

# MEMORANDUM

LOUISVILLE METRO POLICE DEPARTMENT

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MAYOR

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CHIEF OF POLICE

**TO: All Personnel**

**FROM: Colonel Paul Humphrey**  
**Deputy Chief of Police**

**DATE: March 13, 2023**

**RE: Citizen Stop Report SOP Revisions**  
**General Order #23-001**

Our new Records Management System (RMS), Mark 43, will go live Tuesday March 14, 2023. Many of you have been introduced to the new RMS through training. The Mark 43 system will streamline CAD, reports, stops, and investigation data. The Citizen Stop Report specifically has been expanded to include pedestrian detention stops, also known as investigative stops. The Citizen Stop Report will require additional information from officers, which will capture critical data and showcase, in detail, your professional work done day in and day out. The information captured during all stops assists investigations through the collection of suspect, associate/passenger, and vehicle data. The data links individuals, locations, and contraband, which will lead to getting violent criminals off of the streets.

Our profession is often scrutinized even when we do things correctly, and rightfully so. We must remember that when a citizen is detained, we are making a legal temporary intrusion on an individual's Constitutional Rights; rights we took an oath to protect, regardless if that individual may be committing a criminal act. The information required in the Citizen Stop Report, in addition to Body-Worn Cameras, helps articulate and support your hard work and professionalism. This data and technology further establish your legitimacy and reasoning when doing the right things for the right reasons.

Thank you for all you do to continue to make improvements within our department and community.

The following attached SOPs have been revised as a result of the Mark 43 and Citizen Stop Report implementation:

- SOP 3.5 Incident Reports

- SOP 3.6 Field Contacts/Investigative Stops/Pat Down Searches
- SOP 7.12 Traffic Stops and Enforcement
- SOP 8.8 Biased Law Enforcement Practices
- SOP 10.1 Enforcement

All members having computer access are responsible for reading, understanding, and acknowledging receipt of the affected SOP(s) listed and this General Order, using the PowerDMS Document Management System. Members without computer access will continue to sign an accountability roster, as they have in the past.

All commanding officers will ensure their personnel are made aware of this information.

This General Order will be posted in each division, section, or unit for a period of ten (10) days. Please refer any questions through the appropriate chain of command.

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	Effective Date: 04/23/05
	Prv. Rev. Date: 02/08/21
	Revised Date: 03/23/23
Chapter: Communications	Accreditation Standards: KACP: 17.5, 26.5
Subject: Incident Reports	

## 3.5 INCIDENT REPORTS

### 3.5.1 POLICY

Timely and accurate incident report information is crucial for police operations in determining what types of crimes are being committed and where and when these crimes occur. These reports also help citizens recover property that may have been stolen and provide documentation needed for investigations, the identification of perpetrators, and subsequent prosecutions. It is imperative that incident reports be as complete and as accurate as possible. The Louisville Metro Police Department (LMPD) reports incidents according to the guidelines established by the Federal Bureau of Investigation (FBI) in its Uniform Crime Report (UCR) (KACP 26.5)/National Incident Based Reporting System (NIBRS) and those established by the Kentucky State Police (KSP). The Administrative Services Division Commander, or his/her designee, has the responsibility for the accuracy and completeness of reports submitted by the LMPD.

### 3.5.2 DUTY TO REPORT

Members will take an incident report for criminal complaints on all actual, or suspected, crimes occurring within the jurisdictional boundaries of the department. Offenses may be criminal and/or civil in nature. If an offense has a civil component, it does not relieve an officer from taking a criminal report. Whether the complainant knows the suspect is irrelevant and does not relieve the member from the responsibility of taking the report (KACP 17.5). Members will not tell the complainant to take out a warrant on the known suspect without first completing an incident report.

Members are not required to take a report from a complainant who is manifestly under the influence of alcohol or drugs. Members should advise the complainant to contact the LMPD when they are no longer intoxicated. This exception does not apply to incidents of domestic/dating violence and abuse, misdemeanor sexual assault, or felony assault.

When members respond to a criminal complaint and there is evidence of mutual violence or a mutual complaint, members will attempt to determine if one (1) party was the predominant aggressor or violator. The following factors may be considered when making this determination:

- The history of violence between the parties
- The degree of injury inflicted upon each person, keeping in mind that injuries may not be immediately visible
- Objective and testimonial evidence from the parties involved and other persons who are at the scene, including children
- Whether injuries were sustained through an aggressive act or self-defense
- The presence and level of fear of the parties
- Other factors the member may observe that, in their professional experience, may be relevant to the specific case

Members will make every effort to determine the predominant aggressor in mutual violence situations. If a member is unable to make this determination, he/she will consult with his/her commanding officer.

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### 3.5.2 DUTY TO REPORT (CONTINUED)

Members will follow the Uniform Incident Report Manual and/or the Records Management System (RMS) Manual for additional guidelines. The manuals instruct members on the types of offenses and procedures necessary to complete incident reports.

When completing an RMS report, members will never list the descriptions, names, or personal data of victims, witnesses, or informants in the public narrative of the report. Information contained in the public narrative is available to the public and/or the media and could put victims, witnesses, or informants at risk. Members will only place an individual's identity or personal information in the appropriate section of the incident report, as instructed in the manuals. Sensitive investigation information will be placed in the investigative narrative section of the incident report.

### 3.5.3 REPORTING REQUIREMENTS

The LMPD makes a record of every incident to which a member responds in any of the following categories:

- Citizen reports of crimes
- Citizen complaints (refer to SOP 2.10)
- Citizen requests for service when:
  - A member is dispatched
  - A member is assigned to investigate
  - A member is assigned to take action at a later time
- Criminal and non-criminal cases initiated by law enforcement officers
- Incidents involving arrests, citations, or summonses

Civil process documents are handled by the Jefferson County Sheriff's Office (JCSO).

Comprehensive reporting is necessary so that alleged events are recorded accurately and to protect the rights of LMPD members and citizens. A record will be made of actions taken by the responding member, whether the call is a request for service or self-initiated activity (refer to SOP 1.11). In many instances, the "report requirement" will be accomplished through the collection of information on audio tape and computer by MetroSafe (e.g. incident control number (ICN), disposition codes, etc.). A record will be made of all dispatched calls. This in no way relieves members from their responsibility to take a written report when the circumstances of a call/activity require one. When duplicate calls are received for a single incident, only one (1) report is required.

Reports will be completed in, but are not limited to, the following situations:

- Criminal complaints on all actual, or suspected, crimes occurring within the jurisdictional boundaries of the department
- To obtain information on an individual for the purposes of criminal investigation, identification, and crime prevention (refer to SOP 3.6)

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## 3.5.3 REPORTING REQUIREMENTS (CONTINUED)

- An incident involving a member that requires the completion of an Administrative Incident Report (AIR), via the BlueTeam link, located on the LMPD Intranet (refer to SOP 3.1).

Certain reports will be completed by members, as needed, while working in their respective division/section/unit. These reports include, but are not limited to, the following:

- Citations
- Incident reports
- Supplemental reports
- Field contacts
- Search warrants
- Mental Inquest Warrants (MIWs)
- Administrative Incident Reports (AIRs)
- Incident Command System (ICS) forms
- Parking citations
- eCrash reports
- eCitations
- Collision reports
- Collision investigations
- Vehicle damage reports
- After-Action Reports
- Citizen Stop Reports
- Crisis Intervention Team (CIT) forms

All officers receive a block of detailed instruction on the appropriate manner in which the reports are to be completed. This instruction occurs during the initial recruit training process. Other members who write reports are trained during their initial on-the-job training. In-service and roll call training concerning report writing may be conducted, as needed.

Information needed to complete the reports listed above, if necessary, includes, but is not limited to, the following:

- Name
- Address
- Date of Birth (DOB)
- Social Security Number (SSN) or driver's license number
- Contact number
- Email address
- Race
- Ethnicity
- Gender
- Charges, if appropriate
- Incident location
- Incident date/time

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## 3.5.3 REPORTING REQUIREMENTS (CONTINUED)

- Incident description
- Victim information and property, if appropriate
- Witness information, if appropriate
- Suspect description, if appropriate
- Arrest supplement, including property seized, if appropriate
- Clear, detailed narrative of the incident

All locations and types of incidents for service calls will be recorded by MetroSafe at the time the incident is initiated. Members will update MetroSafe of the location and type of incident, prior to clearing the call for service, in order to reflect the information on the report.

The RMS is the central repository for incident reports and investigative files. Due to the diversified responsibilities within the LMPD, it may be necessary to maintain photocopies of reports or files within each division/section/unit. The division/section/unit commander will specify which of these files are necessary for the successful operation of his/her division/section/unit. These records will be maintained within each division/section/unit until the case is closed, records are no longer necessary, or the commander, or legal requirements, dictate otherwise.

Records or case files no longer needed may be boxed for storage and housed at Metro Archives and retained pursuant to applicable records retention schedules.

## 3.5.4 HARDCOPY REPORTS

Hardcopy reports are handwritten or typed submissions of the Uniform Incident Report, which may be taken only during exigent circumstances (e.g. computer systems are down, mass power failures, etc.). JC-3 reports and missing person reports may be hardcopy reports only if the member does not have access to the Kentucky Open Portal Solution (KYOPS) or during exigent circumstances.

Reports which are not available electronically will be completed on the appropriate paper form.

## 3.5.5 ELECTRONIC INCIDENT REPORTS

The LMPD maintains an electronic RMS for all departmental incident reports. Members will take incident reports electronically, via the RMS. Incident reports will be completed electronically in the RMS, in accordance with the NIBRS User Manual, RMS help files, or the Criminal Law Manual (Blue Book). These manuals can be found on the LMPD Intranet. Click on the "Forms" link and double click on the "Manuals" folder. Members who are not assigned a mobile data terminal (MDT) should use a desktop computer.

A master name index is housed in the RMS. A unique **master record** number will be assigned electronically by the RMS for each specific person who is entered into the system. This number will be used each time that the person has an entry into the RMS. This will allow a criminal history to be maintained on each person who is arrested, cited, or listed on an incident report. If a name record exists for the person, business, or other entity,

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## 3.5.5 ELECTRONIC INCIDENT REPORTS (CONTINUED)

members should not create an additional record. If members find that a name is duplicated, they can send an email to [Mark43help@louisvilleky.gov](mailto:Mark43help@louisvilleky.gov) with the master name record numbers and the names that need to be merged.

Privacy and security measures for agency records will be in accordance with LMPD policies, local ordinances, and state statutes. Members are required to login to the RMS with their unique password. Temporary passwords are assigned to members who are requiring access to agency records by the Office of Civic Innovation and Technology (CIT). Members will call the CIT Service Desk at (502) 574-4444 for password assistance.

Members can access agency records 24 hours a day, seven (7) days a week, 365 days a year. If a member experiences a problem accessing these records, the member can call the CIT Service Desk at (502) 574-4444 for assistance, Monday through Friday from 0800-1600 hours. After these hours, an email can be sent to [Mark43help@louisvilleky.gov](mailto:Mark43help@louisvilleky.gov) to address the issue.

Incident reports must be completed as fully as possible by members prior to the end of their tour of duty. If a member is unable to complete an incident report in this timeframe, they shall notify their supervisor of the circumstances and complete the report as soon as practicable. Supervisors are responsible for reviewing and approving incident reports in their chain by the end of their next tour of duty. Once the report is approved by the supervisor, the LMPD Data Integrity Unit will review the report and conduct final approval. If there are any errors or suggested corrections, the report will be routed to the original member to adjust.

In the case of a major crime (e.g. homicide or death investigation), if the full report cannot be immediately completed, a preliminary report that contains basic required information will be submitted, with the submitting member routing the report to his/her supervisor for review. The basic preliminary report should contain the following:

- Report date and time
- Address of incident
- Incident type
- Investigating officer
- Brief narrative stating the incident is being investigated and information will be added when findings are completed.

Preliminary reports for major crimes should not be released to the public until the investigation is complete or the Major Crimes Division Commander gives his/her approval for release.

The report may be updated using supplemental reports (refer to SOP 3.5.7). This report is now "Locked" and cannot be edited. The incident report can only be unlocked with the approval of the Records Management Director. Additions and changes can be made to this incident report using supplemental reports.

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## 3.5.6 OBTAINING REPORT NUMBERS

A unique ICN will be assigned by the **Computer Aided Dispatch (CAD) system**, either through the member's MDT or MetroSafe. This unique number will be used for the incident report and all supplemental reports associated with the incident.

When a member completes a hardcopy version of the Uniform Incident Report, he/she will request that MetroSafe assign an ICN. This number will be placed on the appropriate Uniform Incident Report forms.

When a member completes an electronic version of an incident report, he/she will obtain an ICN from his/her MDT, via the Mobile for Public Safety (MPS)/**Mobile CAD**, or request that MetroSafe assign one. This number will be used for all supplemental reports for this incident.

If a member receives an ICN and it is not used, he/she will send an email to "LMPDVoidedReports," located within the department's email distribution list. The email should include the ICN and the reason for the incident number cancellation.

## 3.5.7 SUPPLEMENTAL REPORTS

Supplemental reports must include the original ICN. It may be necessary to complete an additional narrative form to explain the changes and/or additions.

A supplemental report is used to:

- Provide corrected data to a previously submitted report.
- Provide a means of appending information to an original report.
- Finalize the case status by indicating disposition when the case status is closed or cleared.

Supplemental reports require the same approval process as incident reports. To submit the supplemental report for approval, the level needs to be approved by the **member's supervisor**.

The Data Integrity Unit either rejects the report for correction or conducts final approval.

## 3.5.8 CLEARANCES

Cases may only be cleared in the following manner:

- **UNFOUNDED:** The incident did not occur. A full explanation must be provided in the narrative.
- **ARREST:** When any offender involved in the incident has been arrested, summoned, cited, or otherwise arraigned.
- **CLEARED BY EXCEPTION:** In order to clear an incident by exception, the following four (4) conditions must be met:
  - The investigation must have clearly and definitely established the identity of at least one (1) offender (e.g. name, race, sex, DOB);

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## 3.5.8 CLEARANCES (CONTINUED)

- Sufficient probable cause must have been developed to support charging and prosecuting the offender;
  - The exact location of the offender must be known so that an arrest may be made; and
  - There must be a reason outside the control of the officer that prevents the arrest (e.g. prosecution declined, victim refused to cooperate, extradition declined, death of perpetrator).
  - Special Victims Unit (SVU) Only: Sexual assault victim requests exceptional closure. This may be used by SVU detectives and supervisors only.
- **INVESTIGATION COMPLETE:** All possible leads have been exhausted.

## 3.5.9 SUBMITTING REPORTS

Electronic incident reports will be Incident Based Reporting (IBR)-validated and approved **by a supervisor**. **Members must complete reports by the end of their** tour of duty, unless a delay has been approved by the member's **supervisor**. These reports must be completed in accordance with the NIBRS User Manual, RMS help files, or the Criminal Law Manual (Blue Book). These manuals can be found on the LMPD Intranet. Click on the "Forms" link and double click on the "Manuals" folder. If the report will not be IBR-validated and the member has exhausted all means of correcting the error(s), an email can be sent to [Mark43help@louisvilleky.gov](mailto:Mark43help@louisvilleky.gov) with the report number, the member's name, and the issue that he/she is having. A Records Supervisor will contact the member with instructions for correcting the issue. In addition, the LMPD Service Center can be contacted at (502) 540-3262 for assistance with any errors on the report.

In extraordinary circumstances, the use of hardcopy incident reports may be approved at the discretion of the Assistant Chief of Police/Administrative Bureau. Hardcopy incident reports will be completed and forwarded to the Data Resolution Unit by the end of the member's tour of duty, unless a delay has been approved by the member's **supervisor**. Only original reports may be sent to the Data Resolution Unit. The ICNs being cleared by an arrest should be listed in the ICN section of the Kentucky Uniform Citation and a copy of the citation will be forwarded to the Data Resolution Unit.

Once a month, Records Management submits crime numbers to the KSP, who will forward these numbers to the FBI. The guidelines for submission are provided by the KSP. The crime numbers submitted to the KSP are exported from the RMS.

## 3.5.10 REVIEWING REPORTS

Reports submitted electronically, Monday through Friday, during normal business hours, to the Data Integrity Unit, will be approved within 48 hours of receipt. Reports submitted on Saturday and Sunday will be approved within 72 hours of receipt.

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## 3.5.11 STATUS OF REPORTS

Members will follow the UCR/NIBRS guidelines when closing reports. Initial reports are considered closed in the following circumstances:

- When an arrest is made;
- When the offense is not prosecutable; or
- When the offense is unfounded.

Supplemental or follow-up information is not required unless the investigating officer or the complainant desires to add additional information at a later date. The clearance of a report will be made on the original, at the time that the report is taken, or on a supplemental report. If the case status is being changed on the original report, a supplemental report will be completed which documents the reason that the case status is being changed.

Reports for which the officer has not been able to apprehend the perpetrator require a supplemental or follow-up report. This report will be entered into the RMS by the investigating unit within 10 to 15 days from the original entry date. The supplemental report will include the original RMS incident number that was assigned when the incident was first entered into the RMS.

## 3.5.12 RETURNED REPORTS

The Data Integrity Unit may return a report to the reporting member for correction. The Data Integrity Unit can reject an incorrect report for correction. The Data Integrity Unit will reject the report through the RMS and will send an email to the reporting member, **their lieutenant, and their sergeant**, detailing what needs to be corrected on the report. The reporting member will correct the report and **resubmit** it to the Data Integrity Unit. If the reporting member is unavailable, the member's **supervisor** will correct the report and **resubmit** it to the Data Integrity Unit. Corrected reports will be forwarded to the Data Integrity Unit as soon as possible, but no later than seven (7) days from the returned date.

All members who are responsible for submitting, reviewing, or approving reports or supplemental reports will **login to the RMS** once per tour of duty and approve or fix errors on any reports that are **waiting their action**, as needed.

## 3.5.13 DISTRIBUTION OF REPORTS

Reports are stored electronically in the RMS. Members, with access to the RMS, may access appropriate records, for official business, using their **login credentials**.

For accident reports or incident reports requested by the public, citizens may obtain these either from the LMPD Central Records Unit, located at 701 West Ormsby Avenue, Suite 001, or online, via the LMPD website, following set criteria.

In accordance with KRS 189.635(8), a news-gathering organization seeking to obtain copies of accident reports is required to sign and submit documentation verifying that it meets the following statutory requirements:

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## 3.5.13 DISTRIBUTION OF REPORTS (CONTINUED)

- A newspaper or periodical is considered a news-gathering organization if it:
  - Is published at least 50 of 52 weeks during a calendar year;
  - Contains at least 25% news content in each issue or no more than 75% advertising content in any issue in the calendar year; and
  - Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices.
  
- A news-gathering organization does not include any product or publication:
  - Which is intended primarily for members of a particular profession or occupational group; or
  - With the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.

Accident reports will be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news.

Citizens may obtain criminal history reports (e.g. background checks) **in-person** from the Administrative Office of the Courts (AOC) in Frankfort, Kentucky. **Citizens may also receive obtain a criminal history report online at the following link:** <https://kycourts.gov/AOC/Information-and-Technology/Pages/Background-Checks.aspx>.

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Chapter: Communications	
Subject: Field Contacts/ <b>Investigative Stops</b> /Pat Down Searches	

## 3.6 FIELD CONTACTS/**INVESTIGATIVE STOPS**/PAT DOWN SEARCHES (KACP 17.6)

### 3.6.1 PURPOSE

The purpose of this policy is to define and articulate field contacts, investigative stops, and pat down searches for LMPD officers. All of these types of citizen interactions are important for community engagement, investigations, and for deterring and detecting criminal activity. This policy will outline the differences in each type of encounter, the legal requirements for each, and the appropriate documentation required.

### 3.6.2 POLICY

**Investigative stops** are an important point of contact for officers in preventing and investigating criminal activity. Investigative stops will be based upon reasonable articulable suspicion the individual is committing, is about to commit, or has committed a crime. If not documented or articulated properly, investigative stops may be perceived by some citizens as a means of harassment or intimidation conducted in a discriminatory manner against groups or individuals. Pat down searches may be conducted by officers during an investigative stop if the officer has a reasonable articulable suspicion the subject is armed and dangerous. Pat down searches are for the detection of weapons only (refer to SOP 3.6.3 for more detailed definition). Investigative stops may be conducted for the following reasons:

- Detect the perpetrators of past crimes.
- Deter the commission of future crimes.
- Determine if a crime, in fact, has been committed.

In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, officers will conduct **investigative stops** and pat down searches in an impartial and courteous manner, free of bias, and in accordance with the **United States and Kentucky Constitutions**, applicable laws, and the Standard Operating Procedures (SOPs) of this department. Officers must also obtain a report number and complete a Citizen Stop Report in the Records Management System (RMS) after each investigative stop, regardless if an arrest was made or citation was issued.

Field contacts are voluntary interactions between officers and citizens during which the citizen is not detained for any investigative or criminal reason. These interactions may lead to investigative information. Officers are encouraged to document information gathered during a field contact in the "Field Contact" reporting module in the RMS. However, Citizen Stop Reports and report numbers are not required for field contacts.

### 3.6.3 DEFINITIONS

**Consent:** To voluntarily agree to an act or proposal of another.

**Consent Search:** A search made by law enforcement officers based on the consent of the individual whose person or property is being searched.

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## 3.6.3 DEFINITIONS (CONTINUED)

**Exigent Circumstances:** Those circumstances which would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence impeding legitimate law enforcement efforts.

**Field Contact:** A consensual, voluntary contact between law enforcement and an individual, during which the individual is not obligated to answer questions and is free to discontinue contact or leave at any time. The interaction may be for the purpose of engaging in casual and/or non-investigative conversation or may involve the gathering of detailed information from a person, either a possible victim, suspect, or witness, or visual observation that may provide useful information on criminal activity that has occurred, is occurring, or may occur in the future. Citizen Stop Reports are not required for field contacts.

**Investigative Stop:** Also known as a "Terry Stop" or "investigative detention." A temporary, involuntary detention of an individual by law enforcement officers based upon reasonable articulable suspicion the individual is committing, is about to commit, or has committed a crime. Citizen Stop Reports are required for investigative stops.

**Pat Down:** A "frisk," or the external feeling of the outer garments of an individual, for weapons. A pat down is considered a search under the 4<sup>th</sup> Amendment and can only be conducted on a reasonable articulable suspicion that the individual being subjected to the pat down is armed and dangerous to the officer, or others, or if granted consent from the subject of the request. A pat down does not include manipulating, or grasping, the outer garments or reaching inside of, or opening, the garments (e.g. pockets, jackets, etc.).

**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.

**Search:** An examination of an individual's premises, person, or property in which they have a reasonable expectation of privacy. A search includes a sweep of a location for individuals or a pat down of an individual. A search also includes a prying into, or the manipulation of, concealed or hidden places in order to discover something criminal in nature. Items in plain view will not constitute a search (KACP 1.4b). It should be noted that, other than pat downs, a search will only be conducted pursuant to a warrant, with consent, or under exigent circumstances with probable cause. Pat downs will only be conducted pursuant to consent or with reasonable articulable suspicion the subject is armed and dangerous.

## 3.6.4 INVESTIGATIVE STOP PROCEDURES

Officers will conduct an investigative stop of individuals only when a reasonable articulable suspicion that the person has committed, is committing, or is about to commit a crime is present. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the

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## 3.6.4 **INVESTIGATIVE STOP PROCEDURES (CONTINUED)**

stop. Merely being nervous or in a high-crime area are not sufficient factors, by themselves, to conduct **an investigative stop**.

Based upon an observance of suspicious circumstances or upon information from an investigation, an officer may initiate the stop of a suspect if they have a reasonable **articulable** suspicion of a crime to do so. The following should be done when making an **investigative stop**:

- When approaching the suspect, the officer should clearly identify themselves as an LMPD officer and, if in plainclothes, announce their identity, displaying their credentials.
- Officers will be courteous, at all times, during the contact but maintain caution and vigilance for movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
- Before approaching more than one (1) suspect, officers should determine whether the circumstances warrant a request for backup and whether the contact can, and should be, delayed until assistance arrives.
- Officers are not required to advise suspects of their Miranda rights **during an investigative stop**, unless the person is in custody and about to be interrogated.
- Suspects are not required, nor can they be compelled, to answer any questions **during an investigative stop**.
- **Suspects are not required to identify themselves or provide identification (ID) unless they were stopped while operating a motor vehicle.**
- 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.
- **Upon completion of the stop, officers will obtain an incident number from MetroSafe or their Mobile Data Terminal (MDT) and complete a Citizen Stop Report, regardless if an arrest of citation was issued.**

## 3.6.5 **SEATING SUBJECTS ON THE GROUND**

For the safety of the officer and the subject, an officer may occasionally need to order a person to sit on the ground. Officers will not instruct subjects to sit on the ground as a matter of routine. Officers should use sound judgement when ordering a person to sit on the ground **and** should only do so when the officer has a reasonable and articulable belief the subject is a danger to the officer, or another person, or presents indicators of flight. **Explaining to the individual why they are being ordered to sit on the ground reduces the potential perception of bias and improves relations with the community.**

**Prior to ordering someone to sit on the ground,** officers should consider other options, such as having another officer monitor the subject, if available.

Factors the officer may consider include:

- The subject's physical behavior.
- The officer's and subject's physical size and ability.
- The subject's statements.
- Prior knowledge of the individual subject's history of flight.

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	Accreditation Standards: KACP: 1.4, 17.6
Chapter: Communications	
Subject: Field Contacts/ <b>Investigative Stops</b> /Pat Down Searches	

## 3.6.5 SEATING SUBJECTS ON THE GROUND (CONTINUED)

- Prior knowledge of the individual subject's history of assaulting law enforcement officers.
- The presence and number of backup officers who are on-scene.
- The presence and number of other subjects who are on-scene.

Merely being nervous, in a high-crime area, or being the subject of an investigative stop are not sufficient factors, by themselves, to require a person to be seated on the ground.

Officers should only require the person to be seated for the time reasonable to mitigate danger to the officer, or others.

## 3.6.6 PAT DOWN SEARCH PROCEDURES (KACP 1.4c)

An officer only has the right to perform a pat down search of the outer garments of a suspect for weapons if they have been legitimately stopped with reasonable **articulable** suspicion of a crime and the officer has **either consent or** reasonable grounds to believe the suspect is armed and dangerous.

Not every **investigative stop** poses a justification for conducting a pat down search. The following are some of the criteria that may provide the **articulable** justification for conducting a pat down search. These criteria include, but are not limited to, the following:

- The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- The demeanor **and behavior** of the suspect.
- Visual indications that suggest the suspect is carrying a firearm or other weapon.

Merely being nervous or in a high-crime area are not sufficient factors, by themselves, to conduct a pat down search. Pat downs will not be conducted as a matter of routine.

When reasonable grounds exist to perform a pat down search, it should be performed with due caution, restraint, and sensitivity. These searches are only justifiable and can only be performed to protect officers, or others, from concealed weapons and will never be used as a pretext for obtaining evidence. Pat down searches will be conducted in the following manner:

- If the suspect has a disability, the officer will conduct the pat down in such a manner to accommodate the disability.
- In a pat down search, officers are only permitted to feel the outer clothing of a suspect. Officers will not manipulate items, grasp the outer garments, or reach into or open garments (e.g. pockets, jackets, etc.), unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.
- If the suspect is carrying an object, such as a handbag, suitcase, briefcase, sack/bag, or any other item that may conceal a weapon, the officer will not open the item but instead place it out of the suspect's reach. These objects will only be searched with probable cause or consent.

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## 3.6.6 PAT DOWN SEARCH PROCEDURES (CONTINUED)

- If the feeling of the suspect's outer clothing fails to disclose evidence of a weapon, no further search will be made without further legal justification. If evidence of a weapon is present, an officer will retrieve that item only. If the item is a weapon, of which the possession constitutes a crime, the officer may arrest the suspect and complete a full custodial search of the suspect.
- If an officer discovers contraband, through the plain feel doctrine, during a pat down search, the contraband will be seized (refer to SOP 8.24).

## 3.6.7 FIELD CONTACT

Detailed information on criminal activity is sometimes gained via other means (e.g. suspicious location, suspicious vehicle, etc.). In these situations, a Field Contact Report may be **completed**. **Examples of these types of contacts include:**

- Suspicious persons.
- Vehicles.
- Witnesses.
- Businesses (this may include notes taken during a business check).
- Residences.
- Any other locations (e.g. street corners, blocks, parks, parking lots, etc.).
- Information received from an individual during **an investigative stop** or voluntary **field** contact about possible criminal activity.

When identifying criminal activity at any location, detailed information on the activity and times will be provided in the "Remarks" section.

## 3.6.8 CITIZEN STOP REPORTS FOR INVESTIGATORY STOPS

The RMS is the system of record for all **Citizen Stop** Reports. All **pedestrian investigative stops** will be entered into the RMS in the "**Citizen Stop Report**" module.

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 **Citizen Stop** Report.

Each **Citizen Stop** Report will contain a narrative describing the reasonable **articulable** suspicion, consent, and/or 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**.

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## 3.6.8 **CITIZEN STOP REPORTS FOR INVESTIGATORY STOPS (CONTINUED)**

**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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Chapter: Traffic Control and Collisions	
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## 7.12 TRAFFIC STOPS AND ENFORCEMENT (KACP 22.1)

### 7.12.1 TYPES OF TRAFFIC STOPS AND ENFORCEMENT (KACP 22.3, 22.4a-b, 23.2)

Traffic enforcement serves a legitimate community purpose. The primary goal of traffic enforcement is to enhance public safety through voluntary compliance with traffic laws. It is the policy of the Louisville Metro Police Department (LMPD) that traffic stops and enforcement 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.

All officers, regardless of rank or assignment, may enforce traffic laws. Officer discretion is encouraged when enforcing traffic laws. An officer should consider the severity of the violation, **in relation to** the safety of the location, **the weather conditions, the road conditions, and the time of day or night** when making the decision to stop a motorist.

Traffic stops are divided into two (2) categories:

- **Violation Stops:** **Violation** stops are conducted with the goal of enforcing the rules of the road to decrease the likelihood of collisions or other traffic safety concerns. These types of stops include **moving and equipment violations**. These can be offenses such as speeding, disregarding a traffic control device, reckless driving, Driving Under the Influence (DUI), **expired registration, non-working brake lights**, etc. In addition, specially-trained officers may stop and inspect commercial vehicles for public safety **purposes** through the enforcement of commercial vehicle laws and regulations. All **traffic violation** stops must be based upon a reasonable **articulable** suspicion the person is committing, or has committed, a traffic violation.
- **Investigatory Stops:** Investigatory stops are conducted to provide an officer the opportunity to stop the motorist to investigate a potential crime other than a mere traffic violation. Investigative stops must be based upon a reasonable **articulable** suspicion the person has committed, is committing, or is about to commit a crime. Officers must evaluate the totality of the circumstances. Stops based upon the subject's nervousness alone, the suspect's prior criminal history alone, or presence in a high-crime area alone are not sufficient factors, by themselves, to establish a reasonable **articulable** suspicion.

Based upon an officer's experience, observations, and the totality of the circumstances, a **traffic violation** stop may evolve into an investigatory stop. **The traffic stop, whether a violation or investigatory, may not be extended beyond its original purpose without additional reasonable articulable suspicion to do so.**

Officers should refer to the Kentucky Revised Statutes (KRS) regularly in order to stay informed of newly enacted laws and/or regulations concerning motor vehicle violations and citations.

To help decrease the number of traffic violations and accident fatalities, traffic safety tips are available on the LMPD website.

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## 7.12.2 VIOLATOR CONTACT (KACP 22.5)

Providing citizens with an explanation as to why they were stopped allows citizens to understand why police officers took an action, reduces the potential perception of bias, and improves relations with the community. Therefore, officers should make a reasonable effort to explain to the citizen why they were stopped, unless doing so would unreasonably undermine an investigation or jeopardize the officer's safety.

The officer will always maintain a professional attitude and demeanor. Verbal contact should be accomplished in a fair, impartial, and courteous manner.

Officers who are making contact with violators during a traffic stop will observe the following during the course of the stop, whenever possible:

- The officer will greet the violator and identify themselves by name.
- The officer should explain the reason for stopping the violator.
- The officer will ask the operator of the vehicle if there was a legitimate reason for doing what they did.
- The officer will ask where the driver's license, insurance, and registration information is located before asking them to retrieve any of them.
- The officer will give instructions to the violator to follow (e.g. remain in the vehicle and buckle up) as they review documentation and decide what action(s) to take.
- The officer will issue the appropriate warning or citation and let the violator know the traffic stop is over.

## 7.12.3 REMOVING OCCUPANTS FROM A VEHICLE

For the safety of the officer and/or the occupant(s) of the vehicle, an officer may order the driver and/or passenger(s) to exit the vehicle. Officers will not remove occupants as a matter of routine. The officer must be able to articulate why they removed the occupant(s) from the vehicle.

Officers should not routinely seat subjects on the ground. Officers should refer to SOP 3.6 (Field Contacts/Investigative Stops/Pat Down Searches) for the limited circumstances which an officer may require a person to be seated on the ground.

## 7.12.4 SEARCHES OF STOPPED VEHICLES

All searches of stopped vehicles, including canine searches, will be conducted pursuant to a search warrant or in accordance with SOP 3.6 (Field Contacts/Investigative Stops/Pat Down Searches) and SOP 8.24 (Warrantless Searches).

## 7.12.5 CITATIONS

Members who are authorized to issue citations are responsible for the accountability for electronic or paper citations issued to them. Officers may issue a citation electronically, using the Kentucky Open Portal Solution (KYOPS) system, to any motor vehicle operator found to be in violation of any of the offenses listed in KRS chapters 186 and 189. While individual members are responsible for citations issued to them, the Kentucky

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## 7.12.5 CITATIONS (CONTINUED)

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.

Paper citations, which should only be used if the KYOPS system is down or the officer does not have access to a Mobile Data Terminal (MDT), are issued to officers from their respective division/section/unit. 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). Unused paper citations will be stored in a secure location in each division/section/unit.

Traffic enforcement data is kept by the KSP and retained in the KYOPS system. The KYOPS system allows for daily reporting of crime data and the ability to query all data that is contributed to the repository. The Traffic Unit can retrieve this data at any time, using queries based on location, in order to better utilize resources.

Officers who are issuing a citation will complete the "Post-Arrest Complaint" narrative of the Kentucky Uniform Citation. 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)]).

Traffic citations for non-residents of Jefferson County are processed in the same manner as citations for local residents. Pursuant to KRS 189.999, traffic citations issued to juvenile drivers, under the age of 18, are not pre-payable. An officer who is issuing a citation to a juvenile driver will appropriately mark the "Court" box on the citation and issue a valid court date based on the court assignment calendar and Jefferson County Office of the Circuit Court Clerk (OCCC) guidelines.

When citing a driver for multiple traffic violations, officers will list all applicable charges in the "Charges" section of the traffic citation. Each line in the "Charges" section must be completed before moving to the next citation to list additional violations. Officers are prohibited from writing multiple traffic citations to one (1) operator when all of the charges would appropriately fit on one (1) citation. Any motor vehicle operator who is receiving citation(s) for multiple violations, either simultaneously or at different times, is required to satisfy the requirements of the citation(s).

Civilian members who have limited authority to issue citations for non-moving violations (e.g. Traffic Control Officers (TCOs), Tow-In Equipment Operators, Storage Equipment Operators) will not issue citations while off-duty or working secondary employment, unless authorized, in writing, by the Chief of Police, or their designee.

## 7.12.6 METRO311 COMPLAINTS

Metro311 complaints regarding traffic violations on surface streets are forwarded to the appropriate division/section/unit for assignment, investigation, and handling. An officer who is assigned a complaint will evaluate the complaint and take appropriate enforcement action. A log will be maintained, indicating the date and time the complaint is received, the officer to whom the complaint was assigned, and any action taken.

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## 7.12.6 METRO311 COMPLAINTS (CONTINUED)

Metro311 complaints will be returned by the assigned suspense date with documentation of the action taken. The Traffic Unit handles complaints on the interstate system.

## 7.12.7 RECERTIFICATION BY LICENSING AUTHORITY

If an officer observes an operator who demonstrates physical or mental infirmities that render them unsafe to operate a motor vehicle, the officer may request the state to recertify the operator.

To request recertification, the officer will complete a Medical Review Board Affidavit. In the statement section, the officer will list any known, or suspected, medical impairment (e.g. low visual acuity, hearing problems, incoherency, etc.). The officer will also report their observations and reasons for the request. If it is the officer's opinion the operator has caused a motor vehicle collision, the officer will attach a photocopy of the collision report to the request form. A copy of this form and its attachments will be retained in the division/section/unit files.

The officer will forward the completed form and its attachments to the appropriate Bureau Commander within their chain of command. The commander will forward the information to the Division of Driver Licensing, located in Frankfort, Kentucky. The Division of Driver Licensing will notify the operator of the pending recertification.

## 7.12.8 TRAFFIC COLLISIONS (KACP 23.2)

Officers who are issuing a citation or making an arrest as a result of a traffic collision will record the assigned incident control number (ICN) on the citation. In the case of injury collisions, the severity of the injuries will be noted in the post arrest complaint section. Information of other persons who are involved may be listed in the witness section.

Traffic collision data is maintained by Records Management. Electronically-entered traffic collision data will be reviewed and approved by the Data Resolution Unit of Records Management in the KSP Accident Database (refer to SOP 7.2, SOP 7.3, and SOP 7.4). Officers should refer to SOP 7.1 on the requirements for writing these reports.

The Traffic Unit reviews traffic collision data to identify the locations where traffic engineering issues may need to be improved or corrected. The Traffic Unit also reviews traffic collision data and traffic enforcement data to see if increased enforcement results in the reduction of the number of collisions at identified locations.

TRIMARC holds quarterly Freeway Incident Management meetings for District 5 (Jefferson County, Bullitt County, Franklin County, Henry County, Oldham County, Shelby County, and Trimble County) in Kentucky. The Traffic Unit, Emergency Medical Services (EMS), KSP, towing agencies, etc. participate in these meetings to discuss highway closures and traffic-related issues.

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## 7.12.9 DRIVING UNDER THE INFLUENCE (DUI) (KACP 21.1c, 23.1d)

DUI presents a grave danger to public safety. Given this danger, it is the policy of the LMPD that officers arrest operators where probable cause exists that a violation of DUI has occurred. There are certain circumstances where it is not possible to arrest an operator who has violated these statutes (e.g. hospitalization). In these circumstances, blood evidence will be drawn and an officer will request the approval of a commanding officer before a suspect may be cited in lieu of arrest. Under no circumstances may an officer issue a warning to operators who have committed a DUI violation.

When an officer's observations lead them to believe an operator may be committing a DUI offense, the officer will conduct standardized field sobriety tests. If conducting the field sobriety tests poses a danger to the safety of the officer or the operator, the officer may elect not to use them and should make note of such reasons in the post arrest complaint. The officer will take appropriate enforcement action based upon the results of the field sobriety tests and their observations.

If the officer arrests the operator and has reason to believe alcohol is the primary influencing factor, they will transport the subject, as soon as possible, to the Louisville Metro Department of Corrections (LMDC), if medical attention is not required, and present them to the Breath Alcohol Technician (BAT). The technician will take custody of the prisoner. They are responsible for requesting the individual to take a chemical test and offering the individual the chance to contact an attorney. Officers will not be present during the BAT's observation period of the prisoner. The BAT will prompt the officer by reminding them the observation period is about to begin. At this time, the officer will exit the room and remain in the sally port until the testing is complete. After the technician completes the testing, they will turn the prisoner back over to the officer, along with the results of the test.

If the officer arrests the operator and has reason to believe the primary influencing substance is not alcohol, or the operator's actions are not consistent with their physical condition, they will transport the suspect, as soon as possible, to the LMDC, if medical attention is not required, and present them to a BAT. If the subject's breath alcohol level is below .08, the arresting officer should consider contacting a Drug Recognition Expert (DRE), through MetroSafe, to evaluate the suspect's condition. Officers will obtain approval of a Traffic Unit commanding officer before contacting a DRE. A blood and/or urine sample may be requested by the BAT, the DRE (if present), or the arresting officer following the evaluation.

In instances where a subject is suspected of operating a vehicle under the influence of alcohol and their breath alcohol level is below .04 at the LMDC, it shall be presumed the defendant was not under the influence of alcohol (KRS 189A.010). The officer will notify a commanding officer and determine the appropriateness of continuing with an arrest. If the decision is made to release the operator, an Administrative Incident Report (AIR) will be completed, via the BlueTeam link, located on the LMPD Intranet, pursuant to SOP 3.1.

Only after complying with all tests requested by the officer, may the operator request, at their own expense, to have an independent blood test (IBT) conducted by an authorized medical technician (refer to SOP 7.6).

An operator may only be cited and released for a DUI offense when all of the following conditions are met:

- The operator is to be hospitalized. Hospitalization is defined as placing a person in the hospital as a patient for a period of time. Treatment in the emergency room (ER) does not constitute hospitalization.

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## 7.12.9 DRIVING UNDER THE INFLUENCE (DUI) (CONTINUED)

- The operator is physically injured to such a degree that they are no longer a danger to themselves, or others, due to intoxication and cannot voluntarily leave the hospital. If the operator is still physically capable of leaving the hospital, the officer must remain with the operator until they are no longer a danger to themselves, or others, due to intoxication, before citing the operator in lieu of arrest.
- Blood evidence has been drawn. This may be done at the request of the officer or for treatment purposes.
- A commanding officer has granted approval for the operator to be cited in lieu of arrest. In these circumstances, the commanding officer will complete an AIR, via the BlueTeam link, located on the LMPD Intranet (refer to SOP 3.1). For the purpose of determining the appropriateness of issuing a citation in lieu of arrest, an acting sergeant is not considered a commanding officer. An acting sergeant may complete the AIR, listing the commanding officer who authorized issuing a citation in lieu of arrest.

## 7.12.10 MOBILE RADAR TRAILERS AND FIXED RADAR SIGNS

The LMPD utilizes mobile radar trailers to promote roadway safety. Some communities have installed fixed radar signs in problem areas. These devices inform drivers of their current speed and alert drivers when their speed exceeds the posted speed limit. The devices are to be used for informational purposes only and should not be used as a measurement of speed when issuing a citation to a violator.

## 7.12.11 HAZARDOUS ROADWAY CONDITIONS

All officers who are encountering hazardous roadway conditions are responsible for reporting these conditions to the appropriate agency for corrective action. If an officer discovers a visual obstruction (e.g. debris, defects in the roadway, missing or damaged road signs, lighting, traffic control devices, or roadside hazards), the officer will immediately contact MetroSafe, via radio or telephone. The officer will report the nature of the problem and the exact location. MetroSafe will contact the appropriate agency which is responsible for addressing or correcting the problem. If the roadway hazard presents a potential danger to motorists, the officer should take the necessary action to address the safety of the motorists and expedite the flow of traffic. If the officer is off-duty, then the officer will request assistance from on-duty personnel. The action taken may require the manual direction of traffic, using temporary control devices requested through MetroSafe or physically removing the obstruction or hazard from the roadway.

Citizen complaints or suggestions regarding traffic engineering deficiencies (e.g. signs, potholes, markings, traffic lights, etc.) should be referred to Metro311 at (502) 574-5000 or 311. Metro311 is responsible for notifying the appropriate agency for improvement or correction.

The Traffic Unit and MetroSafe are responsible for reporting traffic engineering deficiencies and traffic enforcement data to the appropriate agency (e.g. Public Works and Assets, Kentucky Transportation Cabinet, etc.) for improvement or correction.

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## 7.12.12 RADIO PROCEDURES

Members should notify MetroSafe, via a monitored dispatch channel, as soon as possible, of any traffic stop in accordance with SOP 3.8 (Communications Equipment Usage).

## 7.12.13 CITIZEN STOP REPORTS FOR TRAFFIC STOPS

Officers will obtain an incident number from MetroSafe or their Mobile Data Terminal (MDT) and complete a Citizen Stop Report for every traffic stop, regardless of whether a citation is written or an arrest is made. Officers will complete the form in the RMS pursuant to SOP 8.8 (Biased Law Enforcement Practices).

Each Citizen Stop Report will contain a narrative describing the probable cause, reasonable articulable suspicion, and/or behaviors that led the officer to initiate the traffic stop. If the officer conducts a search of the vehicle or persons involved, the narrative will include the reason for the search and/or reasonable articulable suspicion that led the officer to believe criminal activity has been, is being, or is about to be committed and that the subject was armed and dangerous. If a person is searched, the narrative will include the consent given or the probable cause that led the officer to conduct a search of the person.

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

## 7.12.14 SUPERVISORY REVIEW

Commanding officers will review all citations and arrest slips issued by the officers under their direct supervision. The citation review includes, 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)
- Language describing how the defendant failed to follow the officer's reasonable instructions (if applicable) (refer to SOP 10.1)
- Language indicating why there are reasonable grounds to believe the defendant will not appear in court (if applicable) (refer to SOP 10.1)
- Legible handwriting

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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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	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	

## 8.8.3 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.

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## 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

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## 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:

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## 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 2<sup>nd</sup> Degree (KRS 508.070)
  - Terroristic Threatening 3<sup>rd</sup> Degree (KRS 508.080)
  - Criminal Abuse 3<sup>rd</sup> Degree (KRS 508.120)
  - Stalking 2<sup>nd</sup> Degree (KRS 508.150)
  - Violation of a Stalking Restraining Order (KRS 508.155)
- **KRS Chapter 510 (Sexual Offenses)**
  - Sodomy 4<sup>th</sup> Degree (KRS 510.100)
  - Sexual Abuse 2<sup>nd</sup> Degree (KRS 510.120)
  - Sexual Abuse 3<sup>rd</sup> Degree (KRS 510.130)
  - Sexual Misconduct (KRS 510.140)
  - Indecent Exposure 1<sup>st</sup> Degree (1<sup>st</sup> or 2<sup>nd</sup> offense) (KRS 510.148)
  - Indecent Exposure 2<sup>nd</sup> Degree (KRS 510.150)

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### 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 (1<sup>st</sup> 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 3<sup>rd</sup> 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))

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## 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 4<sup>th</sup> 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).

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### 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 4<sup>th</sup> 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 4<sup>th</sup> 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 3<sup>rd</sup> 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

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## 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.

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## 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

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## 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.

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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.

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## 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.

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## 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.