

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 7.12
	Effective Date: 08/09/04 Prv. Rev. Date: 03/23/23 Revised Date: 09/07/23
	Accreditation Standards: KACP: 21.1, 22.1, 22.3, 22.4, 22.5, 23.1, 23.2
	Chapter: Traffic Control and Collisions
Subject: Traffic Stops and Enforcement	

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 are 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 BAT will take custody of the prisoner. The BAT is 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 BAT 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, by obtaining a search warrant, 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 pat down of the person(s) involved, 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 or vehicle is searched, the narrative will include the consent given or probable cause that led the officer to conduct a search of the person and/or the vehicle.

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).

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