

MAYSVILLE POLICE DEPARTMENT		GENERAL ORDERS	
SUBJECT: BACKUPPS		NUMBER: 2-46	
EFFECTIVE DATE: October 1, 2016		REVIEW DATE: October 2023	
AMENDS/SUPERSEDES: N/A		APPROVED: _____ Chief of Police	

NOTE

This order 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.

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INDEX WORDS

BACKUPPS: Bluegrass and Central Kentucky Unified Police Protection System
 Incidental enforcement actions
 Intended enforcement actions
 Member Entity
 Member Officer

I. POLICY

KRS Chapter 65.210 through 65.300, the Interlocal Cooperation Act, allows for agreements to foster interlocal cooperation, to permit local governments unit to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage, and thereby to provide services and facilities in a manner pursuant to forms of government organizations that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities and further allows public agencies to enter into agreements with one another for joint or cooperative action so that powers, privileges or authorities are exercised and enjoyed jointly with other public agencies.

During the normal course of duty, it is necessary for police officers to travel between counties and cities in the Central Kentucky region, i.e. working criminal

interdiction details, transporting prisoners from one jurisdiction to another, responding to calls for assistance as well as service of warrants from one county to another, traveling to and from the Kentucky State Police Crime Lab, and the Department of Criminal Justice Training.

There is evidence that criminal activity exist in and throughout the entire central Kentucky area that such illegal activity is detrimental to the health and general welfare of the populous of the entire area, and that such illegal activity regularly crosses jurisdictional boundaries utilizing state and interstate highways.

Local law enforcement can achieve its greatest impact in combating this illegal activity by way of interlocal cooperation, whereby the officers of the parties' respective police department's and sheriff's offices may exercise their power throughout the entire region.

KRS 65.255 provides that sheriffs, peace officers and police department members acting in the performance of their duties outside their own jurisdiction pursuant to an interlocal agreement shall have the full powers of arrest and all powers they possess in their own jurisdiction, and shall have the same immunities and privileges as if the duties were performed in their own jurisdiction.

II. PURPOSE

The purpose of this policy is to make agency officers aware of an established agreement known as central Kentucky regional cooperative law enforcement system and to provide inter-jurisdictional powers to peace officers employed by the parties to said agreement.

To inform department officers of their expected and required actions should they encounter an opportunity to take incidental or intended enforcement actions in a member entity jurisdiction

This policy provides compliance of Member Entities of the Bluegrass and Central Kentucky Unified Police Protection System (BACCKUPPS) Interlocal Agreement as required in paragraph 3.5 of the Agreement.

III. DEFINITIONS

- A. Agreement. The interlocal agreement creating a Bluegrass and Central Kentucky Unified Police Protection System (BACKUPPS).
- B. "Incidental enforcement Action" means action of a law enforcement officer that is unrelated to the officer's reason for entry into a host jurisdiction. Generally, only felonies or misdemeanors witnessed by a police officer while

visiting a host jurisdiction require incidental enforcement action. This include action taken by an officer who resides in the host jurisdiction.

- C. “Intended enforcement action” means action of a law enforcement officer that is directly related to the officer’s reason for entry into a host jurisdiction. Investigations, undercover operations, and criminal interdictions are examples of direct (intended) enforcement actions.
- D. “Host Jurisdiction means the jurisdiction, other than an officer’s home jurisdiction, in which an officer is performing law enforcement activities. If an officer is performing law enforcement activities in a county, but not within the corporate limits of a city, the county shall be the host jurisdiction. If an officer is performing law enforcement activities in the corporate limits of a city, the city shall be the host jurisdiction.
- E. “Member Entity” means a city or county police department, county sheriff’s department, or other law enforcement public agency that is party to the Agreement.
- F. “Member Officer” means a full time or part time Peace Office Professional Standards (POPS) certified officer or deputy of a Member Entity.

IV. PROCEDURE

- A. An officer shall not take incidental enforcement action unless he or she directly witnesses a risk to public safety or a risk of substantial injury to a person, or unless requested by the host jurisdiction to provide such action or assistance.
- B. Officers shall not perform routine traffic details (for example: radar checks and safety belts, and DUI checkpoints), unless the chief law enforcement officer of the host jurisdiction request such action.
- C. Officers shall coordinate intended enforcement action with the appropriate law enforcement agency or agencies of the host jurisdiction.
- D. Complaints of misconduct of an officer who performs law enforcement action in a host jurisdiction shall be directed to the officer’s home jurisdiction for investigation. Officers in the host jurisdiction where the complaint occurred shall fully cooperate with the investigation.

V. NOTICE

- A. Whenever an officer, acting under the authority of the Agreement, enters a host jurisdiction for the purpose of performing an intended enforcement action, such officer shall, to the extent feasible, provide the host jurisdiction with notice within a reasonable time prior to entry. The officer shall provide the host jurisdiction with information sufficient to enable the host jurisdiction to provide assistance to the officer.
- B. In the event it is not feasible for an officer performing an intended enforcement action to provide notice to the host jurisdiction prior to entry, the office shall provide such notice as soon as practical after entry.
- C. Officers performing undercover operations shall, in all circumstances, contact the host jurisdiction on duty supervisor immediately prior to entry.
- D. Whenever an officer, acting under the authority of the Agreement, has need to take incidental enforcement action within a host jurisdiction, such officer shall, to the extent feasible, provide the host jurisdiction with notice prior to initiating the action. The officer shall provide the host jurisdiction with information sufficient to enable the host jurisdiction to provide assistance to the officer.
- E. In the event it is not feasible for an officer performing an incidental enforcement action to provide notice to the host jurisdiction prior to initiating the action, the office shall provide such notice as soon as practical after taking action.

VI. HOW NOTICE IS ACCOMPLISHED.

- A. Notice to a host jurisdiction shall be accomplished through dispatch or by direct communications with the host jurisdiction. Under emergency circumstances, an officer may request his-her own dispatch to provide notice to the host jurisdiction.
- B. Officers of this agency shall make notice to the on duty supervisor of their involvement in any incidental or intended enforcement action in any host jurisdiction as soon as feasibility possible.
- C. Copies of all reports, arrest reports, citations, etc. from the incidental or intended enforcement action will be forwarded to the Chief of police or their designee through normal chain of command.

VII. JURISDICTION AND CUSTODY.

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

VIII. COMMAND AND RANK STRUCTURE.

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