

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1 ENFORCEMENT

10.1.1 DEFINITIONS

Arrest/Bench Warrant: A written order issued by a judge or other proper authority for a law enforcement officer to place a person under arrest.

Criminal Citation: A Kentucky Uniform Citation that is issued to a person for criminal charges based upon a criminal summons or, with probable cause, on open criminal charges.

Felony: A felony is defined as an offense that is punishable by death or by confinement in a penitentiary, whether or not a fine or other penalty may also be assessed.

Misdemeanor: A misdemeanor is defined as an offense that is punishable by confinement, other than in a penitentiary, whether or not a fine or other penalty may also be assessed.

Physical Arrest: Taking a person into police custody based upon a warrant or, with probable cause, on open criminal charges in accordance with law and this policy.

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 Articulate 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.

Traffic Citation: A Kentucky Uniform Citation that is issued to a person for traffic charges.

Violation: A violation is defined as an offense that is punishable by a fine or other penalty less than confinement in a jail or penitentiary.

10.1.2 JURISDICTION (KACP 1.6)

Officers of the Louisville Metro Police Department (LMPD) may issue citations, and under certain circumstances, make a physical arrest, anywhere within Jefferson County for violations of state statutes and Louisville Metro ordinances, pursuant to Kentucky Revised Statutes (KRS) chapter 431. Officers possess law enforcement authority any time they are within the boundaries of Jefferson County. Officers are authorized to enforce all applicable laws and ordinances within the boundaries of Jefferson County, both on-duty and off-duty.

Officers are authorized to carry concealed deadly weapons under KRS 527.020(3) and Louisville Metro Code of Ordinances (LMCO) 41.03 and 135.06. This authorization allows both on-duty and off-duty officers to carry an authorized weapon within their jurisdiction (refer to SOP 5.1).

Officers who enter Indiana in fresh pursuit of an individual in order to arrest them on grounds that they are believed to have committed a felony in Kentucky have the same authority to arrest, and hold such person in

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.2 JURISDICTION (CONTINUED)

custody, as any law enforcement officer in Indiana. The arrested person will be turned over to the appropriate Indiana police department having jurisdiction and taken, without unnecessary delay, before a judge of the county in which the arrest is made. If the judge determines the arrest to be lawful, the person will be held for a reasonable time until an extradition warrant can be obtained. If the arrested person voluntarily signs an Indiana extradition waiver, the officer may return to Kentucky with the prisoner, without taking the prisoner before a judge in Indiana.

If an officer intends to arrest a subject on a Jefferson County warrant elsewhere in the Commonwealth, they will first notify the law enforcement agency of that jurisdiction to affect the arrest. They may then transport the prisoner back to Jefferson County.

Officers, while in Jefferson County, will make arrests on warrants issued by another county in the Commonwealth of Kentucky. The verification will be made in a manner defined in SOP 10.1.5. Once arrested, the individual will be placed at the Louisville Metro Department of Corrections (LMDC), who will then arrange for the pickup of the individual by the originating jurisdiction.

10.1.3 CITATIONS

For the purposes of this section, a violation is defined as an offense that is punishable by a fine or other penalty less than confinement in a jail or penitentiary. A misdemeanor is defined as an offense that is punishable by confinement, other than in a penitentiary, whether or not a fine or other penalty may also be assessed.

An officer may issue verbal warnings or Kentucky Uniform Citations for violations committed in their presence.

An officer will not routinely write a citation for possession of marijuana involving one (1) ounce or less if it is the only charge or the most serious charge against a defendant. They will also not charge a defendant with possession of drug paraphernalia when the paraphernalia is clearly only used for marijuana consumption. Nothing in this policy precludes an officer from using the discovery of marijuana during an investigation as probable cause for a search.

Individuals who are under the age of 21 will continue to be charged with possession of less than one (1) ounce of marijuana. Individuals who are involved in marijuana trafficking, marijuana cultivation, Driving Under the Influence (DUI), public consumption, or public intoxication will be charged accordingly.

An officer who discovers a small amount of marijuana or marijuana paraphernalia will seize the evidence and process the item(s) through the LMPD Evidence and Property Unit (EPU), whether or not a citation is issued.

KRS 431.015 states that an officer may issue a citation when they have probable cause to believe that the person being issued the citation has committed a misdemeanor outside of the officer's presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.

An officer may also make a physical arrest instead of issuing a citation for:

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04
	Prv. Rev. Date: 10/10/19
	Revised Date: 03/23/23
Chapter: Arrests	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Subject: Enforcement	

10.1.3 CITATIONS (CONTINUED)

- Any offense in which the defendant poses a risk of danger to themselves or another person. The arrest citation narrative must contain specific language indicating how the arrestee posed the risk of danger.
- Any offense in which the defendant refuses to follow the officer's reasonable instructions. The arrest citation narrative must contain specific language indicating how the defendant failed to follow the officer's reasonable instructions.
- Any offense where there are reasonable grounds to believe that the defendant, if cited, will not appear in court at the designated time. The arrest citation narrative must contain specific language indicating why there are reasonable grounds to believe that the defendant will not appear in court.

When making an arrest or issuing a citation on open charges, without a warrant, the officer will specify the offense(s) being charged and enter a detailed statement of probable cause in the narrative section of the Kentucky Uniform Citation. The statement of probable cause must sufficiently describe the actions of the accused that the officer relied on to meet the elements of the offense(s). Merely re-stating the charges or making a reference to an incident report number is not sufficient for establishing probable cause or meeting the elements of the offense (refer to Kentucky Rules of Criminal Procedure [(RCr) 3.02(2)]). Victim/witness name(s) and address information will be entered in the appropriate blocks on the Kentucky Uniform Citation.

The failure to meet the elements of the offense and adequately describe the probable cause for the arrest or citation may result in the dismissal of the charges in court.

KRS 431.015 specifies that an officer shall issue a citation instead of making a physical arrest for misdemeanors committed in their presence, except for the examples cited above, and offenses within the statutes covered by the following KRS chapters, where the option to issue a citation or make a physical arrest is at the discretion of the officer:

- **KRS Chapter 508 (Assault and Related Offenses)**
 - Menacing (KRS 508.050)
 - Wanton Endangerment 2nd Degree (KRS 508.070)
 - Terroristic Threatening 3rd Degree (KRS 508.080)
 - Criminal Abuse 3rd Degree (KRS 508.120)
 - Stalking 2nd Degree (KRS 508.150)
 - Violation of a Stalking Restraining Order (KRS 508.155)
- **KRS Chapter 510 (Sexual Offenses)**
 - Sodomy 4th Degree (KRS 510.100)
 - Sexual Abuse 2nd Degree (KRS 510.120)
 - Sexual Abuse 3rd Degree (KRS 510.130)
 - Sexual Misconduct (KRS 510.140)
 - Indecent Exposure 1st Degree (1st or 2nd offense) (KRS 510.148)
 - Indecent Exposure 2nd Degree (KRS 510.150)

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 10.1
	Effective Date: 02/18/04
	Prv. Rev. Date: 10/10/19
	Revised Date: 03/23/23
Chapter: Arrests	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Subject: Enforcement	

10.1.3 CITATIONS (CONTINUED)

- **KRS Chapter 527 (Offenses relating to Firearms and Weapons)**
 - Carrying a concealed deadly weapon (KRS 527.020) (unless previously convicted of a felony)
 - Defacing a firearm (KRS 527.030)
 - Possession of a defaced firearm (KRS 527.050)
 - Possession of handgun by a minor (1st offense) (KRS 527.100)

- **KRS Chapter 189 (Traffic Offenses)**
 - Driving Under the Influence (DUI) of a motor vehicle (KRS 189A.010), either committed in the officer's presence or not committed in the officer's presence with probable cause (the issuance of a citation, in lieu of a physical arrest, requires the approval of a commanding officer) (refer to SOP 7.12) (KACP 23.1d)

- **KRS 511.050 Possession of burglar's tools**
- **KRS 511.085 Domestic violence shelter trespass**
- **KRS 514.110 Receiving stolen property (unless value of property is \$500.00 or more, a firearm, or anhydrous ammonia)**
- **KRS 523.110 Giving police officer false identifying information**

An officer may also make a physical arrest instead of issuing a citation for certain misdemeanors and violations, some of which are included in the arrest authority conferred by KRS 431.015, including:

- Measurement/Weight violation of a motor truck, semi-truck, or trailer (KRS 189.223)
- Reckless/Careless driving (KRS 189.290)
- Failure to comply with a traffic officer's signal (KRS 189.393)
- DUI of a non-motorized vehicle (KRS 189.520)
- Accident-related responsibilities (e.g. leaving the scene, failure to report) (KRS 189.580)
- DUI of a boat (KRS 235.240)
- Violating motor carrier regulations (federal or state) (KRS 281.600)
- Criminal Trespass 3rd Degree (KRS 511.080)
- Harassment (KRS 525.070) (KACP 30.4)
- The authority of an officer, in uniform, to arrest for all offenses during a declared emergency (KRS 39A.190)
- Violating motor vehicle and boating offenses (except for offenses that only carry a fine as punishment) (KRS 281.765)
- Shoplifting (KRS 433.236(3)) either committed in the officer's presence or not committed in the officer's presence with probable cause
- Cruelty, mistreatment, or torture of animals (KRS 436.605(2)) (refer to SOP 8.33)
- Violating the terms/conditions of probation, parole, or conditional release (KRS 533.050)
- The authority of Kentucky Department of Fish and Wildlife Resources (KDFWR) Conservation Officers and all other peace officers to arrest for violating any statute in KRS Chapter 235 (KRS 235.310)
- The authority of KDFWR Conservation Officers to arrest or cite persons hunting on private land without permission, at their discretion (KRS 150.092(3))

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.3 CITATIONS (CONTINUED)

If in doubt about whether to issue a citation or make a physical arrest, officers should contact a commanding officer for guidance. During normal business hours, officers may also contact the Jefferson County Attorney's Office.

When issuing a citation, officers will explain the following to the violator, prior to their release:

- The reason for the citation
- The date of court appearance
- The optional or mandatory nature of the court appearance
- The option of prepaying a fine or satisfying the citation without going to court
- The option of traffic school (if applicable) for the offense

Officers may not issue a citation for the following misdemeanors. Officers will make a physical arrest for:

- Assault 4th Degree (Domestic Violence) (KRS 508.030) (KACP 30.1)
- Violating any order of protection (e.g. Emergency Protective Order (EPO), Domestic Violence Order (DVO), Interpersonal Protective Order (IPO), Foreign Protective Order (FPO), etc.) issued pursuant to KRS 403.715 to 403.785 or as defined in KRS 456.010
- Violating pretrial release conditions, imposed by the court, for offenses involving assault, sexual offenses, or violation of an order of protection
- Alcohol Intoxication (KRS 222.202, KRS 222.203)

Officers must have the approval of a commanding officer before issuing a citation for a felony offense. The commanding officer granting this approval will notify the appropriate division/section/unit commander as soon as practicable and be able to articulate the reason why a citation was issued rather than making a physical arrest. For the purposes of this section of the policy only, an acting sergeant is not considered a commanding officer.

Members who are authorized to issue citations are responsible for the accountability for electronic or paper citations issued to them. All officers must sign the Citation Accountability Log (LMPD #06-0017) for all paper citations issued to them. Any voided paper citations must be turned in to the division/section/unit and logged on the Voided Citation Log (LMPD #06-0048) (KACP 22.4a). While individual members are responsible for citations issued to them, the Kentucky State Police (KSP) has the final authority for accountability for issued and voided eCitations. KRS 431.455 prohibits members from invalidating, or attempting to invalidate, destroying, or attempting to destroy, a uniform citation which has been lawfully issued.

Officers are required to complete a Citizen Stop Report in the Records Management System (RMS) for all pedestrian investigative stops and traffic stops, regardless if an arrest was made or citation was issued (refer to SOP 3.6, SOP 7.12, and SOP 8.8).

Officers who are utilizing the Kentucky Open Portal Solution (KYOPS) to issue a citation will not change the court date provided by the KYOPS unless the defendant needs an earlier court date due to safety concerns. Officers who are issuing handwritten citations will assign court dates six (6) weeks out, based on the court assignment calendar and Jefferson County Office of the Circuit Court Clerk (OCCC) guidelines, with the exception of juvenile citations. Juveniles are not assigned court dates at the time that citations are issued (refer to SOP 10.7 and SOP 10.8).

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.3 CITATIONS (CONTINUED)

Officers will forward all original handwritten paper citations (traffic, criminal, and juvenile) to their commanding officer by the end of their tour of duty. If the officer is off-duty, the original citations must be forwarded by the end of their next tour of duty. Commanding officers, or their designees, are responsible for forwarding citations to the Data Resolution Unit within seven (7) days of the issue date of the citation, for court processing. Courts will not accept late citations. Any citations forwarded after seven (7) days require a memorandum from the officer to the Assistant Chief of Police/Administrative Bureau, explaining the reason for the delay. Copies of eCitations do not need to be forwarded.

10.1.4 ARRESTS WITHOUT A WARRANT (KACP 1.6)

An officer may make an arrest without a warrant under the following circumstances:

- A felony committed in the officer's presence or with probable cause to believe that a felony has been committed and that the person being arrested committed it.
- Any misdemeanor committed in the officer's presence that meets the statutory guidelines allowing a physical arrest in lieu of a citation.
- A misdemeanor not committed in the officer's presence, when probable cause exists to believe that a subject has committed:
 - Theft by Unlawful Taking (TBUT) (Shoplifting)
 - Assault 4th Degree (Domestic Violence) (KRS 508.030) (KACP 30.1)
 - DUI of Intoxicants (the issuance of a citation, in lieu of a physical arrest, requires the approval of a commanding officer) (refer to SOP 7.12) (KACP 23.1d)
 - Violation of an EPO, DVO, IPO, or FPO
 - Violation of Pretrial Release Conditions
- A violation of Assault 4th Degree (KRS 508.030) on property that is owned or used by a hospital (including a parking lot or parking garage), which was not committed in the officer's presence and the officer has probable cause to believe that the person being arrested committed it (KRS 431.005(1)(f)).
- A violation committed in the officer's presence, involving:
 - Criminal Trespass 3rd Degree
 - Harassment
 - Reckless Driving
 - Failure to Comply with a Traffic Officer Signal
 - Leaving the Scene of an Accident
 - DUI of Intoxicants/Non-Motor Vehicle
- A violation committed in the officer's presence, if there are reasonable grounds to believe that the person being cited will not appear to answer the charge in court.

When making an arrest or issuing a citation on open charges, without a warrant, the officer will enter a detailed statement of probable cause in the narrative section of the Kentucky Uniform Citation. The statement of probable cause must sufficiently describe the actions of the accused that the officer relied on to meet the

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04
	Prv. Rev. Date: 10/10/19
	Revised Date: 03/23/23
Chapter: Arrests	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Subject: Enforcement	

10.1.4 ARRESTS WITHOUT A WARRANT (CONTINUED)

elements of the offense(s). Merely re-stating the charges or making a reference to an incident report number is not sufficient for establishing probable cause (refer to Kentucky Rules of Criminal Procedure [(RCr) 3.02(2)]). Victim/witness name(s) and address information will be entered in the appropriate blocks on the Kentucky Uniform Citation.

Officers will not make any arrest based solely on the following:

- Information received from an anonymous source
- Reasonable **articulable** suspicion, not amounting to probable cause

The failure to meet the elements of the offense and adequately describe the probable cause for the arrest or citation may result in the dismissal of the charges in court.

10.1.5 ARRESTS WITH A WARRANT (KACP 1.6)

Only a sworn officer may make an arrest in obedience to a warrant issued by a court of competent jurisdiction within the Commonwealth of Kentucky.

When executing a warrant, an officer must be especially diligent in identifying the person who is to be arrested as the person who is named on the warrant. This is particularly important when the suspect claims not to be the person who is named. The officer will also determine if the warrant is valid on its face. The warrant will be verified through:

- The National Crime Information Center (NCIC) (KACP 26.3)
- The Law Information Network of Kentucky (LINK) (KACP 26.3)
- EWarrants
- Calling the county clerk of the originating jurisdiction (the full name, title, and phone number of the person who is verifying the warrant must be legibly written on the warrant or the citation if the officer does not have a copy of the warrant)

If an officer is in possession of a printed eWarrant with an unserved watermark, they will validate the warrant, at the time of service, in eWarrants. Any paper copies of warrants with an unserved watermark, that have been served, will be destroyed.

NCIC hits for wanted or Circuit Court warrants will be verified through the NCIC Unit by phone or radio prior to service.

When making an arrest in obedience to a valid warrant, the officer will list, at a minimum, the issuing court, the warrant number, and the offense(s) as listed on the warrant, in the narrative section of the Kentucky Uniform Citation.

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.6 eWARRANTS/WANTED CHECK

eWarrants is a statewide database of all circuit and district court warrants and/or summonses issued in participating counties in the Commonwealth of Kentucky. Checking an individual in eWarrants does not eliminate the necessity of performing a LINK/NCIC warrant check for other statewide or nationwide offenses (KACP 26.3).

Outstanding warrants and summonses that are found in the eWarrants database are valid and no further verification is needed. The eWarrants system is only used for:

- Adult criminal complaints
- Arrest warrants and summonses resulting from adult criminal complaints
- Bench warrants
- EPO, DVO, IPO, FPO notifications

The eWarrants system is NOT used for:

- Mental Inquest Warrants (MIWs) (refer to SOP 10.6)
- Juvenile petitions (refer to SOP 10.7)

Prior to the service of Circuit Court warrants, officers will notify the NCIC Unit by phone or radio.

If an officer is serving a warrant originating from Jefferson County, through eWarrants, it is considered verified and may be executed immediately. Officers will use their Mobile Data Terminal (MDT) or desktop computer to perform a records check through the LINK/NCIC and eWarrants of arrested subjects prior to booking. Officers may request that MetroSafe perform these records checks. Should outstanding charges be present on the subject, MetroSafe will attempt to verify and confirm with the entering agency any "hit" or outstanding warrant, except outstanding warrants and summonses found in eWarrants, which are valid and need no further verification. All verifications will be performed in accordance with current LINK/NCIC and eWarrants protocols (KACP 26.3).

Once the arrested individual has been delivered to the LMDC, the officer will enter the arrest information into eWarrants, print a copy of the warrant, and click the "SERVED" button. This can be done from the officer's MDT or from one (1) of the computers located in the LMDC sally port.

Warrant service is prioritized based on the severity of the offense. Warrants involving violent crimes and felony offenses will be served first.

10.1.7 CRIMINAL SUMMONS

When an officer determines that an individual has an outstanding summons, they are not required to have the summons in their possession in order to serve it (refer to Kentucky Rules of Criminal Procedure [(RCr) 2.10]. In such cases, the officer may serve the summons by issuing a citation containing the following information:

- The charges, as listed on the summons
- The assigned court case number

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.7 CRIMINAL SUMMONS (CONTINUED)

- The date, time, and location where the subject has been ordered to appear

The officer who is serving the summons will check eWarrants to enter the summons as served, if appropriate.

If using an MDT or desktop computer, the officer will enter the service in eWarrants and print, sign, and turn in the summons with the citation. If an MDT or computer is unavailable, the officer will simply issue a paper citation. eWarrants will be updated as soon as possible, but no later than the end of the officer's tour of duty.

10.1.8 EXECUTING AN ARREST (KACP 1.6)

An officer who is not in uniform will display their badge, identify themselves as a police officer, and communicate the reason for the arrest. If, during an arrest, identifying oneself as a police officer could unnecessarily increase the risk to the officer, or other parties, the announcement can be delayed until practical. An officer who is making an arrest in the field will advise MetroSafe that an arrest has occurred once the individual is safely in custody.

Should physical force be necessary in order to execute an arrest, an officer will use only that force which is reasonable to gain control of the subject (NOBLE) (refer to SOP 9.1). The use of physical force, other than a control hold, to effect an arrest requires the completion of an Administrative Incident Report (AIR), via the BlueTeam link, located on the LMPD Intranet (refer to SOP 3.1).

Officers who are needing to enter a home for the purpose of serving an arrest/bench warrant will complete a Risk Assessment Matrix Warrant Service form (LMPD #05-0016), whenever they have credible information that an arrest by normal means would prove dangerous to the officers who are involved (refer to SOP 8.1). Examples of credible information could include, but are not limited to, knowledge of weapons in the home and the suspect's violent criminal history.

All completed matrices will be forwarded, through the appropriate chain of command, to the Support Bureau Commander or Patrol Bureau Commander. A copy of the completed matrix will be forwarded to the Special Weapons and Tactics (SWAT) Team Commander (KACP 19.6d).

Nothing in this section prohibits a commanding officer from consulting the SWAT Team Commander, even if the matrix requirements for a call-out are not met.

Officers are reminded that they may only enter a home for the purpose of serving an arrest/bench warrant under the following circumstances:

- The officers have consent to enter the home; or
- The officers have a warrant for a serious felony; and
- The officers have a reasonable belief that the person who is named on the warrant lives in the home; and
- The officers have a reasonable belief that the person who is named on the warrant is in the home at the time of service.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.8 EXECUTING AN ARREST (CONTINUED)

An arrest warrant does not justify entry into a third person's home to search for the subject of an arrest warrant.

If it becomes apparent that there is no probable cause or valid warrant to support an arrest, the individual will be released and a commanding officer will be immediately notified. An AIR will be completed, via the BlueTeam link, located on the LMPD Intranet (refer to SOP 3.1).

10.1.9 TRANSACTIONS WITH PRISONERS

Members are prohibited from accepting, or buying, any article from any suspect, prisoner, or associate of any suspect or prisoner.

10.1.10 DOCUMENTATION (KACP 22.4a-b)

Officers will complete a Kentucky Uniform Citation when making a physical arrest of a subject. When making an arrest or issuing a citation on open charges, without a warrant, the officer will enter a detailed statement of probable cause in the narrative section of the Kentucky Uniform Citation. The statement of probable cause must sufficiently describe the actions of the accused that the officer relied on to meet the elements of the offense(s).

Merely restating the charges or making a reference to an incident report number is not sufficient for establishing probable cause (refer to Kentucky Rules of Criminal Procedure [(RCr) 3.02(2)]).

Victim/witness name(s) and address information will be entered in the appropriate blocks on the Kentucky Uniform Citation. The primary officer who is establishing probable cause for the arrest should be listed at the bottom of the citation (e.g. officer who is initiating arrest, investigating detective).

Assisting officers who were also responsible for establishing probable cause should be listed on the front of the citation, either in the Witness box or the Narrative box, with their rank, code number, and "LMPD" as the address. Division/section/unit or individual addresses should not be used.

All Kentucky Uniform Citations will be reviewed by the issuing officer's immediate supervisor (KACP 4.4).

10.1.11 POSTHUMOUS CHARGES

Posthumous charges may be placed against an individual when an investigation reveals that a deceased person has committed a crime and such charges are necessary in order to clear the case. A clearance by exception may be used to clear a case where the identified perpetrator has died.

Posthumous charges must have prior approval of an Assistant Chief of Police. In all cases, probable cause must be shown that would be sufficient to charge the individual if they were still alive.

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04 Prv. Rev. Date: 10/10/19 Revised Date: 03/23/23
	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Chapter: Arrests	
Subject: Enforcement	

10.1.12 SUPERVISORY REVIEW

Commanding officers will review the paper citations and arrest slips of those officers under their direct supervision. The commanding officer will place their code number on the upper right hand corner of the citation, indicating that they have reviewed the citation. The citation review should include, but is not limited to, the following:

- Missing/incomplete personal information of the offender
- The **Citizen Stop Report incident** number (if applicable)
- The appropriate charges
- The arrest or citation date, time, and location
- The arrest or citation narrative, statement of probable cause, and elements of the crime
- The valid court date, time, and location
- The report number, if the citation or arrest is related to clearing a reported incident
- Language indicating how the defendant posed a risk of danger (if applicable) (refer to SOP 10.1.3)
- Language describing how the defendant failed to follow the officer's reasonable instructions (if applicable) (refer to SOP 10.1.3)
- Language indicating why there are reasonable grounds to believe that the defendant will not appear in court (if applicable) (refer to SOP 10.1.3)
- Legible handwriting

10.1.13 IMMIGRATION ENFORCEMENT

Immigration enforcement is not a local law enforcement matter. It falls under the jurisdiction of the United States Immigration and Customs Enforcement (ICE). LMPD officers lack the jurisdiction to enforce federal immigration law. However, there are situations where ICE may request the assistance of the LMPD. In order for officers to only respond to situations in which they have legal authority to act, the following measures will be implemented when receiving a call for service to assist ICE with immigration-related matters:

- MetroSafe will obtain a contact phone number for the ICE employee who is requesting assistance.
- If a member receives a request directly from an ICE employee, they will immediately contact their commanding officer for guidance prior to providing any assistance.
- A commanding officer will contact the requesting ICE employee, using a recorded line transferred through MetroSafe, and determine if the situation is one in which the LMPD should be involved. Generally, if the situation involves a criminal or safety matter, the LMPD will respond, as the LMPD would respond for any other public safety agency.
- If it is determined that the LMPD will provide support in any way, a commanding officer will respond to the scene prior to any assistance being rendered.
- If there are reasonable grounds to believe that the individual may be armed, has a history of violence, or presents a danger to ICE agents, or to other members of the public, the LMPD may respond as backup only. LMPD members will assume non-contact positions, such as securing the perimeter or observational positions, unless a public safety situation occurs.
- Under no circumstances will a LMPD member be the primary contact on a civil or administrative immigration matter.

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 10.1
	Effective Date: 02/18/04
	Prv. Rev. Date: 10/10/19
	Revised Date: 03/23/23
Chapter: Arrests	Accreditation Standards: KACP: 1.6, 4.4, 19.6, 22.4, 23.1, 26.3, 30.1, 30.4
Subject: Enforcement	

10.1.13 IMMIGRATION ENFORCEMENT (CONTINUED)

- In order for members of the LMPD to detain, arrest, or transport an individual, they must be wanted on a criminal warrant issued by a court or there must be underlying probable cause for Kentucky criminal charges.
- Validity of warrants will be verified by the commanding officer prior to a service attempt.
- LMPD members will not initiate contact with an individual for the sole purpose of assisting ICE in making contact. One (1) of the above criteria must be met prior to an attempt at making contact.

In emergency situations (e.g. 10-30/Officer in Distress), MetroSafe will immediately dispatch officers to the location and notify their commanding officer, who will immediately respond to the scene.

When an officer is requested to go to the ICE office to arrest a person wanted on outstanding criminal warrant(s) and transport them to the LMDC, MetroSafe will directly dispatch officers and notify their commanding officers.

ICE may issue civil detainers or administrative warrants for people who are believed to be in violation of United States immigration laws. Even when assisting ICE, officers may not detain, arrest, or transport a person solely based on a civil immigration detainer or administrative warrant. The individual must have a criminal warrant issued by a court or underlying probable cause for Kentucky criminal charges in order to be detained, arrested, or transported by an LMPD officer.

Through routine patrol, officers may also encounter individuals with immigration warrants. To verify if an immigration warrant is civil, administrative, or criminal in nature, LMPD officers will have MetroSafe contact the ICE Law Enforcement Support Center at the phone number listed on the NCIC hit or by calling (802) 872-6050. The ICE Law Enforcement Support Center is available 24 hours a day, seven (7) days a week, and 365 days a year. If the immigration warrant is for a criminal violation and has been issued by a federal judge or magistrate, officers will honor this warrant and handle it in the same manner as any other criminal warrant.

A commanding officer will complete an Immigration and Customs Enforcement (ICE) Assistance Form (LMPD #17-0004) at the conclusion of the contact, response, or phone call.