

Matthew G. Bevin / Governor  
John C. Tilley / Secretary  
Mark Filburn / Commissioner



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(859) 622-1328 • <https://docjt.ky.gov>  
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October 24, 2016

**RE: Model Sexual Assault Policy**

**EMAIL: [DOCJT.ModelPolicy@ky.gov](mailto:DOCJT.ModelPolicy@ky.gov)**

Dear Law Enforcement Executive:

Attached is the Model Sexual Assault Policy that was adopted by Sexual Assault Response Team Advisory Committee, as required by [Senate Bill 63](#). The policy is in Microsoft Word format so that you may modify the document to suit your agency's needs, should you choose to adopt this policy. Other model policies can also be found at the following website:

**Department of Criminal Justice Training:** <https://docjt.ky.gov//sart.html>

You are not required to adopt this particular policy. Attached is a model created by SART AC (a legislatively mandated board required to disseminate a model policy per Senate Bill 63), and it is the decision of each individual agency how to structure its own policy. **However, all law enforcement agencies are required to adopt a policy that meets certain statutory requirements before January 1, 2017.** The statutory requirements are as follows:

*Effective: July 15, 2016*  
*KRS § 15.440*

***15.440 Requirements for participation in fund distribution***

- (1) Each local unit of government which meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program Fund*



...

*(i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet, and which includes:*

*1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;*

*2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the department be transmitted to a department with jurisdiction within ten (10) days of its receipt by the department;*

*3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the department;*

*4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; and*

*5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched.*

*Ky. Rev. Stat. Ann. § 15.440 (West) (copied in pertinent part)*

***Failure to adopt a policy by January 1, 2017 will cause your agency to lose eligibility for KLEFPF.***

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DOCJT is required to review and approve all adopted policies on behalf of the Justice and Public Safety Cabinet to make sure they meet the above statutory standards. In order to help us complete this assignment, we ask that you forward your agency's policy, once adopted, **NO LATER THAN DECEMBER 1, 2016** to the following email address:

**DOCJT.ModelPolicy@ky.gov**

If you have questions, please contact us at the above email address or call us at:

**(859) 622-5049**

Also, I will be present at the **PECC conference at Barren River State Resort Park on Wednesday, October 26, 2016**, to provide sample policies and answer questions that you may have.

We thank you for your assistance in this vital project; and we are here to assist in any manner possible to be certain that all of Kentucky's law enforcement agencies are prepared for this new statutory requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "Deidra C. Douglas". The signature is fluid and cursive, with a large initial "D" and "C".

Deidra C. Douglas  
Asst. General Counsel, DOCJT