



LOUISVILLE METRO POLICE DEPARTMENT

GREG FISCHER

MAYOR

STEVE CONRAD

CHIEF OF POLICE

Monday, July 27, 2015

Dear Citizens:

In response to requests from our community, the Louisville Metro Police Department (LMPD) began a review of our current Standard Operating Procedures (SOPs) regarding the use of force. Specifically, the existing policies of the LMPD were compared with similar policies provided by Amnesty International, the Department of Justice and guidelines established by the United Nations. Members of the LMPD's Research and Development (R&D) went line-by-line through these recommendations to see exactly how the LMPD measures up. You will find the results in the following document.

As you review this document, you will notice that for each section, the LMPD has noted whether our department meets or does not meet the recommendations and provides supporting documentation from our SOP. If we do not meet the recommendation, the document further states the actions that we will take to achieve the standard or the reasons why the LMPD has not adopted this standard. It should be noted that some of these recommendations do not apply to local police departments and some are specific to federal agencies and international law.

In the spirit of Louisville Metro's transparency model, we encourage our citizens to review all of the published policies of the LMPD. Should any of these policies lead to additional questions, I encourage you to contact a member of our department to help you understand the process. It's only through this open dialogue that we will continue to grow as a community.

The LMPD SOP manual can be found, in its entirety, at the following link by clicking on "Standard Operating Procedures:" <http://louisvilleky.gov/government/police/resources-0>

Sincerely,

Steve Conrad
Chief of Police

Use of Force Guidelines

United States Department of Justice, United Nations, & Amnesty International

United States Department of Justice (DOJ)

A standardized policy statement regarding the use of deadly force by law enforcement and correctional officers was published by the Office of Investigative Agency Policies (OIAP), which is headed by a director who is appointed by the Attorney General. The policy statement was compared to current Louisville Metro Police Department (LMPD) Standard Operating Procedures (SOPs). Policy excerpts pertaining to the use of deadly force in correctional settings do not apply to LMPD operations and were omitted.

Source: Attorney General October 17, 1995 Memorandum on Resolution 14 (Attachment)

DOJ: “Permissible Uses. Law enforcement officers and correctional officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.”

SOP: **“Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury (CALEA 1.3.2, KACP 1.3b).” – LMPD SOP 9.1, Use of Force.**

DOJ: “Fleeing felons. Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe: (1) the subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death, and (2) the escape of the subject would pose an imminent danger of death or serious physical injury to the officer or to another person.”

SOP: **“Deadly force is never authorized to apprehend a fleeing misdemeanor or non-violent felony suspect (NOBLE). Deadly force is also authorized to prevent the escape of an arrested person, when deadly force could justifiably have been used to make the arrest, under which the person is in custody (e.g. a serious, violent felony), and the officer believes that the person is likely to endanger human life, unless apprehended without delay (KACP 1.3c).” – LMPD SOP 9.1, Use of Force.**

DOJ: “Non-Deadly Force. If other force than deadly force reasonably appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, deadly force is not necessary.”

SOP: “Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted, would clearly be ineffective or exigent circumstances exist.” – LMPD SOP 9.1, Use of Force.

DOJ: “Verbal Warning. If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.”

SOP: “If feasible, verbal warnings shall be given before the use of deadly force.” – LMPD SOP 9.1, Use of Force.

DOJ: “Warning Shots. Warning shots are not permitted outside of the prison context.”

SOP: “Warning shots are not permitted (CALEA 1.3.3, KACP 1.3d).” – LMPD SOP 9.1, Use of Force.

DOJ: “Weapons may not be fired solely to disable moving vehicles.”

SOP: “Officers shall not shoot from, or at, a moving vehicle, unless it is necessary to return gunfire to protect human life and when it does not create an unreasonable risk of harm to innocent persons.” – LMPD SOP 9.1, Use of Force.

DOJ: “Weapons may be fired at the driver or other occupant of a moving motor vehicle only when:

1. The officer has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the officer or another; and
2. The public safety benefits of using such force outweigh the risks to the safety of the officer or other persons.”

SOP: “Officers shall not shoot from, or at, a moving vehicle, unless it is necessary to return gunfire to protect human life and when it does not create an unreasonable risk of harm to innocent persons.” – LMPD SOP 9.1, Use of Force.

DOJ: “Vicious Animals. Deadly force may be directed against dogs or other vicious animals when necessary in self-defense or defense of others.”

SOP: “Officers are authorized to discharge a firearm for the following purposes:

- In defense of human life, including the officer’s life, or in defense of any person in immediate danger of serious physical injury or as described in this section.

- **Against any animal that is gravely injured or poses a threat to persons, as necessary, when no other disposition is practical and the safety of persons has been given prime consideration.” – LMPD SOP 9.1, Use of Force.**

United Nations (UN)

The UN publication, “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” provides 26 general provisions that represent recommendations to “be taken into account and respected by governments within the framework of their national legislation and practice, and be brought to the attention of law enforcement officials as well as other persons, such as judges, prosecutors, lawyers, members of the executive branch and the legislature, and the public.” The general provisions were compared with current LMPD SOPs and capabilities.

Source: Basic Principles on the Use of Force and Firearms by Law Enforcement Officials – Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

The LMPD meets this recommendation. LMPD SOP 9.1, Use of Force, outlines the rules and regulations on the use of force and firearms against persons by law enforcement officials. All LMPD SOPs are revised or reviewed annually.

2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

The LMPD meets this recommendation. The LMPD equips its officers with several intermediate/incapacitating weapons for use in appropriate situations. The intermediate weapons that LMPD officers have at their disposal include:

- **Conducted Electrical Weapon (CEW):** designed to disrupt a subject’s central nervous system by means of deploying battery powered electrical energy.
- **Chemical Agents:** chemical compound designed to irritate the eyes to cause tears, discomfort and a temporary loss of visual capacity (e.g. pepper spray, Mace, Oleoresin Capsicum (OC) spray).

- **Impact Weapons:** batons designed to be used as an intermediate weapon. There are four approved impact weapons (standard baton, ASP expandable baton, Monadnock expandable baton, Rapid Containment expandable baton (RCB) (21 inches in length)).
- **Special Impact Munitions Systems (SIMS):** launchers and projectiles, designed to have the ability to incapacitate with reduced potential for death or serious injury.

The LMPD equips its officers with bullet-proof vests. Shields, helmets and bullet-proof means of transportation are available for critical incidents.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

The LMPD meets this recommendation. The LMPD basic recruit training teaches the responsible use of less-lethal intermediary (incapacitating) weapons (e.g. CEW, chemical agents, impact weapons, SIMS). Annual in-service training and bi-annual requalifications offer continued training on intermediary weapons. LMPD SOP 9.1, Use of Force, outlines the procedures for using these weapons.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

The LMPD meets this recommendation. The LMPD requires all members to recognize the importance of human life, respect basic human rights and be intolerant of the abusive treatment of any person. Officer use of force is value driven and only the force reasonable under the circumstances is used to minimize the chance of injury to the officer and others. Control may be achieved through advice, persuasion, warnings or by the use of physical force. Physical force may not be resorted to unless other reasonable alternatives have been exhausted, would reasonably be ineffective under the particular circumstances or exigent circumstances exist.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
 - a. Exercise restraint in such use and act in proportion to the seriousness of the offense and the legitimate objective to be achieved;

The LMPD meets this recommendation. Officer use of force is value driven and only the force reasonable under the circumstances is used to minimize the chance of injury to the officer and others. An officer may use physical force upon another person when the officer, acting under official authority is assisting in, or making, an arrest and he/she:

- **Believes such force is necessary to effect the arrest, and**
- **Makes known the purpose of the arrest or believes that it is otherwise known, or cannot be reasonably be made known, to the person to be arrested and believes the arrest to be lawful.**

Officers are authorized to discharge a firearm for the following purposes:

- **In defense of human life, including the officer's life, or in defense of any person in immediate danger of serious physical injury or as described in this section.**
- **Against any animal that is gravely injured or poses a threat to persons, as necessary, when no other disposition is practical and the safety of persons has been given prime consideration."**

Officers may use a CEW on a fleeing subject in certain situations. A fleeing subject cannot be the sole justification for using a CEW. The severity of the offense and other circumstances shall be considered by the officer in determining the reasonableness in activating a CEW on a fleeing subject. When a subject is fleeing, the officer shall make known his/her intent to arrest and the offenses charged before deploying a CEW, unless the officer reasonably believes that:

- **Giving notice would endanger the life of the officer; or**
- **Giving notice would endanger the life of other innocent persons; or**
- **The reason for the arrest is obvious.**

- b. **Minimize damage and injury, and respect and preserve human life;**

The LMPD meets this recommendation. The LMPD requires all members to recognize the importance of human life, respect basic human rights and have an intolerant attitude towards the abusive treatment of all persons. Officer use of force is value driven and only the force reasonable under the circumstances is used to minimize the chance of injury to the officer and others. Once a person is restrained or under control, the use of force is restricted to that which is reasonable to maintain control.

- c. **Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;**

The LMPD meets this recommendation. The LMPD requires officers to ensure that subjects involved in a use of force incident are medically treated as soon as possible. LMPD SOP 10.3, Arrests of Injured/Sick, states that "any person injured as a result of police action, or injured prior to police arrival and subsequently taken into custody, shall be provided with appropriate medical treatment." LMPD SOP 8.36, Crime Scenes, states that "the first officer to arrive at a major crime scene shall assume initial command, until relieved on-scene by a supervisor or the lead investigator. He/she shall request any assistance needed to ensure that the following functions are performed:

- **Ensure that the scene is safe. If an immediate threat is present, officers should approach the scene in a manner that minimizes the risk to the themselves and maximizes the safety of the public.**
- **Aid the injured.**
- **Apprehend the suspect.**
- **Protect the crime scene.**
- **Detain and separate witnesses, victims and suspects."**

When a CEW is used, subjects are treated in a manner consistent with the CEW manufacturer's recommendations and departmental training. Louisville Metro Emergency Medical Services (LMEMS) is contacted to respond to all incidents involving the application of a CEW. When a chemical agent is used, subjects are treated in a manner consistent with the manufacturer's recommendations and departmental training. If the subject displays unusual reactions to the chemical agent, officers are required to contact appropriate medical personnel. In addition to these specific provisions, LMPD SOP 9.1, Use of Force, states that it is the commanding officer's responsibility to ensure that medical treatment is provided to any injured party at a use of force scene.

- d. Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

The LMPD meets this recommendation. In cases where a suspect is killed, the coroner and a member of the LMPD's Public Integrity Unit (PIU) or a LMPD Chaplain will notify the affected person's family as soon as possible. In cases where a suspect is seriously injured, a member of PIU will make the notification.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

The LMPD meets this recommendation. The LMPD requires officers to immediately notify a commanding officer of a use of force incident that results in injury to the subject or officer. The commanding officer is required to complete an Administrative Incident Report (AIR) via the BlueTeam link, located on the LMPD Intranet.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offense under their law.

The LMPD meets this recommendation. The Public Integrity Unit (PIU) investigates all incidents involving the discharge of firearms by an officer against an individual. Their findings are submitted to the Office of the Commonwealth's Attorney, who will determine if the case should be presented to the Grand Jury.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

The LMPD meets this recommendation. The LMPD has an Emergency Response Plan (ERP) that outlines officer responsibilities and ensures the protection of the rights of all persons during disasters or unusual occurrences. LMPD SOP 12.6, Civil Disturbances/Disorderly Crowds, provides a plan of action for civil disturbance/disorderly crowd operations, enhances the mobilization of personnel and equipment to quell incidents which could escalate into more serious situations and provides for the integration of emergency services.

9. Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only

when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

The LMPD meets this recommendation. The LMPD authorizes an officer to use deadly force in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury. Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted, would clearly be ineffective or exigent circumstances exist.

10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

The LMPD meets this recommendation. An officer with the LMPD is required to display his/her badge and identify himself/herself as police officer and communicate the reason for an arrest. The identification may be delayed if doing so could unnecessarily increase the risk to the officer or other parties. The LMPD requires that officers give verbal warnings before the use of deadly force, if feasible.

11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:
 - a. Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;

The LMPD meets this recommendation. LMPD officers are authorized to carry concealed deadly weapons under Kentucky Revised Statute (KRS) 573.020(3) and Louisville Metro Code of Ordinances (LMCO) 41.03 and 135.06. Departmentally-approved firearms are listed in LMPD SOP 4.13, Firearms. The LMPD Firearms Training Center issues departmentally-approved ammunition.

- b. Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;

The LMPD meets this recommendation. LMPD SOP 9.1, Use of Force, outlines the circumstances and the manner in which firearms may be used. The LMPD recruit basic training curriculum consists of 111 hours of extensive training on firearms. Officers must requalify with their departmental firearm bi-annually. One of the requalifications is accompanied by eight hours of classroom instruction. In addition to the requalifications, each officer must go through 40 hours of in-service training annually, which includes continued training on the use of force and firearms.

- c. Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;

The LMPD meets this recommendation. Departmentally-approved firearms are listed in LMPD SOP 4.13, Firearms, and departmentally-approved ammunition is distributed by the LMPD Firearms Training Center.

- d. Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;

The LMPD meets this recommendation. The LMPD Firearms Training Center oversees firearm and ammunition storage. Once a firearm and ammunition is issued to an officer, he/she becomes responsible for the security of both the firearm and the ammunition. This responsibility is outlined in LMPD SOP 5.1, Rules and Conduct. It states that “members shall be responsible for the prudent care and use of all departmental equipment issued to them. Members shall not abuse, alter, damage, misuse, carelessly operate or handle any departmental equipment. Equipment shall be used only in the manner that it was designed or intended to be used and shall be maintained in proper working condition. Any use of departmental equipment that results in the injury of a member or another person shall be documented and reported on an Administrative Incident Report (AIR) (refer to [LMPD] SOP 3.1). Members shall take steps to ensure that departmental equipment is not subject to theft (e.g. securing it in vehicle or trunk).”

- e. Provide for warnings to be given, if appropriate, when firearms are to be discharged;

The LMPD meets this recommendation. The LMPD requires that officers give verbal warnings before the use of deadly force, if feasible.

- f. Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

The LMPD meets this recommendation. The LMPD requires officers to report any instance of a discharge of a firearm to an on-duty commanding officer, who will complete an AIR. An AIR is not required when an officer is participating in target practice or when a gravely injured non-domesticated animal has to be humanely shot. Officers are required to immediately report any instance of an accidental discharge of an authorized firearm to their division/section/unit commander.

- 12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

The LMPD meets this recommendation, see below.

- 13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

The LMPD meets this recommendation. LMPD SOP 12.6, Civil Disturbances/Disorderly Crowds, states that, if the incident is minor and resources permit, officers shall attempt to disperse the crowd. An example of a dispersal order may be as follows:

“I am (rank and name) of the Louisville Metro Police Department. Under Kentucky State law, this is an unlawful assembly and I command all persons so assembled here to immediately and peacefully disperse. If you do not do so, we may dispense chemical agents and you may be arrested for violating Kentucky Revised Statute (KRS) 525.050, Unlawful Assembly.”

When a dispersal order has been given, the commanding officer allows a reasonable amount of time for the crowd to disperse.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

The LMPD meets this recommendation. LMPD SOP 12.6, Civil Disturbances/Disorderly Crowds, outlines the departmental response to violent assemblies. The arbitrary use of return fire into crowds is prohibited. Commanding officers are responsible for determining and coordinating the enforcement action to respond to the incident. Commanding officers utilize enforcement options, including, but not limited to, the following:

- **The issuance of formal orders to disperse, utilizing public address equipment in order to ensure that the notification is heard by all crowd leaders and its members.**
- **The use of tactical maneuvers and other crowd management formations to promote a dispersal of those acting in violation of the law.**
- **When necessary, making arrests based on probable cause.**
- **The use of chemical agents, in a manner consistent with LMPD SOP 9.1.**
- **The use of Special Impact Munitions Systems (SIMS), in a manner consistent with LMPD SOP 9.1.**

When a dispersal order has been given, the commanding officer allows a reasonable amount of time for the crowd to disperse.

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

The LMPD meets this recommendation. LMPD SOP 9.1, Use of Force, states that physical force may be used to prevent the escape of an arrested person when the force could justifiably have been used to make the arrest under which the person is in custody. Officers may use physical force to protect human life. The LMPD recruit basic training curriculum consists of custodial death prevention training.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defense or in the defense of others against the immediate threat of

death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

The LMPD meets this recommendation. Officers may use deadly force to protect human life. LMPD SOP 9.1, Use of Force, states that deadly force is authorized to prevent the escape of an arrested person, when deadly force could justifiably have been used to make the arrest, under which the person is in custody (e.g. serious, violent felony), and the officer believes that the person is likely to endanger human life, unless apprehended without delay. The LMPD recruit basic training curriculum consists of custodial death prevention training.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

This recommendation is not applicable to the operations of the LMPD. The UN publication, "Standard Minimum Rules for the Treatment of Prisoners," applies to penal institutions.

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

The LMPD meets this recommendation. Applicants for sworn positions with the LMPD must submit to a pre-employment psychological fitness examination. The examination measures the applicant's psychological fitness as a LMPD recruit. All applicants must meet the psychological standards set by the Peace Officer Professional Standards (POPS) Act and the Kentucky Law Enforcement Council (KLEC). Applicants are also required to submit to a pre-employment physical examination. The examination measures the applicant's physical fitness as a LMPD recruit. Sworn members of the following specialty teams are required to take an annual physical:

- **Special Weapon and Tactics (SWAT) Team**
- **Bomb Squad**
- **Joint Emergency Services Unit (Joint ESU)**
- **Canine Unit**
- **Mounted Patrol Unit**
- **Dive Team**
- **Special Response Team (SRT)**
- **Clandestine lab-certified members**
- **Air Unit (Federal Aviation Administration (FAA) mandated)**
- **Drug Vault detectives**
- **Health and Safety Officers (HSOs)**

The LMPD recruit basic training lasts 24 weeks and consists of 938 hours of training. No state requires more regular training, basic and annual advanced training than Kentucky. The LMPD requires 50 hours more basic training than the 888 hours required by the state.

The LMPD Police Training Officer (PTO) Program consists of 24 weeks of training and evaluation while newly-sworn officers are on their probationary period. All LMPD officers must go through 40 hours of in-service training annually. Each LMPD officer's performance is evaluated by his/her immediate supervisor and/or commander on an annual basis.

Stuecker & Associates Inc. (SAI) has been contracted by Metro Government, as well as separately by the LMPD to provide Employee Assistance Program (EAP) services to eligible members. All services are provided by trained, experienced counselors specializing in employee assistance services. Supervisors remain alert to all instances of substandard work performance and bring these to the attention of the member, and will offer assistance, which may include a voluntary or mandatory referral to EAP. LMPD SOP 2.28, Employee Assistance Program, outlines the EAP process. The LMPD is in the process of implementing a Personnel Early Warning System (PEWS) for the purpose of identifying work-related problematic behavioral patterns among officers. The officer's supervisor is often the first to recognize changes in behavior or performance of the officers under his/her command. It is a supervisor's responsibility to speak with individuals under his/her command regarding any changes in behavior or performance.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

The LMPD meets this recommendation. The LMPD recruit basic training curriculum consists of 111 hours of extensive training on firearms. Recruits are tested in accordance of the Kentucky Law Enforcement Council (KLEC) proficiency standards. Annual in-service training and bi-annual requalifications offer continued training on the use of force and firearms.

20. In the training of law enforcement officials, governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behavior, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programs and operational procedures in the light of particular incidents.

The LMPD meets this recommendation. The LMPD recruit basic training curriculum consists of topics such as police-community relations, community policing, biased law enforcement practices, implicit bias, de-escalation and understanding mental illness, in addition to the traditional law enforcement training. The LMPD recruit basic training consists of the following:

- Administration and LMPD Orientation (59 hours)
- Community Issues (36 hours)
- Law and Legal Issues (53 hours)
- Crisis Intervention (38.5 hours)
- Police Response (112 hours)
- Investigations (88 hours)
- Traffic (66 hours)

- Resistance Control (100.5 hours)
- Firearms (111 hours)
- Vehicle Operations (29 hours)
- Health/Safety/Fitness (82 hours)
- Homeland Security (38 hours)
- Technology and Communication (59 hours)
- Academy Examinations and Skills Testing (66 hours)

Annual in-service training consists of the following required topics:

- Updates for Domestic Violence
- Legal Updates
- Search and Seizure Review
- Procedural Justice and Legitimacy in Policing
- Biased Law Enforcement Practicing (Implicit Bias)
- Stress Management
- Force Review

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

The LMPD meets this recommendation. When an officer is involved in a critical incident, the LMPD Peer Support Team (PST) provides peer stress counseling and directs the officer to external counseling and psychological support services.

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

The LMPD meets this recommendation. The Public Integrity Unit (PIU) investigates all incidents involving the discharge of firearms by an officer against an individual. Their findings are submitted to the Office of the Commonwealth's Attorney, who will determine if the case should be presented to the Grand Jury.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.

The LMPD meets this recommendation. Persons affected by the use of force and firearms have full access to the judicial process.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their

command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

The LMPD meets this recommendation. The LMPD is in the process of implementing a Personnel Early Warning System (PEWS) for the purpose of identifying work-related problematic behavioral patterns among officers. The officer's supervisor is often the first to recognize changes in behavior or performance of the officers under his/her command. It is a supervisor's responsibility to speak with individuals under his/her command regarding any changes in behavior or performance. LMPD SOP 5.1, Rules and Conduct, states that officers knowing, or suspecting, other members of violating any laws, orders or policies shall report the infraction immediately to their supervisor. Officers inhibited from reporting violations through the appropriate chain of command submit information directly to the Chief of Police or the Special Investigations Division (SID) Commander.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

The LMPD meets this recommendation. LMPD SOP 1.12, Command Authority, states that supervisors shall not knowingly issue an order which is in violation of any law, ordinance or departmental rule. The responsibility to refuse to obey an unlawful order rests with the individual officer and requires justification.

26. Obedience to superior orders shall be no defense if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

The LMPD meets this recommendation. LMPD SOP 1.12, Command Authority, states that supervisors shall not knowingly issue an order which is in violation of any law, ordinance or departmental rule. The responsibility to refuse to obey an unlawful order rests with the individual officer and requires justification.

Amnesty International

Amnesty International's June 2015 publication entitled, "Deadly Force: Police Use of Lethal Force in the United States" contained four (4) key recommendations. These recommendations were directed towards federal and state entities, and are not a responsibility of the LMPD.

Source: Deadly Force: Police Use of Lethal Force in the United States (2015)

Key Recommendations:

1. All state legislatures should introduce or amend statutes that authorize the use of lethal force to ensure that they are in line with international standards by limiting the use of lethal force by law enforcement to those instances in which it is necessary to protect against the threat of death or serious injury. The statutes should be brought into compliance with the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Although this recommendation is directed towards state legislatures, the LMPD meets the principles set forth in the UN publication. The LMPD authorizes an officer to use deadly force in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury. Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted, would clearly be ineffective or exigent circumstances exist.

2. The President and Department of Justice (DOJ) should support the creation of a national commission (National Crime and Justice Task Force) to examine and produce recommendations on policing issues, including a nationwide review of police use of lethal force laws, policies, training and practices, which is urgently needed, as well as a thorough review and reform of oversight and accountability mechanisms. These laws, policies and practices must be brought in line with international standards.

This is not a responsibility of the LMPD.

3. The Department of Justice must ensure the collection and publication of nationwide statistics on police shootings in accordance with the Violent Crime Control and Enforcement Act (1994) and the Death in Custody Act (2014). The data collected should be disaggregated on the basis of race, gender, age, nationality, sexual orientation, gender identity and indigenous status.

This is not a responsibility of the LMPD. However, the LMPD does record the race, gender, ethnicity and age of persons involved in use of force incidents.

4. Congress should take legislative action to ensure that all federal, state and local law enforcement officials restrict their use of lethal force in compliance with international law and standards. This should include enacting legislation requiring all law enforcement agencies to review and amend their policies by limiting the use of lethal force to those instances in which it is necessary to protect against the threat of death or serious injury. Congress should also pass the Police Reporting Information, Data, and Evidence Act and the End Racial Profiling Act.

Although this recommendation is directed towards Congress, the LMPD meets the principles set forth in the UN publication. The LMPD authorizes an officer to use deadly force in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury. Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted, would clearly be ineffective or exigent circumstances exist.

The commentary that accompanied the key recommendations contained areas of concern that are directed towards the day-to-day operations of a municipal police department. These are outlined below.

- **Independent investigation and prosecution:** “All cases of police use of lethal force must be subject to an independent, impartial and transparent investigation and if the evidence indicates that the killing was unlawful, the police officer responsible should be criminally prosecuted. However, accountability for police use of lethal force is severely lacking in the United States. The officer’s own police agency usually conducts the investigation before handing the case over to the local prosecutor for review, who, depending on the jurisdiction, either convenes a grand jury or decides directly whether to file charges against the officer. The fact that investigations are handled internally and that prosecutors have to maintain good working relationships with the police as well as fulfill their duty to investigate and prosecute police use of lethal force has led to calls being made for independent investigations and prosecutors.”

No independent body investigates the LMPD’s use of deadly force. However, the LMPD’s PIU is made up of supervisors who are committed to conducting impartial and transparent investigations. The PIU’s findings are submitted to the Office of the Commonwealth’s Attorney, who will determine if the case should be presented to the Grand Jury. In March 2003, Louisville Metro Government created the Citizens Commission on Police Accountability, by Ordinance No. 10, Series 2003. The Citizen’s Commission consists of a chair person and ten members appointed by the Mayor and approved by the Metro Council. The membership of the Commission reflects the diversity of Louisville Metro. The Commission’s scope is to review closed police investigations in all police shooting cases and incidents involving loss of life due to police action. The Commission will advise the Chief and the Mayor on the adequacy and quality of the investigation and may recommend changes in police policy, training and procedures.

- **Number of shots fired:** “A key concern in recent cases involving firearms has been the number of shots fired by officers.”

The LMPD recruit basic training curriculum consists of 111 hours of extensive training on firearms. Recruits not only receive instruction on when deadly force may be authorized, but are also trained to only use force while there is an active threat. If the threat has passed, officers will de-escalate their response to the appropriate level of force that is reasonable to maintain control. Officers must requalify with their departmental firearm bi-annually. One of the requalifications is accompanied by eight hours of classroom instruction. In addition to the requalifications, each officer must go through 40 hours of in-service training annually, which includes continued training on the use of force and firearms.

- **Use of force has become normalized:** “While this report focuses on the use of lethal force by law enforcement officers in the United States – that is, principally the use of firearms – an overall change in approach to all aspects of use of force by law enforcement is needed, as at present, police consider use of force to be a normal part of policing operations rather than the exception. International standards clearly require that force should not be used by law enforcement officials unless there are no other means available that are likely to achieve the legitimate objective. If the use of force is unavoidable, it must be the minimum amount of force necessary to achieve the objective, and the use of lethal force should only be used as a last

resort; if the use of force is unavoidable, they should minimize damage and injury and ensure those affected receive prompt medical and other assistance.”

The LMPD meets constitutional standards, as directed by the United States Supreme Court.

Note: The Amnesty International Publication cites the UN publication, “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,” which is discussed above.