

McCRACKEN COUNTY PUBLIC SCHOOLS – STUDENT RESOURCE OFFICERS	MCPS SRO Policy 2016-001			
	Title / Subject			EFFECTIVE DATE
	SEXUAL ASSAULT INVESTIGATIONS			01/01/2017
	REFERENCES			DISTRIBUTION
	KRS 15.247 KRS 15.440	KRS 17.175 KRS 216B.400	502 KAR 12:010 502 KAR 20:020	Sworn personnel Telecommunicators
				REPORT: ☐

PURPOSE

The purpose of MCPS SRO Policy Number 2016-001 is to set forth the method and manner by which the Student Resource Officers (“SROs”) of the McCracken County Public Schools (“MCPS”) will promptly report alleged sexual assaults occurring within the MCPS to the appropriate local law enforcement agency and/or participate in any sexual assault investigations when such participation is requested by the appropriate local law enforcement agency.

POLICY

It is the policy of the MCPS SROs that all reported incidents of sexual assault are promptly, properly, and ethically investigated in an unbiased and truth seeking manner that will support a fair and accurate decision in the criminal justice system.

The MCPS SROs do not possess the equipment, training, or expertise necessary to collect evidence or otherwise conduct independent investigations into alleged sexual assaults occurring within the MCPS. Therefore, alleged sexual assaults occurring within the MCPS must be immediately reported to and investigated by the appropriate local law enforcement agency possessing the equipment, skills, resources, training, expertise, and experience necessary to handle sexual assault investigations (*i.e.*, Kentucky State Police, McCracken County Sheriff’s Department, Paducah Police Department).

In the event any MCPS SRO learns of or is otherwise informed of an incident involving an alleged sexual assault with the MCPS, the following procedure will be followed.

PROCEDURE

A. Report to SRO Supervisor

When any MCPS SRO learns of or is otherwise informed of an incident involving an alleged sexual assault within the MCPS, the SRO shall immediately report that incident to the SRO Supervisor.

B. SRO Supervisor Must Report to Appropriate Local Law Enforcement Agency

When the SRO Supervisor receives a report of or otherwise learns of an incident involving an alleged sexual assault within the MCPS, the SRO Supervisor shall immediately report that incident to the appropriate local law enforcement agency (*i.e.*, Kentucky State Police,

McCracken County Sheriff's Department, Paducah Police Department). In the event the SRO Supervisor is not available or is otherwise unable to report the alleged sexual assault to the appropriate local law enforcement agency, any other SRO may fulfill the reporting requirement set forth in this paragraph.

C. Investigation by the Appropriate Local Law Enforcement Agency

Once the SRO Supervisor reports the alleged sexual assault to the appropriate local law enforcement agency, MCPS SROs shall not participate in any sexual assault investigation conducted by the agency unless the agency has made a written request for SRO participation to the SRO Supervisor. In the unlikely event that the appropriate local law enforcement agency requests SROs participation in the sexual assault investigation, the SROs shall follow the directions, guidelines, and policies and procedures of that agency for conducting the sexual assault investigation.

D. Sexual Assault Investigation by MCPS SROs

Although it is the policy of the MCPS SROs that any alleged sexual assault occurring within the MCPS should be immediately reported to the appropriate local law enforcement agency and that SROs should not participate in or otherwise conduct a sexual assault investigation (absent a written request for participation by the agency to the SRO Supervisor), in the event that any MCPS SRO conducts an independent sexual assault investigation, the investigation shall comply with the following minimum requirements:

- (1) Any evidence collected as a result of an examination performed under KRS 216B.400 shall be retrieved and taken into custody by the MCPS SROs with five (5) days of notice from the collecting facility that such evidence is available for retrieval [See KRS 15.440(1)(i)1];
- (2) Any evidence received from a collecting facility relating to an incident which occurred outside of the jurisdiction of the MCPS SROs must be transmitted to the department or agency with jurisdiction within ten (10) days of its receipt by the MCPS SROs [See KRS 15.440(1)(i)2];
- (3) All evidence retrieved from a collecting facility by MCPS SROs must be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by MCPS SROs [See KRS 15.440(1)(i)(3)];
- (4) If a suspect standard is available, it must also be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility by MCPS SROs [See KRS 15.440(1)(i)(4)]; and
- (5) The MCPS SROs shall notify the victim from whom the evidence was collected of the progress of the testing. The frequency of this notification is within the discretion of the MCPS SROs but shall occur as necessary to notify the victim of the progress

of the testing. When any notification is made, the notification shall include, but is not limited to, whether the testing resulted in a match to other DNA samples and whether the evidence is to be destroyed. MCPS SROs may delay notifying the victim until a suspect is apprehended and/or the office of the Commonwealth's attorney consents to the notification. This notification does not automatically require the MCPS SROs to disclose the identity of any person to whom the evidence matched. [See KRS 15.440(1)(i)5].

DEFINITIONS

- A. **McCracken County Public Schools ("MCPS"):** The local school district in McCracken County, Kentucky with the district office located at 5347 Benton Road, Paducah, Kentucky 42003.
- B. **Student Resource Officer(s) ("SROs"):** The sworn police officers responsible for enforcing all local, state, and federal laws within the McCracken County Public Schools.
- C. **SRO Supervisor:** The SRO in charge of and who has authority over the other SROs within the MCPS.
- D. **Local Law Enforcement Agency:** One or more of the police departments or other law enforcement agencies with jurisdiction within McCracken County, Kentucky, including, but not limited to, the Kentucky State Police, the McCracken County Sheriff's Department, and the Paducah Police Department.

APPROVAL BY THE JUSTICE AND PUBLIC SAFETY CABINET

In accordance with KRS 15.440(1)(i), this foregoing policy was submitted to the Justice and Public Safety Cabinet for approval on [DATE]. MCPS SROs received approval from the Justice and Public Safety Cabinet for the foregoing policy on [DATE].

APPROVAL, ADOPTION, AND EFFECTIVE DATE

The foregoing policy for Sexual Assault Investigations was approved and adopted by [Agency Head], MCPS SRO Supervisor, on [DATE]. This policy shall be effective and enforceable beginning January 1, 2017.