

2013-2014 Vehicle Stops Data Analysis Annual Report (April 2013 through March 2014)

Introduction

“Do police officers engage in racial profiling? This is the million-dollar question being asked...by researchers, police administrators, court officials, citizen groups, and individual citizens across the country”¹. While the term, racial profiling, is relatively new, concern over racial bias in decision-making by police is not and follows from historically “tense” relations between police and minorities. The Rule of Law which underlies a democratic form of government and, therefore, democratic policing strategies, is based on the presumption that, unless specified under the law, individual characteristics such as age, ethnicity, economic and socio-demographic characteristics of individuals should not be taken into account in the administration of justice. Biased policing occurs when “... (Intentionally or unintentionally) personal, societal, or organizational biases and/or stereotypes are applied in the decision-making processes in the administration of justice.”² Racially biased policing is only one form of bias that can be introduced into the administration of justice. Racially biased policing occurs when the police inappropriately consider race or ethnicity in deciding with whom and how to intervene in an enforcement capacity”.³ Racial profiling is a form of bias within policing and includes “...any police action that relies on the race, ethnicity or national origin of an individual rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity”⁴

Racial profiling and the larger category of biased policing have a number of specific consequences. Those most significant consequences are:

- Hinders police effectiveness by eroding public confidence and trust and interferes with strong police and community partnerships;
- Hinders police effectiveness by leading police to believe that only “certain people” commit crimes;
- Violates federal and civil statutes; and
- It is a form of discrimination and is therefore, wrong.

This report, based on information available in the Louisville Metro Police Department Vehicle Stops Database for 2013-2014, is a summary of some limited and exploratory findings concerning the nature of vehicle stops conducted by this agency. It is the fourth year in which the data has been collected and analyzed in its current form. It is not meant to be information from which a conclusion can be drawn concerning the presence or absence of biased-policing and/or racial

¹ R. Engel, 2008, ‘A Critique of the “Outcome Test” in Racial Profiling Research, Justice Quarterly, Vol. 25, Issue 1, pp. 1-36.

² Ronald Davis, National Organization of Black Law Enforcement Executives

³ Police Executive Research Forum and National Organization of Black Law Enforcement Executives

⁴ Ramirez, et.al., Department of Justice, 2000

profiling within an agency or unit within an agency. The methodological issues related to determinations of the presence or absence of biased-policing and no set of data or research design can conclusively determine the presence or absence of inappropriately based policing decisions and actions. The information contained in this report is to be used as a management tool for review by agency leadership and policy-makers. The purpose is to provide law enforcement leadership with information that will stimulate further analysis, thought and queries that will prompt more effective policing within Metro Louisville. It is part of a multi-faceted approach to addressing biased policing as suggested by the International Association of Chiefs of Police and developed through the Police Executive Research Forum. The components include:

- Accountability and supervision
- Policies prohibiting biased policing
- Recruitment and hiring
- Education and training
- Minority community outreach, and
- Data collection and analysis⁵.

The current analysis of vehicle stops reports is only one of a multi-faceted approach to biased-policing that has been undertaken by the Louisville Metro Police Department. The Louisville Metro Police have implemented several strategies designed to address biased policing, these include: accountability and supervision related to ensuring that human and civil rights practices are inherent in all police activities and practices, specific policies prohibiting violations of human and civil rights to include a prohibition of biased policing, basic and in-service diversity training for police officers and civilian employees, implementation of a vehicle stops information database which includes the required completion of a form containing information related to the nature of the stop and characteristics of the driver, policies that make completion of this form mandatory, initial and "refresher" training related to the purpose and manner in which to complete this form, and the analysis of the vehicle stops data as a means of reviewing the nature of stops and forms of potentially biased responses by police officers. A copy of the department's mission statement and policies and procedures related to initiatives to address biased policing are contained in Appendix A.

While a determination as to 1) whether police are biased in their decision-making, 2) if biased, how this bias exhibited, and 3) who is exhibiting the bias is sought, unfortunately, there are no strategies to definitively identify biased policing within a law enforcement agency or even among a group of officers within a division or department. The practice of data collection reflects "...accountability, openness, and sound management" ⁶ among police agencies. There are, however, pros and cons to the data collection and it must be clearly understood that no form of data collection currently in existence can prove or disprove the existence of biased decision-making within an agency.

The Louisville Metro Police Department (LMPD) initiated the practice of collecting and analyzing vehicle stops information in 2004. Data from vehicles stops was analyzed in 2004, 2005 and 2006. The department re-initiated the analysis of vehicle stops information in January 2013. This

⁵ Fridell, et.al., Police Executive Research Forum, 2001

⁶ Fridell, et.al., Police Executive Research Forum, 2001, p. 115

analysis assesses patterns in vehicle stops made by police officers as a means of addressing biased-policing.

Officers were informed and re-trained in the data collection process late in 2012. The first three months of 2013 were used as a “pilot” to assess compliance by officers and to assess the quality of information being collected. The current data is a summary of the first annual reporting period, April 1, 2013 through March 31, 2014. The data from this 2013 annual report are, when appropriate, compared to data from 2006 as a means of determining whether or not any aberrations exist.

Findings

During this 12-month time period, LMPD reported making 87,775 vehicle stops. The stops were relatively evenly distributed across the annual time period. The specific monthly distributions are contained in Table 1. The variation in the proportion of stops by month is probably caused by a seasonal drop in calls for service resulting in officers having more time to respond to traffic violations. The distribution of stops throughout the annual period does not differ significantly from the distribution delineated in 2006.

TABLE 1
PERCENTAGE OF TOTAL STOPS BY MONTH
April 2013 through March 2014

MONTH	PERCENT TOTAL STOPS
April	6.8
May	8.4
June	7.6
July	8.2
August	7.7
September	7.9
October	7.7
November	9.1
December	8.8
January	9.8
February	9.2
March	8.8

The distribution of stops across divisions is contained in the Table 2. Given differences in size (population, geographic) as well as number and distribution of personnel, traffic corridors, etc., it is expected that divisions would account for differing proportions of total vehicle stops. Specifically, the larger divisions have more roadways which provides for more traffic movement and therefore, more opportunities for traffic violations. The larger divisions such as the 7th and 8th Divisions have expressways and also dedicated traffic officers which increase the potential for traffic violations as well as enhancing the response to these violations. Additionally, the 5th Division receives a significant number of traffic complaints and therefore, the proportionately greater number of stops made by the division reflects a response to these citizen complaints. This

distribution of stops across the divisions does not differ significantly from 2006. This consistency with reports from prior years only provides substantiation to the explanation of the division “differences” as based on response priorities and the “opportunity” for traffic movement and therefore, violations.

TABLE 2
PERCENTAGE OF TOTAL STOPS BY DIVISION
April 2013 through March 2014

DIVISION	PERCENT TOTAL STOPS
1	6.5
2	7.4
3	9.8
4	12.7
5	18.5
6	11.9
7	13.5
8	19.7

Race of the driver: During the 2013-2014 reporting period for the vehicle stops analysis, the majority, 67.1 percent of drivers were Caucasian, 28 percent were Black, 3.5 percent were Hispanic, 1 percent were Asian American and . 3 percent were other races/ethnicities.

CHART 1
RACE/ETHNICITY OF DRIVER
April 2013 through March 2014

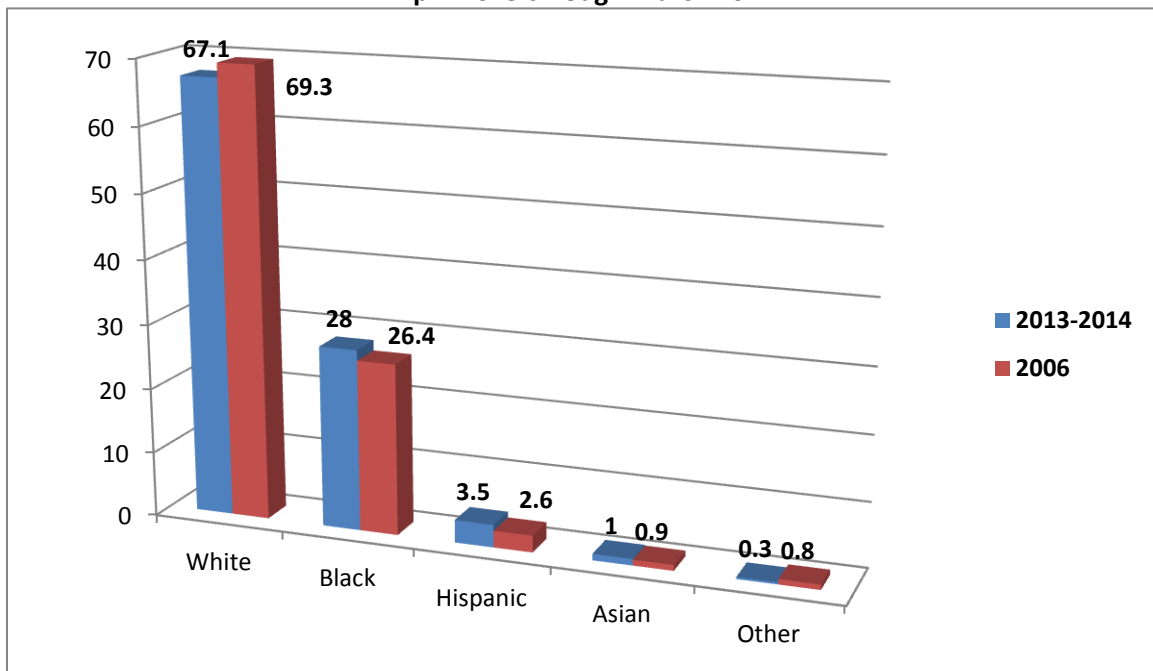
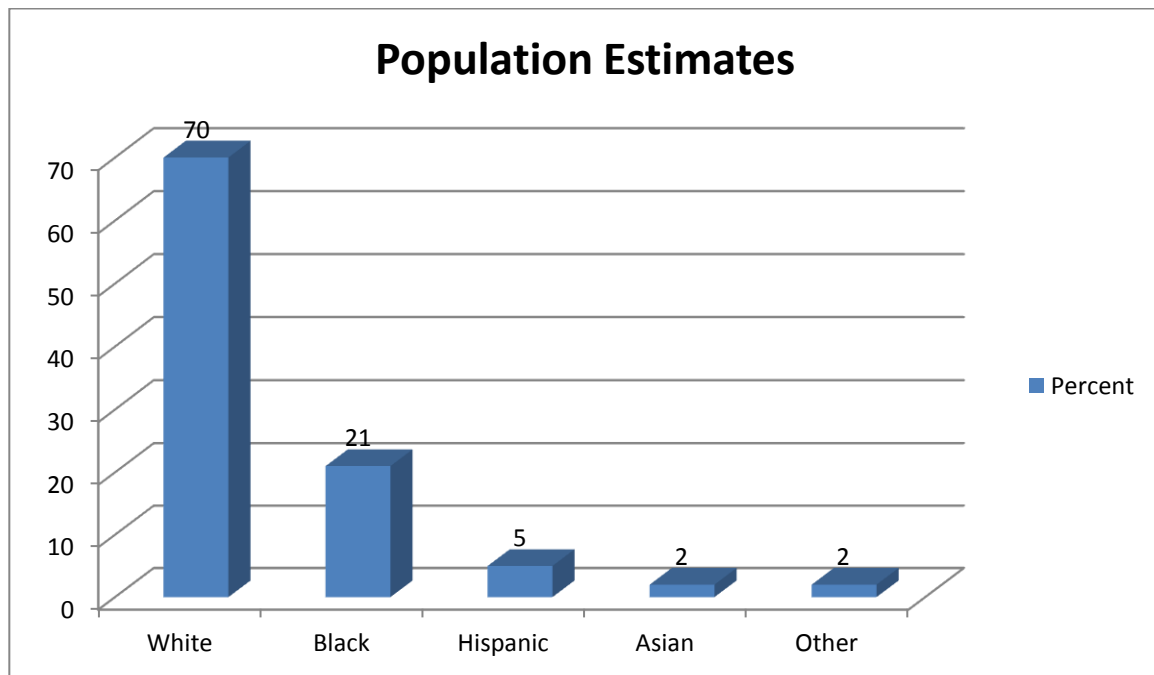


Chart 1 compares the driver race/ethnicity representation during the current 12-month period of analysis. For many reasons, it is not considered sound practice to make comparisons between the race/ethnicity of drivers stopped and the race/ethnicity within a specific jurisdiction, as a means of identifying biased policing. Most specifically, biased policing as the cause of differences between the proportions of minority drivers in vehicle stops and the general population of a jurisdiction cannot be concluded unless other explanations differing driving habits, differing driving patterns, and differing patterns of driving violations can be eliminated.

Chart 2
Metro Louisville Population Estimates
U.S. Census - 2013



Gender of the driver: During the 2013-2014 annual time period of the vehicle stops analysis, 37.6 percent of the drivers stopped were female. This compared to 35.4 percent in 2006 suggests no change in the gender representation among drivers stopped. This, however, may be used as an “example” of the complexities of concluding racial bias due to demographic characteristics of drivers stopped. Since the proportion of males to females in Metro Louisville is much more comparable to approximately 50 percent women and 50 percent men, can we conclude gender bias among police because the representation of females among drivers stopped is below their representation in the general population?

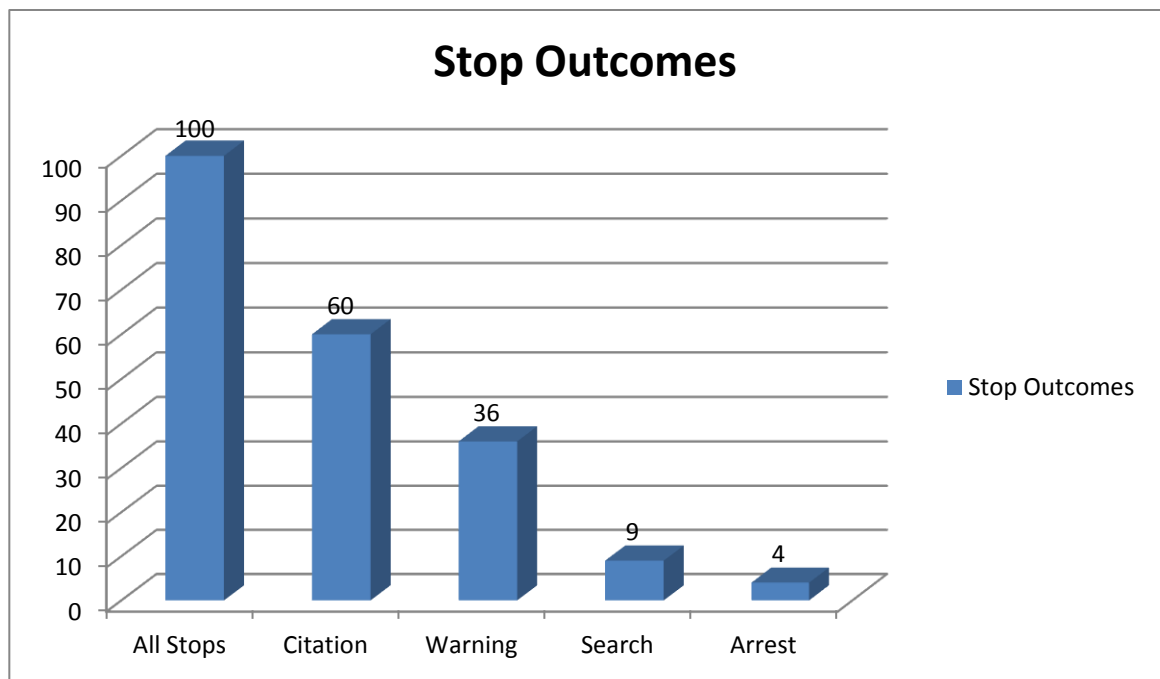
Age of the driver: During the 2013-2014 annual analysis period, the majority of drivers stopped were between the ages of 20 (20 to 25 22.7%) and 30 (26 to 30 16.1%) years of age. A total of 38.8 percent of all drivers stopped fell into this age range. Table 3 contains the age distribution of the drivers stopped.

TABLE 3
AGE OF DRIVER
April 2013 through March 2014

Age	Percent
Under 16	.1%
16 to 19	6.4
20 to 25	22.7
26 to 30	16.1
31 to 40	23.4
41 to 50	16.0
51 to 60	10.3
Over 60	5.1
TOTAL	100.0%

Search conducted: During the 2013-2014 annual reporting period, approximately 9.4 percent of the vehicle stops resulted in a search. This proportion of stops resulting in a search being conducted is slightly lower than the proportion of stops resulting in searches in 2006 (11.2 %). It is, in all probability, due to a change in the laws defining when a police officer may conduct a search after an arrest made during a vehicle stop. This change has resulted in fewer searches being performed.

Chart 3
Vehicle Stops Outcomes
April 2013 through March 2014



While the proportion of stops resulting in searches has decreased, stops resulting in searches have always represented only a minority of total stops made during an annual period. Chart 3 contains

a representation of the various outcomes per 100 stops. That is, for every 100 stops made, 60 resulted in a citation, 36 in a warning, 9 in a search and 4 in an arrest. So, very few stops actually resulted in a search of the vehicle as part of the traffic stop.

The greatest percentage of stops resulting in a search involved white drivers (53.5) followed by African American (43.1%) and Hispanic (3.5%) drivers. Table 4 contains information on the percentage of searches performed during stops based on the ethnicity of the driver. As shown in this table, 13.7 percent of stops involving African American drivers resulted in a search while 7.6 percent of stops involving White driver and 9.2 percent of stops involving Hispanic drivers resulted in the same.

TABLE 4
RACE OF DRIVER BY VEHICLE SEARCHED?
April 2013 through March 2014

VEHICLE SEARCHED?	White	Black	Hispanic
Yes	7.6	13.7	9.2
No	92.4	86.3	90.8
Total	100.0	100.0	100.0

Reason for Search: The primary reason for conducting a search during a vehicle stop was reported as “consent” by the officers. Slightly more than one half (54.8%) of all vehicle searches were consent searches during this annual reporting period. “Probable cause” was identified as the reason for a search in 36.5 percent of the searches conducted. Searches “incident to arrest” comprised 6.9 percent of all searches. “Other” searches such as Plain View (1.2 %) and Terry/Pat Down (.1%) searches were conducted with much lower frequency. The reasons for conducting a search as a percentage of total searches conducted for this twelve-month period of 2013-2014 and 2006 are contained in Table 5.⁷

TABLE 5
REASON FOR SEARCH
April 2013 through March 2014 and 2006

REASON FOR SEARCH	2013-2014	2006
Consent	54.8%	41.6%
Probable Cause	36.5	10.8
Incident to Arrest	6.9	45.9

The changes in the reasons for the conduct of a search are the result of a 2009 U.S. Supreme Court (Arizona V. Gant) ruling which limited the conditions under which a police officer could search an individual after making an arrest involving a vehicle stop. Specifically, officers may now only search the vehicle of an individual they are arresting when they have reason to believe the vehicle contains evidence of the crime for which they are arresting the individual. This has caused

⁷ Only consent, probable cause and incident to arrest searches were included in this portion of the analysis due to the small number of searches conducted for other reasons.

the transition away from searches of vehicles incidental to arrest and moved the search justifications into the probable cause and consent categories.⁸

Table 6 contains information on the race/ethnicity of the drivers of vehicle stops that resulted in a search for each type of search. Given the small number of drivers who were classified as race/ethnic groups other than White or Black or Hispanic, only these three categories of drivers are included in this analysis.

TABLE 6
FOR VEHICLES SEARCHED: REASON FOR SEARCH AND RACE OF DRIVER
April 2013 through March 2014

Race of Driver	Reason for Search		
	White	Black	Hispanic
Consent	59.2%	51.2%	57.8%
Probable Cause	33.2	43.0	27.8
Incident to Arrest	7.6	5.8	14.4
TOTAL	100%	100%	100%

As shown in Table 6, stops involving drivers of all races were most likely to be involved in consent searches with stops of White (59.2%) and Hispanic (57.8%) drivers slightly more likely than stops of Black (51.2%) drivers to be involved in the same. Stops involving Black (43.0%) drivers were more likely than stops of White (33.2%) and Hispanic (27.8%) drivers to be involved in probable cause searches. Lastly, stops involving Hispanic drivers (14.4%) were more likely than stops involving White (7.6%) and Black (5.8%) drivers to result in a search incident to arrest.

While, unfortunately, the data collected for this analysis does not contain information that can completely address the issue of a greater percentage of stops involving African American and Hispanic drivers resulting in searches, this data on the reason for the search and race of the driver lends some evidence that can be used for a partial interpretation. Specifically, 43.0 percent of the searches of stops involving African American drivers were conducted because the police officer had probable cause to do so. Probable cause searches require some degree of legal justification on behalf of the police officer. Consent searches do not. The higher rate of searches among stops involving African American drivers may be due to the fact that probable cause existed for a search.

Outcome of search: The percentage of searches that resulted in positive findings of contraband, fruits of the crime and/or evidence was 46.4 percent during the 2013-2014 analysis. During 2006 only 30 percent of all searches resulted in a positive finding. This increase for the current time period is, no doubt, due a change in the law under which police officers may conduct a search. Probable cause searches (those in which the police officer has probable cause to believe the vehicle or driver has been involved in criminal activity) have tripled. Probable cause searches are more likely to result in evidence, contraband and/or fruits of the crime. Additionally, the more limited circumstances under which a police officer may conduct a search incident to arrest creates

⁸ For more information on this case, go to:

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2305&issue_id=22011

the need for police to meet a higher standard to conduct a search which would decrease searches and increase the probability that the findings will be positive.

Table 7 contains search outcome for each type of search conducted. As was the case with the analysis of “reason for search” in Table 6, due to the small number of stops involving “other”, “terry/pat down”, and “plain view” searches, only those searches identified as “consent”, “probable cause”, and “incident to arrest” will be included in this analysis.

TABLE 7
REASON FOR SEARCH BY OUTCOME OF SEARCH
April 2013 through March 2014

Search Outcome	Consent	Incident to Arrest	Probable Cause
Negative	73.7%	58.5%	24.1%
Positive	26.3	41.5	75.9
TOTAL	100%	100%	100%

As shown in Table 7, consent searches were the least likely search to result in some type of finding by the officers. Probable cause searches were the most likely to result in some type of finding. Incident to arrest were almost equally as likely to find contraband, evidence, or fruits of the crime as to result in a negative outcome. These findings simply reflect the nature of the justification for the search. Consent searches being justified solely through driver consent with probable cause and incident to arrest searches requiring higher order and more specific legal justification.

Outcome of stop: The final outcome of a vehicle stop may take three general forms: written citation, verbal warning or arrest. During the 2013-2014 reporting period, the majority of stops resulted in the issuance of a citation (60.1%). Another 36.6 percent resulted in a “warning” to the driver and the last percentage, 3.3 percent, resulted in an arrest. The representation of the type of outcome of the stop is different than that found in the 2006 data. During 2006, proportionately more stops (74.8%) resulted in a citation. Additionally, during 2006, proportionately more stops (6.7 % in 2006) resulted in arrests and fewer warnings (14.4% in 2006). This difference is potentially an artifact of HB 463 which mandates a citation in lieu of arrest for most misdemeanors. For example, in 2006, police officers would have arrested someone found to be in possession of small quantities of marijuana, in 2013, because of HB 463, police are required to issue a citation.

Table 8 contains the distribution of vehicle stop outcome by the race of the driver. Stops involving White (64.2%) and Hispanic (60.0%) drivers were more likely to result in a written citation than stops involving Black (55.5%) drivers. Only limited differences were evident for the proportion of stops resulting in arrest within each driver race category. However, stops involving Black drivers (39.2%) were more likely to result in a verbal warning than stops involving White (34.5%) and Hispanic (35.5%) drivers.

TABLE 8
OUTCOME OF VEHICLE STOP BY RACE OF DRIVER
April 2013 through March 2014

Outcome	White	Black	Hispanic
Citation	62.4%	55.5%	60.0%
Arrest	3.1	5.4	4.4
Warning	34.5	39.2	35.5
TOTAL	100.0%	100.0%	100.0%

Table 9 assesses the outcome of a stop by the reason for search. As noted in this table, stops involving consent (44.0%) and probable cause (63.3%) searches were most likely to result in a citation. As expected, searches incident to arrest were the most likely type of search to result in an arrest with consent searches the most likely type of search to result in a warning.

TABLE 9
OUTCOME OF SEARCH BY REASON FOR SEARCH
April 2013 through March 2014

Outcome	Consent	Probable Cause	Incident to Arrest
Citation	44.0%	63.3%	22.2%
Arrest	11.3	21.1	77.8
Warning	44.7	15.7	0.0
TOTAL	100.0	100.0	100.0

Recommendations and Conclusions

The findings from the 2013-2014 Annual Data are not different from the findings from the 2004, 2005 and 2006 Vehicle Stops Reports. The one exception is the decreased number of searches being conducted overall and a proportionate increase in probable cause and consent searches. As noted previously, this is likely the consequence of the conditions under which a police officer may conduct a search incident to arrest.

While analysis of this data cannot confirm nor eliminate a finding of biased policing within the Louisville Metro Police Department, collection of the data reflects an openness and willingness to sustain transparency within police community relations. The following recommendations are made as a means of promoting this transparency and supporting positive police and community relations.

1. Continue to conduct an annual analysis of vehicle stops data.
2. Change the report period to a calendar year. For the first calendar-year report, data from 2014 would be analyzed.
3. Data that can be used to determine the nature of the initial stop – criminal or traffic – needs to be included in the database and used for analysis. The original reason for

the stop determines much of what follows during the stop as well as the outcome of the stop.

4. Using the criteria for a multi-faceted approach to biased policing, as developed by the Police Executive Research Forum, and supported by the International Association of Chiefs of Police, assess the current status of LMPD in meeting these standards.

APPENDIX A

STOPS Study Information



Steve Conrad
Chief of Police

Our Mission Statement

It is the mission of the Louisville Metro Police Department to deliver professional, effective services, fairly and ethically, at all times, to all people, in order to prevent crime, control crime, and enhance the overall quality of life for citizens and visitors. We will encourage and promote community involvement on all levels to achieve these ends.

Values

Making the Community our Primary Focus

We are committed to a police-community partnership in providing the delivery of police services. We shall accept a leadership role in developing relationships with the citizens of our community that foster mutual trust and open communications.

Ethical Behavior and Accountability

We shall perform our duties with an unwavering commitment to integrity, professionalism and dependability. We will be accountable to those we serve for our decisions and actions.

Trustworthy

We embrace honesty and openness with the community as vital to securing the public's trust. Without reservation, we will adhere to a code of conduct that promotes truthfulness and straightforwardness.

Respect for All People

We manifest commitment to justice, equal treatment of individuals, tolerance for and acceptance of diversity by demonstrating respect for human dignity and rights.

Objectivity

We are committed to the fair and impartial enforcement of all laws. We value treating all persons equitably and without bias, with the highest regard for individual and constitutional rights.

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

SOP 7.12

Traffic Enforcement

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 7.12
	Effective Date: 08/09/04 Prv. Rev. Date: 10/20/13 Revised Date: 04/10/14
	Accreditation Standards: CALEA: 1.2.6-1.2.7, 61.1.1-61.1.3, 61.1.5, 61.1.7-61.1.8, 61.1.10-61.1.12, 61.2.1, 61.3.1-61.3.2, 61.3.6, 61.4.2, 61.4.4, 82.3.3-82.3.4 KACP: 21.1, 22.1, 22.3, 22.4, 22.5, 23.1, 23.2
Chapter: Traffic Control and Collisions	
Subject: Traffic Enforcement	

7.12 TRAFFIC ENFORCEMENT (KACP 22.1)

7.12.1 TYPES OF TRAFFIC ENFORCEMENT ACTION (KACP 22.3, 22.4a-b, 23.2)

Officer discretion is encouraged when enforcing traffic laws. He/she may choose to give a verbal or written warning, issue a citation or arrest a violator (CALEA 1.2.6, 1.2.7, 61.1.2a-c). Officers shall consider the totality of the circumstances, the uniqueness of the violation, the driver's state of mind and the seriousness of the violation when deciding which enforcement option to exercise. Any actions taken by the officer shall be commensurate with applicable laws and Standard Operating Procedures (SOPs). The following list includes some, but not all, of the traffic violations listed under the Kentucky Revised Statutes (KRS):

- Operation of a vehicle by a driver under the influence (DUI) of alcohol/drugs (refer to SOP 7.12.6 and SOP 10.1) (CALEA 61.1.5a, 61.1.11)
- Operation of vehicle after driving privileges have been suspended or revoked (CALEA 61.1.5b)
- Speed violations (CALEA 61.1.5c)
- Hazardous violations (CALEA 61.1.5d)
- Off-road vehicle violations (CALEA 61.1.5e)
- Equipment violations (CALEA 61.1.5f)
- Public carrier/commercial vehicle violations (CALEA 61.1.5g)
- Pedestrian and bicycle violations (CALEA 61.1.5l)

Officers shall refer to the KRS regularly in order to stay informed of newly enacted laws and/or regulations concerning motor vehicle violations and citations (CALEA 61.1.5j).

To help decrease the number of traffic violations and accident fatalities, traffic safety tips are available on the Louisville Metro Police Department (LMPD) website (CALEA 61.4.4).

7.12.2 CITATIONS

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 (CALEA 61.1.5h). Accountability for issued eCitations and voided eCitations is the responsibility of the Kentucky State Police (KSP).

Paper citations, which shall only be used if the KYOPS system is down or the officer does not have access to a Mobile Data Terminal (MDT), shall be issued to officers from their respective division/section/unit (CALEA 82.3.4a). 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) (CALEA 82.3.4b, KACP 22.4a). Unused paper citations shall be stored in a secure location in each division/section/unit (CALEA 82.3.4c).

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 7.12
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Chapter: Traffic Control and Collisions	
Subject: Traffic Enforcement	

7.12.2 CITATIONS (CONTINUED)

Traffic enforcement data is kept by the KSP. This data is kept 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 (CALEA 82.3.3b).

Traffic citations for non-residents of Jefferson County shall be processed in the same manner as a citation for a local resident (CALEA 61.1.3a). Traffic citations received by licensed juveniles, under the age of 18, shall be processed in the same manner as any adult receiving a traffic citation (CALEA 61.1.3b).

When citing a driver for multiple traffic violations, officers shall 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 receiving citation(s) for multiple violations, either simultaneously or at different times, shall be required to satisfy the requirements of the citation(s) (CALEA 61.1.5i).

7.12.3 METROCALL COMPLAINTS

MetroCall complaints regarding traffic violations on surface streets shall be forwarded to the appropriate division/section/unit for assignment, investigation and handling. An officer assigned a complaint shall evaluate the complaint and take appropriate enforcement action. A log shall be maintained, indicating the date and time that the complaint is received, the officer assigned and any action taken. MetroCall complaints shall be returned by the assigned suspense date with documentation of the action taken. The Traffic Unit shall handle complaints on the interstate system.

7.12.4 REEXAMINATION BY LICENSING AUTHORITY (CALEA 61.1.12)

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

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

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 7.12
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Chapter: Traffic Control and Collisions	
Subject: Traffic Enforcement	

7.12.4 REEXAMINATION BY LICENSING AUTHORITY (CONTINUED)

The officer shall forward the completed form and its attachments to the Bureau Commander or the Patrol Services Commander within his/her chain of command. The commander shall forward the information to the Division of Driver Licensing, located in Frankfort, Kentucky. The Division of Driver Licensing shall notify the operator of the pending recertification.

7.12.5 TRAFFIC COLLISIONS (CALEA 61.1.5k, KACP 23.2)

Officers issuing a citation or making an arrest as a result of a traffic collision shall record the assigned incident control number (ICN) on the citation. In the case of injury collisions, the severity of the injuries shall be noted in the post arrest complaint section (CALEA 61.2.1a). Information of other persons involved may be listed in the witness section.

Traffic collision data is maintained by Records Management (CALEA 82.3.3a). Electronically-entered traffic collision data shall be reviewed and approved by the Data Information Center of Records Management in the KSP Accident Database (refer to SOPs 7.2 – 7.4). Officers shall refer to SOP 7.1 on requirements for writing these reports.

The Traffic Unit shall review traffic collision data to identify the locations where traffic engineering issues may need to be improved or corrected (CALEA 61.1.1a). The Traffic Unit shall also review traffic collision data and traffic enforcement data to see if increased enforcement results in the reduction of the number of collisions at identified locations (CALEA 61.1.1c).

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, Louisville Metro Emergency Medical Services (LMEMS), KSP, towing agencies, etc. participate in these meetings to discuss highway closures and traffic-related issues (CALEA 61.3.6).

7.12.6 DRIVING UNDER THE INFLUENCE (CALEA 61.1.5a, 61.1.11, KACP 21.1c, 23.1d)

Driving under the influence (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 shall be drawn and an officer shall 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 him/her to believe that an operator may be committing a DUI offense, the officer shall conduct field sobriety exercises. If conducting the field sobriety exercises poses a danger to the

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7.12.6 DRIVING UNDER THE INFLUENCE (CONTINUED)

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 shall take appropriate enforcement action based upon the results of the field sobriety exercises and his/her observations.

If the officer arrests the operator and has reason to believe that alcohol is the primary influencing factor, he/she shall transport the subject, as soon as possible, to Louisville Metro Department of Corrections (LMDC), if medical attention is not required, and present him/her to the Breath Alcohol Technician. The technician shall take custody of the prisoner. He/she shall be responsible for requesting that the individual take a chemical test and offering the individual the chance to contact an attorney. After the technician completes the testing, he/she shall 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 that the primary influencing substance is not alcohol, or the operator's actions are not consistent with his/her physical condition, he/she shall transport the suspect, as soon as possible, to the LMDC, if medical attention is not required, and present him/her to a Breath Alcohol Technician. 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 (CALEA 61.1.10). Officers shall obtain approval of a Traffic Unit commanding officer before contacting a DRE. A blood and/or urine sample shall be requested by the Breath Alcohol Technician, the DRE (if present) or the arresting officer, following the evaluation. The operator must consent to any and all blood, breath and/or urine tests requested by the officer or he/she shall be charged with refusal to submit to a chemical test (KRS 189A.105).

Only after complying with all tests requested by the officer, may the operator request, at his/her own expense, to have an independent blood test 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.
- The operator is physically injured to such a degree that he/she is no longer a danger to himself/herself 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 he/she is no longer a danger to himself/herself 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 shall complete an Administrative Incident Report (AIR) (LMPD #03-03-0001). For the purpose of this policy, an acting sergeant shall not be considered a commanding officer.

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7.12.7 STRATEGIES & TACTICS OF PATROL STOPS (CALEA 61.1.8, KACP 22.5)

Traffic stops can be very serious situations for officers. Unknown and high-risk situations can create a problematic mood for both officers and violators. As a result, officer discretion and caution shall be exercised while conducting traffic stops. Officers shall use caution while approaching violators in order to evaluate the behavior of the violator and the seriousness of the situation (CALEA 61.1.7a-c).

Officers making contact with violators during a traffic stop shall observe the following, as outlined in the Strategies and Tactics of Patrol Stops (S.T.O.P.S.) lesson plan, whenever possible:

- The officer shall greet the violator and identify himself/herself by name.
- The officer should explain the reason for stopping the violator.
- The officer shall ask the operator of the vehicle if there was a legitimate reason for doing what he/she did.
- The officer shall ask where the driver's license, insurance and registration information is located before asking him/her to retrieve any of them.
- The officer shall give instructions to the violator to follow (e.g. remain in the vehicle and buckle up) as he/she reviews documentation and decides what action to take.
- The officer shall issue the appropriate warning or citation and let the violator know that the traffic stop is over (CALEA 61.1.2b-c).

7.12.8 HAZARDOUS ROADWAY CONDITIONS (CALEA 61.4.2)

All officers encountering hazardous roadway conditions shall be 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 shall immediately contact MetroSafe, via radio or telephone. The officer shall report the nature of the problem and the exact location. MetroSafe will contact the appropriate agency responsible for addressing or correcting the problem. If the roadway hazard presents a potential danger to motorists, the officer shall take the necessary action to ensure the safety of the motorists and expedite the flow of traffic. If the officer is off-duty, then the officer shall request assistance from on-duty personnel. The action taken may require the manual direction of traffic, using temporary control devices or physically removing the obstruction or hazard from the roadway (CALEA 61.3.1a, 61.3.2d).

Citizen complaints or suggestions regarding traffic engineering deficiencies (e.g. signs, potholes, markings, traffic lights, etc.) shall be referred to MetroCall at (502) 574-5000 or 311. MetroCall shall be responsible for notifying the appropriate agency for improvement or correction (CALEA 61.3.1a).

The Traffic Unit and MetroSafe shall be 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 (CALEA 61.3.1b).

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7.12.9 SUPERVISORY REVIEW

Commanding officers shall review paper citations and arrest slips of those officers under their direct supervision. The commanding officer shall place his/her code number on the upper right hand corner of the citation indicating that he/she has reviewed the citation. Commanding officers shall review the citation for, including, but not limited to:

- Missing/incomplete personal information of the offender.
- The Vehicle Stop Reporting form control 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 that the defendant will not appear in court (if applicable) (refer to SOP 10.1).
- Legible handwriting.

SOP 8.24

Warrantless Searches

Standard Operating Procedures	SOP Number: 8.24
	Effective Date: 08/23/04 Prv. Rev. Date: 04/08/13 Revised Date: 10/10/13
	Accreditation Standards: CALEA: 1.2.4, 11.3.1, 82.1.3 KACP: 1.4, 30.9
Chapter: Field Operations	
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8.24 WARRANTLESS SEARCHES (CALEA 1.2.4, 11.3.1b)

8.24.1 POLICY

In special circumstances and limited emergency situations, justification may exist for a Louisville Metro Police Department (LMPD) officer to conduct a search without a warrant. While search warrants are preferred from a legal standpoint, officers are authorized to conduct warrantless searches as outlined in this policy and by existing law. When searching without a warrant, officers must be able to articulate their justification for the search.

8.24.2 DEFINITIONS

Search: An examination of an individual's premises, person or property in which he/she has a reasonable expectation of privacy. The purpose of the search is discovering contraband, weapons or other evidence of guilt, to be used in a criminal prosecution. A search involves a prying into, or the manipulation of, concealed or hidden places trying to discover something inconspicuous. Items in plain view shall not constitute a search (KACP 1.4b). A search shall only be conducted pursuant to a warrant, with consent or under exigent circumstances with probable cause.

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

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.

Pat Down: A "frisk," or the external feeling of the outer garments of an individual, for weapons. A pat down shall only be conducted on reasonable grounds that the individual being subjected to the pat down is armed and dangerous to the officer or others. 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.).

Terry Stop: A stop of an individual by law enforcement officers based upon reasonable suspicion that the individual may have been engaged, is engaging or is about to engage in criminal activity.

8.24.3 SPECIAL CIRCUMSTANCES (KACP 1.4c)

Pat Down Search during a Terry Stop

Officers may conduct a pat down search of an individual during a Terry Stop if there is reason to believe that the subject is armed and dangerous (refer to SOP 3.6). If, during the pat down, the officer feels something solid that could reasonably be, or contain, a weapon, he/she shall reach inside of the clothing and seize the object. Additionally, if through the officer's touch and experience, he/she immediately recognizes the object as contraband, then he/she shall seize it.

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8.24.3 SPECIAL CIRCUMSTANCES (CONTINUED)

If the Terry Stop involves a person in a vehicle and the officer has reason to believe that the suspect is armed and dangerous and might gain control of weapons within the vehicle, the officer shall search the subject as outlined above and shall also search the passenger compartment of the vehicle, looking only in places where weapons may be hidden.

Search Incident to a Lawful Arrest

An officer shall search a subject immediately after arrest. The officer may search the entire person of the subject and the nearby area from which the subject might have been able to handle a weapon or destructible evidence.

An officer may search a vehicle, incident to a recent occupant's arrest, only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe that the vehicle contains evidence of the offense of the arrest (*Arizona v Gant*). The officer shall not search the trunk, motor compartment or other areas of the vehicle without a warrant, probable cause, consent or exigent circumstances.

Search of a Vehicle Based on Probable Cause

While search warrants are preferred in any search situation, an officer who has probable cause to believe that a vehicle contains evidence of a crime may search the vehicle before, or after, an arrest, or without making an arrest. The officer may search the vehicle at the scene where he/she stops it, or otherwise locates it in a public place, or after it has been moved elsewhere by the authorities. In such instances, the officer must be able to explain the exigency of the circumstances.

The officer may search the entire vehicle including the glove compartment, trunk, hubcaps, hood area and containers found within (e.g. bags, boxes, suitcases, etc.), providing only that he/she limit his/her search to those areas/containers which could physically contain the seizable item that he/she has probable cause to believe is in the vehicle.

If an officer has probable cause to believe that a container in a vehicle contains evidence of a crime, but his/her probable cause does not extend to the vehicle itself, the officer is allowed to stop the vehicle, seize the specific container and search within it, without obtaining a warrant.

Entry of Premises without a Warrant

Officers may legally enter premises without a warrant, or consent, if any of the following exigent circumstances exist:

- Entry of premises in fresh pursuit to arrest: when chasing a suspect after a crime has been committed and the suspect enters a building shortly before the police arrive (KACP 30.9).
- Entry of premises to protect life or health: when there is probable cause to believe that someone is injured and needs help or is threatened with injury or death.

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8.24.3 SPECIAL CIRCUMSTANCES (CONTINUED)

- Entry of premises to prevent destruction of evidence: when there is probable cause to believe that evidence that could be easily destroyed is on the premises and there is good reason to believe that the evidence is being, or is about to be, destroyed.

8.24.4 CONSENT SEARCH (KACP 1.4d)

Persons

Consent searches of an individual's person can be granted only by the individual to be searched.

Vehicles and Dwellings

The use of the Consent to Search form (LMPD #06-0036) is mandatory for all consent searches of premises or vehicles. An exception to this order would be situations where verbal consent is given to search a vehicle or home and consent is recorded using one (1) of the department's in-car cameras or a tape recorder.

In situations where a person verbally consents to a search, but refuses to sign the Consent to Search form, the refusal must be documented on the form and signed by a commanding officer. Officers shall not conduct such a search until their commanding officer has signed the form and granted his/her approval.

If consent is granted, officers may conduct a protective sweep of a dwelling for their own safety; or incident to arrest if there is reasonable suspicion that other persons may be present; or if probable cause exists and there are exigent circumstances. A "knock and talk" does not automatically give an officer the justification to perform a protective sweep. When a search is authorized by consent, the scope of the search is limited by the terms of its authorization. The consent does not extend to the entire dwelling, only the immediate area/room where the consent to search has been given. Any objects found and seized in the area/room where a consent to search has been given are admissible at trial as an exception to the warrant requirement. In the absence of consent, officers may not conduct a warrantless search or seizure of additional areas/rooms without both probable cause and exigent circumstances.

In order for a protective sweep to be justified, one (1) of the following must be present:

- Consent
- Reasonable suspicion (must be incident to an arrest)
- Probable cause and exigent circumstances

Coercion

Consent searches shall only be considered legal when consent is given voluntarily by a person with the authority to consent. The person must be aware of what he/she is doing, the area(s) to be searched and provide consent of his/her own free will.

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8.24.4 CONSENT SEARCH (CONTINUED)

Officers shall not force, threaten or deceive an individual into consenting to a search (e.g. threatening to seize a vehicle or dwelling while a warrant is obtained and no probable cause exists for obtaining a warrant, etc.). If possible, no more than two (2) officers should be present when obtaining consent.

Limiting/Withdrawing Consent

An individual may limit his/her consent to cover only certain areas or may withdraw his/her consent at any time. As soon as the subject indicates that he/she wants the search to stop, no further search may be justified as a consent search.

Consent to Search Form Retention/Submission

The original hardcopy of the Consent to Search form shall be retained by the officer for inclusion in a case file (refer to SOP 8.35). A copy shall be forwarded to the Legal Advisor's Office, via interoffice mail, for filing. Consent to Search forms shall be retained pursuant to federal, state and local records retention schedules (CALEA 82.1.3).

8.24.5 SEARCH SITUATIONS NOT PROTECTED BY THE FOURTH AMENDMENT

The following situations are not protected by the Fourth Amendment:

Open Fields

An open field is any land area, whether open, wooded or otherwise, which is not included in the curtilage. An officer may search an open field without a warrant, without probable cause, despite notices or other efforts showing an expectation of privacy and despite the fact that the search may constitute a technical trespass. When in an open field area, the officer may not, on that account alone, search a building, person or non-abandoned car.

Public Area

An officer may search public areas such as roads, sidewalks, public parks, etc. Various commercial establishments such as bars and retail stores may also be searched by an officer in areas where prospective customers are allowed, at times when they are allowed to be there and making no closer examination of things therein than an ordinary customer would. However, individuals in public areas have a reasonable expectation of privacy, on their persons and in their luggage and vehicles, while in a public area.

Abandoned Property

An expectation of privacy may be lost either by discarding property in a place where others would have access to it or by disclaiming ownership of the property.

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8.24.6 IMPOUNDED VEHICLES

Mere legal custody of an impounded vehicle does not automatically create a right to search. In order to search a lawfully impounded vehicle, an officer must have the consent of the owner, exigent circumstances or a search warrant based on the officer's affidavit that the vehicle contains evidence or constitutes the fruit or instrumentality of a crime (KACP 1.4c-d).

Routine inventory searches of impounded vehicles are not permitted. However any evidence in plain view, seizable under the Plain View Doctrine, may be seized as evidence (KACP 1.4b). Other articles in plain view which are not evidence, but are considered valuable personal property, must be removed and taken to the Property Room or shall be removed from plain view within a secured vehicle.

8.24.7 EXTRACTING EVIDENCE FROM A SUSPECT'S MOUTH

Use of physical force to search a suspect's mouth for contraband is prohibited, unless:

- A lawful arrest of the person has been made, based upon probable cause;
- There is probable cause to believe that the suspect has hidden a seizable item (e.g. illegal drugs) within his/her mouth;
- There is a clear indication that a seizable item will be found within the suspect's mouth; and
- Either a search warrant has been issued authorizing an intrusion into the suspect's mouth or exigent circumstances (e.g. imminent destruction of evidence or a medical emergency) exist (KACP 1.4c).

Once all of the prerequisites listed above have been satisfied, an officer may use reasonable force to extract the contraband hidden in the suspect's mouth. A supervisor shall be notified and shall complete an Administrative Incident Report (AIR) (LMPD #03-03-0001) whenever force is used in these situations.

The Electronic Control Weapon (ECW) shall not be utilized to prevent the swallowing of evidence nor shall it be utilized to dislodge or retrieve evidence from a suspect's mouth or other body cavities (refer to SOP 9.1).

If an officer reasonably believes that a suspect has swallowed contraband that could have a negative effect upon his/her health, the officer shall seek medical attention for the suspect as soon as reasonably possible.

SOP 8.8

Profiling

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 8.8
	Effective Date: 07/20/03 Prv. Rev. Date: 01/17/13 Revised Date: 03/10/13
	Accreditation Standards: CALEA: 1.2.7, 1.2.9, 11.3.2, 26.1.1, 61.1.8 KACP: 30.2
Chapter: Field Operations	
Subject: Profiling	

8.8 PROFILING (KACP 30.2)

8.8.1 POLICY (CALEA 1.2.9a)

Profiling impairs investigative effectiveness, alienates citizens, fosters distrust of law enforcement and may subject officers to civil or criminal liability. Most importantly, profiling is unethical. The protection and preservation of the constitutional rights of individuals remains one of the paramount concerns of government and law enforcement. Therefore, per KRS 15A.195, profiling is strictly prohibited.

8.8.2 DEFINITION

Profiling: Engaging in any of the following activities based solely on an individual's actual or perceived race, ethnicity/national origin, gender, gender identity, sexual orientation, religion, socio-economic status, disability or other characteristics attributed to an individual as a member of such a group is strictly prohibited:

- Making discretionary decisions during the course of an enforcement activity (CALEA 1.2.7)
- Initiating a traffic stop, detention or other law enforcement activity
- Targeting individuals

8.8.3 OFFICER RESPONSIBILITY (CALEA 61.1.8)

All investigative detentions, traffic stops, searches, seizures and arrests shall be based upon reasonable suspicion or probable cause.

It is not improper to target suspected criminals based on their conduct, nor is it improper to focus on a person of a particular race, ethnicity/national origin, gender, gender identity, sexual orientation, religion, socio-economic status, disability or other characteristics if the officer has suspect information.

Nothing in this policy shall prevent an officer from relying on an individual's actual or perceived race, ethnicity/national origin, gender, gender identity, sexual orientation, religion, socio-economic status, disability or other characteristics as a tool in the investigation of a crime or a violation of a law.

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.

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8.8.4 SUPERVISORY RESPONSIBILITY (CALEA 11.3.2)

Supervisors shall:

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

8.8.6 DISCIPLINE (CALEA 1.2.9c, 26.1.1)

The Louisville Metro Police Department (LMPD) neither condones, nor tolerates, profiling. Officers engaging in such conduct shall be subject to disciplinary action.

8.8.7 VEHICLE STOP REPORTING FORMS

Officers are required to complete a Vehicle Stop Reporting form for each, and every, traffic stop, regardless of whether a citation is written or an arrest is made. The only exceptions shall be motorist assists, road blocks and traffic accidents. If an eCitation is issued for a traffic accident, members shall check "Other" in the Disposition area of the Vehicle Stop Reporting form and enter "accident" in the box. This will remove the Vehicle Stop Reporting form information from the profiling matrix. Officers shall use the following descriptions for searches:

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

For traffic stops where a warning or a paper citation is issued in lieu of an eCitation, the officer shall complete an electronic Vehicle Stop Reporting form. A link to this form may be found on the right hand side of the LMPD Intranet. Officers shall complete the electronic Vehicle Stop Reporting form by the end of his/her tour of duty. If the officer conducts a stop while off-duty, the officer shall complete a Vehicle Stop Reporting form electronically by the end of his/her next tour of duty. Officers shall record the control number of the electronic Vehicle Stop Reporting form in the upper right hand corner of their paper citation.

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Subject: Profiling	

8.8.7 VEHICLE STOP REPORTING FORMS (CONTINUED)

Officers shall fill out the Vehicle Stop Reporting form, via the Kentucky Open Portal Solution (KYOPS) system, when using the eCitation system. A separate electronic version of the Vehicle Stop Reporting form must be submitted in lieu of the KYOPS version, if an eCitation is voided.

LMPD Training Block Bias, Racial Profiling and Cultural Sensitivity

LMPD Training Unit

LMPD Recruit training consists of four blocks of instruction that cover bias, racial profiling and cultural sensitivity. These blocks are:

- Community Wins (2 hours)
- Racial Profiling (3 hours)
- Tactics for Controlling Behavior: Respect for all People (7 hours)
- Tactics for Controlling Behavior: Ethical Behavior (7 hours)

The learning objectives are as follows:

2.2	Community Wins	2.0 hours
At the conclusion of this session, the student will be able to:		
	2.2.1	Interact with and distinguish members of the community whose culture and life experiences may be different from their own.
	2.2.2	In a classroom setting discuss and define the relationship between the Louisville Metro Police Department and the communities that make up Louisville Metro.
	2.2.3	Define the perception of the Louisville Metro Police Department and law enforcement in general from the viewpoint of the community collectively, as well as specific groups/individuals of the Louisville Metro population.
LOCATIN WITHIN SCHEDULE: Week 24		
Bibliography: #1		

2.3	Racial Profiling	3.0 hours
At the conclusion of this session, the student will be able to:		
	2.3.1	Identify and explain the LMPD Standard Operating Procedure as related to racial profiling.
	2.3.2	Identify the Federal and State Laws that apply to racial profiling.
	2.3.3	Define the terms “racial profiling” and “ethnic profiling” as it pertains to this section.
	2.3.4	Distinguish between racial / ethnic profiling and reasonable suspicion as it pertains to this section.
	2.3.5	Explain the importance of supervisory oversight as it relates to racial profiling.
	2.3.6	Explain the role that law enforcement played during the civil rights movement and the perceptions that were formed because of the actions of law enforcement.
	2.3.7	Define the history of racism in America.
	2.3.8	Participate in an analysis of the Equal Protection Clause of the 14 th Amendment of the Constitution of the United States.
LOCATION WITHIN SCHEDULE: Week 4		
Bibliography: #137 through #143		

8.1	Tactics of Controlling Behavior (TCB 1): Respect for All People (Wisdom)		7.0 hours
At the conclusion of this session, the student will be able to:			
	8.1.1	Identify the roles social/organizational systems play in societies.	
	8.1.2	Define the role of the criminal justice system of the United States.	
	8.1.3	Identify some of the fundamental issues and concerns surrounding the criminal justice system in the United States.	
	8.1.4	Define the ultimate goal of law enforcement in the United States.	
	8.1.5	Identify landmark events in law enforcement history leading to the practices and philosophies of modern day policing in the United States.	
	8.1.6	Identify the obstacles and challenges faced by law enforcement throughout its history.	
	8.1.7	Identify the different eras of law enforcement and how they have contributed to the philosophies and practices of modern day policing.	
	8.1.8	Explain the concept of Community Policing and Problem Solving.	
	8.1.9	Explain the future challenges facing law enforcement.	
	8.1.10	Explain the relationship between human interactions (episodes) and preserving the perception of justice.	
	8.1.11	Define the concept of organizational justice and its components (i.e. distributive, procedural, informational, and inter-personal justice).	
	8.1.12	Identify why perceptions of justice and protecting an individual's constitutional rights are important in nurturing police/community relations.	
	8.1.13	Define the philosophy of Tactics of Controlling Behavior (i.e. no ego/selflessness).	
	8.1.14	Define the concept of a plumb line.	
	8.1.15	Identify the practices in the "tenfold path".	
	8.1.16	Identify the principles of Tactics of Controlling Behavior (TCB).	
	8.1.17	Identify and explain the mission and values of the Louisville Metro Police Department, and how they guide the agency toward the accomplishment of its goals.	
	8.1.18	Explain the process of developing wisdom.	

	8.1.19	Distinguish between the two (2) types of wisdom. a. Natural b. Spiritual
	8.1.20	Explain how Maslow's Hierarchy of Needs illustrates our developmental process.
	8.1.21	Explain what it means to "move out of your comfort zone".
	8.1.22	Define how our attitudes and prejudices are learned and reinforced.
	8.1.23	Define practicing knowledge.
	8.1.24	Distinguish between the concepts of sensations and perceptions.
	8.1.25	Define the concept of "schemas".
	8.1.26	Identify our sources of obtaining knowledge.
	8.1.27	Explain how our culture contributes to our awareness of self and others, and the advantages/disadvantages of this process.
	8.1.28	Explain what it means to "relearn or retrain" ourselves.
	8.1.29	Define practicing attitude/intent.
	8.1.30	Define the components of an individual's attitude.
	8.1.31	Define the concept of cognitive dissonance.
	8.1.32	Define the concept of unconditional compassion, and explain why it is important in developing wisdom.
	8.1.33	Define the legal definition of "discrimination/profiling".
	8.1.34	Distinguish between "profiling" and "reasonable suspicion".
	8.1.35	Explain the equal protection clause of the 14 th Amendment of the Constitution of the United States.
	8.1.36	Identify the Federal Equal Employment Opportunity Laws, State Laws, and LMPD Standard Operating Procedures prohibiting job discrimination.
	8.1.37	Define the legal definition of "hate crimes".
	8.1.38	Identify Federal and State Laws prohibiting hate crimes.
	8.1.38	Identify the legal and moral consequences of discriminatory attitudes and behaviors (i.e. hate crimes) in police work and society.

	8.1.39	Explain/Summarize how the practices of wisdom apply to protecting against discrimination and hate crimes.
LOCATING WITHIN SCHEDULE: Week 4		
Bibliography: #1, #27, #60 through #69, #71, #77, #91 through #94		
8.2	Tactics of Controlling Behavior: Ethical Behavior	
		7.0 hours
At the conclusion of this session, the student will be able to:		
	8.2.1	Explain the process of developing ethical behavior.
	8.2.2	Explain how individuals develop "morals".
	8.2.3	Define and explain what it means to have "free will".
	8.2.4	Define what constitutes a "ethical dilemma".
	8.2.5	Identify how individuals make "ethical judgments".
	8.2.6	Identify the relationship between laws, ethical behavior, and perceptions of justice.
	8.2.7	Define practicing "purpose of duty".
	8.2.8	Define the fundamental characteristics of a "public servant/true professional".
	8.2.9	Define the duties and expectations of a public servant/police officer.
	8.2.10	Define the limitations of a police officer.
	8.2.11	Identify the stakeholders who may be affected by a police officer's decisions and actions.
	8.2.12	Define "practicing integrity of actions".
	8.2.13	Explain the importance of "critical thinking" in making an ethical decision.
	8.2.14	Identify the potential fallacies involved in critical thinking.
	8.2.15	Define the "Police Officer's Code of Ethics".
	8.2.16	Identify those factors that inhibit a police officer's commitment to the Code of Ethics.
	8.2.17	Identify those elements needed to support police officer's adherence to the Code of Ethics.
	8.2.18	Define "practicing responsibility to act".

	8.2.19	Identify why it can be unethical “not to act”.
	8.2.20	Define the theory of “normative ethics” (i.e. “look good”, “be good”).
	8.2.21	Explain how unethical conduct can be identified and determined and the measures that can be taken to address this type of conduct.
	8.2.22	Identify the four (4) don’ts of moral reasoning.
	8.2.23	Define and identify examples of police misconduct, and what conditions are needed to address police misconduct.
	8.2.24	Identify actions that an individual officer can take when witnessing misconduct.
LOCATIN WITHIN SCHEDULE: Week 4		
Bibliography: #1, #27, #60 through #69, #71, #77, #91 through #94		

8.3	Tactics of Controlling Behavior (TCB 1): Interpersonal Discipline & Communication	7.0 hours
At the conclusion of this session, the student will be able to:		
	8.3.1	Explain the process of developing “mental discipline” as it relates to interpersonal communication.
	8.3.2	Distinguish between the various forms of communication.
	8.3.3	Define the nature of interpersonal communication.
	8.3.4	Identify why it is important to develop effective interpersonal communication skills.
	8.3.5	Identify the goals of effective communication skills.
	8.3.6	Define “practicing awareness”.
	8.3.7	Define “message transfer” and identify its components.
	8.3.8	Define the nature of police/citizen relations.
	8.3.9	Define the concept of “No Ego” representation.
	8.3.10	Define “practicing intended message”.
	8.3.11	Define the process and actions of active listening.
	8.3.12	Explain why it is important to develop effective active listening skills.

	8.3.13	Explain why it is important to understand the power and influence of words.
	8.3.14	Explain why it is important to understand the power and influence of non-verbal cues.
	8.3.15	Identify the methods in which messages can be clarified.
	8.3.16	Define “practice desired response”.
	8.3.17	Define “human nature” as it relates to interpersonal communication.
	8.3.18	Define the nature and process of conflicts.
	8.3.19	Explain how the justice components are important in conflict resolution.
	8.3.20	Identify the different individual styles of conflict.
	8.3.21	Identify why it is important to develop effective response skills.
	8.3.22	Identify the various types of response skills.
	8.3.23	Identify the nature and process of persuasion.
	8.3.24	Identify the circumstances in which words must be replaced by actions (S.A.F.E.R.)
	8.3.25	Identify the process and components of effective communication.
	8.3.26	Demonstrate the ability to effectively read and understand the cultural and emotional context of a situation, as well as, non-verbal cues in a given situation.
	8.3.27	Demonstrate the ability to effectively resolve a conflict by using deflectors, effective response skills and persuasion.
LOCATIN WITHIN SCHEDULE: Week 4		
Bibliography: #1, #27, #60 through #69, #71, #77, #91 through #94		

This was also covered in LMPD's 2013 Mandated in-Service Training under the Ethics portion of the Roll-Call curriculum.

5	Roll Call Training	1.0 hours
During this session, the student will:		
	5.1	List the four steps of PASS to properly use a portable fire extinguisher.
	5.2	List two ways blood borne pathogens can be transmitted.
	5.3	List the four United States agencies that define and regulate hazardous materials.
	5.4	List three potential warning signs that could indicate an elderly person is being financially abused.
	5.5	Explain why ethics is an important part of a police officer's training.
Bibliography: #11, #12, #13, #14, #15, #16		

Racial Profiling Handout

Module B: Law Enforcement and Racial Profiling

Stereotypical and Criminal Profiles

Few people of any race or ethnic group are ever convicted of a crime. The difficulty for law enforcement is, of course, finding those few individuals who are the bad elements in society. Profiling is a tool that is used to help narrow the odds in the difficult identification process. By studying common criminal characteristics, profiling purports to be able to help identify those who are criminals. When used judicially, this may be the case. Profiling for serial killers seems to have been a fairly successful exercise, given the common characteristics demonstrated by particular types of serial killers. However, the serial killer is an atypical sort of criminal, and the commonality between serial killers tends to consist of environmental and behavioral factors. Profiling based on the marked biological factor of race is another matter.

The guiding rationale for racial profiling is simply too broad to support. There is nothing inherent in race that could support a claim that one race of people is more potentially criminal than any other. Any profile based upon race, then, is logically and ethically suspect. Racial profiling is a simplistic justification for racial bias or, at best, a misapplication of simplistic logic to a complex issue. Studies have demonstrated conclusively that racial profiling occurs, and that even when it "works," it is a dubious method that seriously erodes the goodwill between community and law enforcement essential to a healthy society.

Stereotypical images that work their way into law enforcement through the use of racial profiles may be reinforced by media stories that put undue stigma on innocent members of these groups. A team of researchers at UCLA has found that blacks and Hispanics are overly represented in TV news depictions of violent crime, while whites are not. Another social scientist has found that Asians are overly identified with Asian gangs. This general cultural bias, driven by the media, contributes to law enforcement's misapplication of criminal profiles to racial minorities.

Every incorrect traffic stop justified by a racially charged profile, even if cordial, is problematic in a free country. Over time, these unwarranted stops damage the reputation of the agencies involved. An article from the July 1998 issue of *Police Chief* reinforces the key issues for officers to remember in avoiding bias stops:

- Professional traffic enforcement is a vitally important tool that saves lives and reduces crime.
- Bias has no place in law enforcement, and traffic stops must be performed in a professional and fair manner.
- To stop and search an individual simply because of race, gender, or economic level is unlawful, unconstitutional, and should not be tolerated in any police organization.

KYOPS STOPS Form Procedures

KYOPS STOPS form procedure

1. Officers create an e-citation locally on the computer.
2. The stops form is only activated if the officer selects the options “traffic stop” at the beginning of the e-citation. This activation also performs the following options
 - a. Makes the e-citation a type one citation regardless of the charges.
 - b. Enables the only way vehicle information can be entered on an e-citation.
 - c. Mandates one of the charges be traffic related
 - d. And for LMPD only the stops form is made available once completing the basic e-citation
3. The following items are requested on the vehicle STOPS reporting form(from the e-citation user’s manual) [\\svfs08\lmpdgroup\\$\HomePage\Crime Analysis\MANUALS\KYOPS MANUALS](\\svfs08\lmpdgroup$\HomePage\Crime Analysis\MANUALS\KYOPS MANUALS)

E-Citation Wizard

VEHICLE STOP REPORTING FORM

Start Time: 17:33 End Time: 17:34

Type of Stop

- ☒ Traffic Violation
- ☐ Complaint/Criminal Violation
- ☐ Compliance Stop (KVE Only)

Type of License

- ☒ Instate
- ☐ Out-of-State

Race of Driver

- ☒ White
- ☐ Black
- ☐ Hispanic
- ☐ Amer. Indian/Alaskan
- ☐ Asian/Pacific Islander
- ☐ Middle Eastern

Location

- ☐ Interstate
- ☐ Parkway
- ☐ US Highway
- ☐ State
- ☒ County
- ☐ City
- ☐ Road: _____

of Passengers by Race

- 1 White
- Black
- Hispanic
- 1 Amer. Indian/Alaskan
- Asian/Pacific Islander
- Middle Eastern

Disposition

- ☐ No Action
- ☐ Arrest/Detention
- ☒ Citation Issued
- ☐ Written/Verbal Warning
- ☐ Summons Served
- ☐ Other: _____

Age of Driver

- ☐ Under 16
- ☐ 16 - 19
- ☐ 20 - 25
- ☐ 26 - 30
- ☒ 31 - 40
- ☐ 41 - 50
- ☐ 51 - 60
- ☐ Over 60

Searched: ☐ Yes ☒ No

Results: ☐ Positive ☒ Negative

Reason for Search: _____

Ready...

Display Save Cancel < Back Next > Print

Start Time: Time is automatically completed based on the start of the citation

End Time: Time is grayed out until you tab the “NEXT” button, then it is auto completed

Type of Stop

- Traffic Violation: Auto completed based on traffic stop being selected from the first page. You may manually update this field as necessary.
- Complaint/Criminal Violation: Select if stop was generated from complaint or investigation of criminal activity. You may manually update this field as necessary.
- Compliance Stop: Used only by DOT certified Stops. You may manually update this field as necessary.

Type of License

- In state, Out-of-State: Issued state of the driver's license is pre-filled based on your selections when writing the citation. You may manually update this field as necessary.

Gender of Driver

- Male, Female: Gender of the driver is pre-filled based on your selections when writing the citation. You may manually update this field as necessary.

Race of Driver

- White, Black, American Indian, Asian, Middle Eastern: Race is pre-filled based on your selections when writing the citation. You may manually update this field as necessary.
- Hispanic: Hispanic is pre-filled based on your selections when writing the citation. This will over-ride your race selection and just list Hispanic on the Vehicle Stop reporting Form. You may manually update this field as necessary.

Location

- Interstate, Parkway, US Highway, State, county, City Roadway: Roadway Type is pre-filled based on your selections when writing the citation. You may manually update this field as necessary.
- Road: If one of the other location choices is not appropriate, select "road" and provide the information desired in free form text box.

Number of Passengers by Race

- White, Black, Hispanic, American Indian, Asian, Middle Eastern: Numerically indicate quantity of passengers by race occupying the vehicle at the time of stop. (Note do not count the driver, in this equation)

Disposition

- No Action: Should never be checked, this form is only available through E-citation when a traffic ticket or traffic based arrest or summons is initiated.
- Arrest/Detention: Only check if Physical arrest is made based out of a traffic stop. You may manually update this field as necessary.
- Citation issued: This is pre-filled based on your initial selection of traffic stop from the first page. This is used for all Traffic, and "Citation Arrest" situations based out of a traffic stop. You may manually update this field as necessary.
- Written Verbal Warning: Should never be checked, this form is only available through E-citation when a traffic ticket or traffic based arrest is initiated.
- Summons Served: Should never be checked, this form is only available through E-citation when a traffic ticket or traffic based arrest is initiated. Summons needs to be a separate citation and should not be incorporated with the Traffic Stop Selection from the Preliminary page.
- Other: If one of the other Dispositions choices is not appropriate, select "Other" and provide the information desired in free form text box. (Example: "Arrest Warrant" which could be added to fresh charges arising from a Traffic Stop.)

Age of Driver

Age: This is pre-filled based on your initial selection of traffic stop from the driver's information page. You may manually update this field as necessary.

Searched

- Yes or No: "No" is pre-filled automatically, if you searched the vehicle select "Yes", and the grayed out boxes below will become available. A "Terry Stop/Pat Down" of an occupant outside of the car does merit a "Yes", only a physical search of the vehicle.
- **Results:** Based upon the search of the vehicle only was contraband located.
- **Reason for Search:** establish a brief summary of reasons for the search. (Examples: "Plain view Seizure", "Consent", "Probable Cause" etc.)

4. Once an e-Citation is completed it remains on the user's computer until transmitted. Transmission is a manual process. The user selects transmit and enters a username and password. The files are moved from the local machine via a file transfer process. Upon reaching the state message switch, the files are forwarded to the state repository, AOC, DOT, and returned to LMPD and imported into ILEADS.
5. Once the files have been received on LMPD's import server (currently SRVHQBIZTALK) they are decrypted and moved to the ILEADS server. Once on the ILEADS server they are held until processed (usually under 5 minutes). The files that are processed without errors are moved to the processed folder, files that error out are moved to the error folder. Record will routinely review the files in the error folder and reprocess them or enter them by hand.
6. Data imported into ILEADS from stops form not obtainable from cited driver (reference above)
 - a. START and END times
 - b. Number and race of passengers
 - c. Dispositions (value 0 means citation or other chosen, 1 means arrest) and data of the "Other" text field
 - d. Searched yes or no
 - e. Results yes or no
 - f. Reason for search text

Sharepoint STOPS Form

Sharepoint STOP form Physical Arrest Options									
Arrest	Citation Control Number	Incident Number	Officer's AOC Code Number	Date of Stop	Time of Stop	Type of Stop	Division	Beat	Gender of Driver
	Text Box	Yes/No If yes: enter number	Text Box	Text Box	Text Box	Complaint/Criminal Violation Compliance Stop (KVE ONLY) Traffic Violation	1-8 Non LMPD	1-6 Non-LMPD	Male/Female

Race	Ethnicity	Age	Passengers in Vehicle	Was Vehicle Searched
White	Hispanic/Non Hispanic	Under 16	Yes/No	Yes/No
Black		16-19	If yes: Enter Number of Passengers	If yes:
Alaskia Native		20-25		Reason for Search:
American Indian		26-30		Consent
Indian/India/Burmese		31-40		Terry Stop / pat-down
Middle Eastern Descent		41-50		Incident to Arrest
Asian/Pacific Islander		51-60		Probable Cause
		Over 60		Other
				Search Positive
				Yes/No

Sharepoint STOP form Citation Options									
Citation	Citation Control Number	Incident Number	Officer's AOC Code Number	Date of Stop	Time of Stop	Type of Stop	Division	Beat	Gender of Driver
	Text Box	Yes/No If yes: enter number	Text Box	Text Box	Text Box	Complaint/Criminal Violation Compliance Stop (KVE ONLY) Traffic Violation	1-8 Non LMPD	1-6 Non-LMPD	Male/Female

Race	Ethnicity	Age	Passengers in Vehicle	Was Vehicle Searched
White	Hispanic/Non Hispanic	Under 16	Yes/No	Yes/No
Black		16-19	If yes: Enter Number of Passengers	If yes:
Alaskia Native		20-25		Reason for Search:
American Indian		26-30		Consent
Indian/India/Burmese		31-40		Terry Stop / pat-down
Middle Eastern Descent		41-50		Incident to Arrest
Asian/Pacific Islander		51-60		Probable Cause
		Over 60		Other
				Search Positive
				Yes/No

Sharepoint STOP Form Warning Options					
Warning	Incident Number	Officer's AOC Code Number	Date of Stop	Time of Stop	Type of Stop
	Yes/No If yes: enter number	Text Box	Text Box	Text Box	Complaint/Criminal Violation Compliance Stop (KVE ONLY) Traffic Violation
					Division 1-8 Non LMPD

Race	Ethnicity	Age	Passengers in Vehicle	Was Vehicle Searched
White	Hispanic/Non Hispanic	Under 16	Yes/No	Yes/No
Black		16-19	If yes: Enter Number of Passengers	If yes:
Alaska Native		20-25		Reason for Search:
American Indian		26-30		Consent
Indian/India/Burmese		31-40		Terry Stop / pat-down
Middle Eastern Descent		41-50		Incident to Arrest
Asian/Pacific Islander		51-60		Probable Cause
		Over 60		Other
				Search Positive
				Yes/No