORT: <input type="checkbox"/>	

- I. Purpose:** The purpose of this policy is to establish guidelines governing secondary employment, and outside employment by employees of this department.
- II. Policy:** It is the policy of this department to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside or secondary employment which does not conflict with their official duties or impair the performance of their departmental duties. Powell County School Board Policy 03.2331 for classified employees is enforced.
- III. Definitions:**
 - A. Extra Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made an application and been approved for a permit to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the department.
 - B. And/or Secondary Employment:** The provision of police or security services to any person or entity other than this department, including volunteer work performed in an official capacity.
 - C. Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
- IV. Procedures:**
 - A. Extra-Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made an application and been approved for a permit to secure the services of the police agency. These services will be compensated according to a contractual arrangement established by the department.

a. Permission Process: The officer will ensure compliance with all elements of this policy concerning extra-duty details. The permission process must be approved prior to members of this agency accepting a detail and the process will include the following:

1. Specify the hourly rate charged to the permit holder, administrative fee, use of equipment, additional insurance, and the officer's pay rate.
2. The number of officers required to safely handle the detail.

b. Appearance: Officers shall comply with all departmental regulations concerning uniform standards and personal appearance during any extra-duty detail.

c. Schedule: The department will assign a supervisor to coordinate the extra-duty detail program. The supervisor will ensure that all officers interested in working are provided an equal opportunity for assignment via a rotating list or other mechanism to ensure fairness in the assignments.

d. Limitations: The following are examples of limitations upon extra-duty details that would not be approved:

1. Officers are not permitted to work more than 24 additional hours per week unless approved in writing by the Chief of Police.
2. Officers shall not be eligible while on sick or injury leave.
3. Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.

e. Prohibitions: Permission will not be issued for the following types of details:

1. Establishments where alcohol is served.
2. Private clubs requiring bouncers or related duties.
3. Private security agencies or private investigation agencies where it is determined that such employment may create a conflict of interest.
4. Bodyguard or escort services for transporting merchandise where it is determined that such employment may create a conflict of interest.
5. Adult entertainment establishments.
6. Any use of departmental personnel that is not in the best interest of the department.

B. Secondary Employment: The provision of police or security services to any person or entity other than this department, including volunteer work performed in an official capacity.

1. Place of employment (including self-employment).
2. Type of work to be performed.
3. Whether or not the department uniform will be worn.
4. Whether or not the department equipment or vehicle will be used.

5. Maximum number of hours per week an employee will engage in outside employment (no more than 24 hours should be allowed).
6. Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the department.
 - b. **Limitations:** The following are examples of limitations upon secondary employment that would not be approved:
 1. Officers are not permitted to work more than 24 additional hours per week unless approved in writing by their Supervisor.
 2. Officers shall not be eligible while on any type of sick or injury leave.
 3. Officers shall not solicit secondary employment while on duty.
 4. Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
 - c. **Prohibitions:** The following types of secondary employment will not be approved:
 1. Establishment consists primarily of the sales of alcoholic beverages.
 2. Private clubs requiring bouncers or related duties.
 3. Private security agencies or private investigation agencies where it is determined that such employment may create a conflict of interest.
 4. Bodyguard or escort services for transporting merchandise where it is determined that such employment may create a conflict of interest.
 5. Adult entertainment establishments.
 6. The transport of civilians in the department vehicle unless approved by the agency head.
 7. Using departmental records (e.g., case files, criminal records, etc.) for the benefit of a secondary employer, unless authorized in writing by the chief or his designee.
 8. Signing any type of form waiving the liability of the secondary employer for any incident arising out of the secondary employment which may require the use of official powers granted by the department.
 9. Any use of departmental personnel that is not in the best interest of the department.
- C. **Outside Employment:** Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
 - a. **Approval request:** The department head will be notified of employment and a description of work will be provided:

1. Description of the type of work to be performed (i.e., teaching, sales, construction, etc.) and information concerning the potential employer.
 2. Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the department.
 3. Statement indicating the services rendered will not be connected with security work, investigations, or collection or repossession of property and will not involve any law enforcement duties.
- D.** If the chief, or their designee determines that the employment presents a conflict of interest, the officer may appeal this determination to the Chief of Operations, Superintendent of the Schools, Human Resource officer or and up to the Board of Education.
- E. Liability:** Officers engaged in outside or secondary employment may not be covered by the School districts insurance unless acting in their official capacity as a law enforcement officer. The officer and/or outside or secondary employer may incur their own liability. Officers engaging in such employment should purchase their own supplemental liability insurance and/or have proof that the outside or secondary employer has a minimum amount of liability and workers' compensation coverage for the officer.
- F. Approval:** Approval to engage in any law enforcement related outside or secondary employment will be submitted through the employee's chain of command and require final approval by the agency head. Permission can be withdrawn at any time.
- G. Denial of Approval:** In cases where the officer is denied approval, the officer may appeal the denial with the Chief of operations, Superintendent of the Schools, Human Resource officer or and up to the Board of Education
- a. Revocation of Approval:** Approval for outside or secondary employment may be revoked upon a determination by the agency head that the employment is in any way interfering with the performance of an officer's duties as a member of the department.