

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 8.8
	Effective Date: 07/20/03 Prv. Rev. Date: 03/26/21 Revised Date: 03/23/23
	Accreditation Standards: KACP: 30.2, 30.10
Chapter: Field Operations	
Subject: Biased Law Enforcement Practices	

8.8 BIASED LAW ENFORCEMENT PRACTICES (KACP 30.2, 30.10)

8.8.1 POLICY

Biased law enforcement practices impair investigative effectiveness, alienate citizens, foster a distrust of law enforcement, and may subject officers to civil or criminal liability. Most importantly, biased law enforcement practices are unethical. The protection and preservation of the constitutional rights of individuals remains one of the paramount concerns of government and law enforcement. Therefore, it is the policy of the Louisville Metro Police Department (LMPD) that all practices are conducted in an impartial and courteous manner, free of bias, and in accordance with applicable laws and the Standard Operating Procedures (SOPs) of this department. The LMPD prohibits any type of biased law enforcement practices.

8.8.2 DEFINITIONS

Biased Law Enforcement Practices: Engaging in any of the following activities, based solely on an individual's actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics, place of residency, jurisdiction of registration of vehicle driven, type of vehicle driven, or other similar personal characteristics attributed to an individual as a member of such a group:

- Making discretionary decisions during the course of an enforcement activity
- Initiating a traffic stop, surveillance, detention, or other law enforcement activity
- Targeting particular individuals or groups

Probable Cause: The level of evidence, held by a rational and objective observer, necessary to justify logically accusing a specific suspect of a particular crime, based upon reliable objective facts.

Reasonable Articulable Suspicion: A suspicion based on specific, objective, articulable facts, taken together with the member's training and experience, that a subject has committed, is committing, or is about to commit a crime.

8.8.3 OFFICER RESPONSIBILITY

All investigative detentions, traffic stops, searches, seizures, and arrests will be based upon reasonable **articulable** suspicion or probable cause. An individual's race or other protected characteristics may not be used as a motivating factor in deciding whether to take enforcement action except as part of a specific, reliable suspect description linking a specific person to a particular unlawful incident and only in combination with additional identifying characteristics or information.

It is not improper to target suspected criminals based on their conduct, nor is it improper to focus on a person of a particular actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics, place of residency, jurisdiction of registration of vehicle driven, type of vehicle driven, or

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8.8.3 OFFICER RESPONSIBILITY (CONTINUED)

other characteristics if the officer has specific suspect information pertaining to any of these characteristics.

These characteristics will never be used as the sole basis for reasonable **articulable** suspicion or probable cause.

Specific suspect information must be:

- From a credible source.
- Specific characteristic-based information.
- Relevant to the locality or time frame of the criminal activity.
- Specific to particular suspects, incidents, or related to ongoing criminal activities.
- Reasonably merited under the totality of the circumstances.

Providing citizens with an explanation as to why they were stopped improves relations with the community and reduces the perception of bias on the part of the police. Therefore, officers should make a reasonable effort to provide an explanation as to why the citizen was stopped, unless doing so would undermine an investigation or jeopardize the officer's safety (refer to SOP 3.6 and SOP 7.12).

Under no circumstances will an officer detain a suspect for longer than what is reasonably necessary to make reasonable inquiries and either confirm or refute their suspicions of criminal activity. Officers will not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a specific criminal or homeland security investigation.

8.8.4 SUPERVISORY RESPONSIBILITY

Supervisors will:

- Familiarize their personnel with this policy and support its provisions.
- Observe officer behavior to identify, and prevent, biased law enforcement practices.
- Immediately report any biased law enforcement practice, in writing, through the appropriate chain of command, to the Chief of Police.

8.8.5 REPORTING REQUIRED

All members are required to immediately report any biased law enforcement practice, in writing, through the appropriate chain of command, to the Chief of Police.

8.8.6 DISCIPLINE

The LMPD does not condone, or tolerate, biased law enforcement practices. Officers who engage in such conduct will be subject to disciplinary action.

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8.8.7 CITIZEN STOP REPORTS

Officers are required to obtain an incident number from MetroSafe or their Mobile Data Terminal (MDT) and complete a Citizen Stop Report in the Records Management System (RMS) for every investigative stop and traffic stop, regardless of whether a citation is written or an arrest is made (refer to SOP 3.6 and SOP 7.12). This report must be completed for any pedestrian who is stopped for an investigative or criminal purpose. The report does not need to be completed for casual or non-law enforcement-related citizen and community interactions. The only exceptions for traffic-related stops are motorist assists, road blocks, and traffic collisions. Officers should use the following descriptions for searches:

- Consent
- Pat down
- Incident to arrest
- Probable cause
- Other

Officers will complete the Citizen Stop Report in the RMS by the end of their tour of duty. If the officer conducts a stop while off-duty, they will complete a Citizen Stop Report electronically by the end of their next tour of duty. Officers will record the incident number of the electronic Citizen Stop Report in the upper right hand corner of their paper citation.

If more than one (1) person is interviewed and detained during a stop, only one (1) Citizen Stop Report will be completed for the stop. The first person who is stopped will be entered through the "Person" module of the Citizen Stop Report. Additional persons will be entered through the "Add Persons" function of the report.

Each Citizen Stop Report will contain a narrative describing the reasonable articulable suspicion or consent and any behaviors that led the officer to initiate contact with the person. If the officer conducts a pat down of the person, the narrative will include the consent given or reasonable articulable suspicion that led the officer to believe that the person was armed and dangerous. If the person is searched, the narrative will include the consent given or probable cause that led the officer to conduct a search of the person.

Citizen Stop Reports will not be completed on suspects, victims, or other individuals whose contact is a result of a traffic collision, unless the contact provides new information on other criminal activity unrelated to the existing report(s) (e.g. a person who is involved in a traffic accident has property that the officer suspects may be stolen). Citizen Stop Reports will also be completed for all traffic stops (refer to SOP 7.12).

Citizen Stop Reports require an incident number to be submitted into the RMS.

Upon completion, the Citizen Stop Report will be submitted by the officer and approved by a supervisor.

Citizen Stop Reports will be retained pursuant to applicable records retention schedules.

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8.8.8 TRAINING

Recruits receive training on the various aspects of recognizing and preventing biased law enforcement practices. Training Bulletins are disseminated to officers in order to inform them of legal updates and recent issues regarding biased law enforcement practices. Annual in-service classes are offered on topics relating to biased law enforcement practices.

8.8.9 ANALYSIS

The Professional Standards Unit (PSU) is responsible for thoroughly investigating complaints of biased law enforcement practices. All findings of the PSU are forwarded to the Chief of Police for final disposition.

The department is responsible for reviewing its biased law enforcement practices SOP on an annual basis in order to identify legal updates, recent issues, and/or citizen concerns which may necessitate a policy revision.

The **Citizen Stop Report** data is analyzed and compiled into a report on an annual basis. This report includes a summary of all stops by officers and also includes recommendations for improvement.