



## St. Matthews Police Department

August 1, 2018

To All Members:

The purpose of the Standard Operating Procedures is to explain the organizational structure, policies, and procedures of the St. Matthews Police Department. Policies are broadly stated principles and values intended to guide members in the performance of their duties in conformity with department objectives. Procedures are methods of performing police activities to achieve an objective. Procedures may be general or specific in nature. Each member will be familiar with the Standard Operating Procedures Manual and adhere to its directives. These procedures do not and cannot address every situation that a member may encounter in the performance of their law enforcement duties. If a member encounters a situation that is not covered by policy, procedure, or training, the member will be expected to exercise sound judgment and act in accordance with the Department's Mission Statement and Core Values.

There may be times when it is necessary for a member to take action that may not fully comply with a stated policy or procedure. In such situations, the member will be required to justify the deviation from stated policy or procedure and those actions will be subject to strict review.

Adherence to these procedures will ensure the Department's mission to provide professional services, fairly and ethically at all times, to all people, in order to prevent crime, control crime, and promote community involvement on all levels.

Sincerely,

A handwritten signature in blue ink, appearing to read "BSW", with a horizontal line extending to the right.

Barry S. Wilkerson  
Chief of Police

### **Vision Statement**

The St. Matthews Police Department strives to maintain a safe environment to protect the unique character of the community, its residents, and visitors through service-oriented proactive policing.

### **Mission Statement**

The St. Matthews Police Department provides high quality services to a community which values public safety through professional, proactive and innovative police services.

### **Service Oriented Policing**

We will provide service-oriented policing to all people of the St. Matthews Community with a genuine concern for those we serve by creating partnerships and exceeding their expectations.

### **Making Ourselves Accountable**

We will make ourselves accountable in all facets of our job through moral, ethical and legal policing.

### **Proactive Policing with Pride and Professionalism**

We will proactively police with humble pride and professionalism to keep our community safe.

### **Dedicated to Community and Law Enforcement Profession**

We will be dedicated to the St. Matthews community and the law enforcement profession by utilizing cutting-edge practices and methods.

## **Code of Ethics**

As a Peace Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; 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 in both personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession – law enforcement.

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**St. Matthews Police Department  
Standard Operating Procedures  
Department Organization and Structure**

**DEPARTMENT ORGANIZATION AND STRUCTURE**

<b>Effective: 09/01/2018</b>	<b>Revised: 04/15/2022</b>	<b>KACP Standards: 1.6</b>
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**1.0 JURISDICTION**

The primary jurisdiction of the St. Matthews Police Department (Department) is contained within the geographical boundaries of the City of St. Matthews and Jefferson County, Kentucky, as currently incorporated.

The Department has the primary responsibility of providing all police services within St. Matthews, Kentucky. The Department provides full law enforcement emergency services to the citizens it serves 24 hours a day, 365 days per year. Officers are authorized to enforce all applicable laws and ordinances within the boundaries of St. Matthews, Kentucky.

<b>Effective: 09/01/2018</b>	<b>Revised: 04/15/2022</b>	<b>KACP Standards:</b>
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**1.1 MUTUAL AID**

Officers may have the authority to enforce the law outside of this department’s jurisdiction under an existing mutual aid agreement or an emergency mutual aid request. Officers will be made aware of current mutual aid agreements between this department and other jurisdictions through the dissemination of department general orders.

Each contractual agreement between this department and another government will be based on a need for law enforcement services. All requests for contractual agreements will be reviewed by the agency’s legal counsel and the Chief of Police or their designee. The responsibility for scheduling the details of the contractual agreements belongs to a commanding officer designated by the Chief of Police.

Regardless of any mutual aid agreement, an officer may make arrests and issue citations anywhere within Jefferson County, Kentucky.

<b>Effective: 09/01/2018</b>	<b>Revised: 04/15/2022</b>	<b>KACP Standards: 19.2</b>
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**1.2 OUTSIDE AGENCIES**

If an officer needs to serve an arrest warrant elsewhere in the Commonwealth, they will notify the primary law enforcement agency of that jurisdiction to make the arrest. After the arrest, they should transport the prisoner back to Jefferson County.

An officer may assist another Kentucky law enforcement agency in any matter within the other agency’s jurisdiction when officially requested. If practical, the request will be forwarded to the Chief’s office for approval. Once officially requested, the officer will have full arrest powers in the jurisdiction where they are assisting.

Jurisdiction Exceptions:

- Incidents occurring within the jurisdiction of the Louisville Metro Department of Corrections. Officers will assist when requested to do so by a competent authority.
- Airplane crashes where agencies are subject to a mutual aid agreement, inter-local agreement, or through the state, government invocation of the Interstate Assistance Compact.
- Violations of federal law whereby federal law enforcement authorities have decided or are obligated to exercise jurisdiction. Note, in some case cases the authority of a federal officer exceeds that of local law enforcement and officers assisting will not act beyond their lawful authority i.e., enforcement of immigration laws or customs searches.

Real property that is **leased by** the federal government within this jurisdiction is subject to the concurrent jurisdiction of this department and the federal government. Real property that is **owned by** the federal government falls under the exclusive jurisdiction of the federal government. An officer should verify the controlling jurisdiction before taking police action on federal property.

All requests for routine assistance may be approved by the shift supervisor or initiated by dispatch, as necessary. Louisville Metro Police Department will be the primary agency for specialized assistance. Heavy or specialized equipment is available by contacting Louisville Metro Disaster and Emergency Services.

The Chief of Police or their designee will approve all requests from other agencies for assistance in major events. Officers assigned to assist in a mutual aid response will respond to the command post or assembly area as requested and will be under the direct command of the Incident Commander at the scene until relieved or dismissed.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 12.1</b>
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**1.3 RELATIONSHIPS WITH OTHER AGENCIES**

The Chief of Police or their designee will maintain liaison with outside agencies through regular attendance of various joint meetings. Members will cooperate with other agencies and keep the channels of communication open.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2,19.5</b>
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**1.4 STATE OR FEDERAL ASSISTANCE**

Any member may request federal assistance with the approval of an Executive Commander. The Mayor, Acting Mayor, and/or Chief of Police may request assistance from the National Guard by calling the Governor's Office.

All requests for routine assistance may be approved by the shift supervisor or initiated by dispatch, as necessary. Louisville Metro Police Department will be the primary agency for specialized assistance. Heavy or specialized equipment is available by contacting Louisville Metro Disaster and Emergency Services.

The Chief of Police or their designee will approve all requests from other agencies for assistance in major events. Officers assigned to assist in a mutual aid response will respond to the command post or assembly area as requested and will be under the direct command of the Incident Commander at the scene until relieved or dismissed.

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<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2</b>
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## **2.0 DEPARTMENT POSITION RESPONSIBILITIES**

The Department consists of sworn and non-sworn personnel that includes the Chief of Police, Executive Command Staff, Sergeants, Detectives, Officers, Telecommunicators, Executive Assistant, and Support Personnel. This policy defines the general description of the qualifications and job duties of each position within the Department.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2</b>
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## **2.1 EXECUTIVE COMMAND STAFF**

The Executive Command Staff consists of the Chief of Police, Operations Bureau Commander, and Support Bureau Commander.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,4.1</b>
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### **2.1.1 CHIEF OF POLICE**

The City of St. Matthews has established, by ordinance, the non-elected office of Chief of Police. The Mayor, with approval of the council/commission, shall appoint the Chief of Police, a Colonel. The Chief of Police manages and directs the operations of the police department, and ensures that all functions are legally, effectively, efficiently, and safely performed. The Chief of Police shall have, and exercise, all powers, and duties assigned by statute, ordinance, as well as other municipal responsibilities that are delegated. The Chief of Police shall be responsible for supervising and participating in the daily law enforcement activities of the Department. They will also oversee the administrative activities of the Department.

Qualifications of the Chief of Police include, but are not limited, to the following:

- Sworn officer with leadership experience;
- Ability to plan, direct, and supervise activities of the Department;
- Exercise wide discretion in the administration of Department activities and personnel;
- Be knowledgeable of the recruitment and selection process; and
- Be familiar with standards by which the quality of police services is evaluated.

Job duties and responsibilities of the Chief of Police include, but are not limited to, the following:

- Ensure enforcement of the law through preservation of the peace, protection of life and property;
- Manage department resources to achieve goals, and objectives, efficiently and effectively;
- Direct all functions and operations of the Department;
- Planning, preparation, and oversight of the Department budget process. including review and approval of department expenditures;
- Serve as a liaison between the Mayor and the Department; and
- Maintain memberships in professional organizations such as the International Association of Chiefs of Police.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,4.2</b>
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**2.1.2 ABSENCE OR DISABILITY OF THE CHIEF OF POLICE**

In the case of a temporary absence or disability of the Chief of Police, they will designate an Acting Chief of Police from the Executive Command Staff. If no one from the Executive Command Staff is available to serve as Acting Chief of Police, the Senior Sergeant will serve as Acting Chief of Police, or another ranking officer designated by the Chief of Police.

The Acting Chief of Police will have all the duties and powers conferred by statute and city ordinance upon the Chief of Police until relieved by a competent authority. The Acting Chief of Police will not change any department policy or procedure without permission from the regularly appointed Chief of Police.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,4.1</b>
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**2.1.3 SUPPORT BUREAU COMMANDER**

The Support Bureau Commander will be a Major appointed by the Chief of Police. The Support Bureau Commander will report directly to the Chief of Police and is responsible for, and oversees, the following areas within the Department:

- Telecommunications
- Administration
- Evidence
- Criminal Investigations Division (CID)
- Internal Affairs

Qualifications of the Support Bureau Commander include, but are not limited to, the following:

- Sworn officer with leadership experience;
- Ability to plan, direct, and supervise activities of the Department;
- Exercise wide discretion in the administration of department activities and personnel;
- Be knowledgeable of the recruitment and selection process;
- Be familiar with civilian members' benefits;
- Be knowledgeable of Open Records Laws; and
- Be proficient with procedures for handling requests for open records.

Job duties and responsibilities of the Support Bureau Commander. They include, but are not limited to, the following:

- Assist in planning, preparation, and oversight of the department budget, including review and approval of department expenditures;
- Investigate complaints and conduct internal affairs investigations as directed by the Chief of Police;
- Serve as the front office manager for civilian members;
- Maintain a Standard Operating Procedure, on the department computer network, making and distributing changes and updates as needed.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2,14.3</b>
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**2.1.4 OPERATIONS BUREAU COMMANDER**

The Operations Bureau Commander will be a Major appointed by the Chief of Police. The Operations Bureau Commander will report directly to the Chief of Police and is responsible for, and oversees, the following areas within the Department:

- Patrol
- Operational Details
- Training
- SWAT

Qualifications of the Operations Bureau Commander include, but are not limited, to the following:

- Sworn officer with leadership experience;
- Ability to assume the duties of the Chief of Police in their absence;
- Knowledgeable of city ordinances and rules;
- Proficiency in public speaking;
- Ability to interact with a wide variety of community-based groups and government organizations;
- Ability to work independently;
- Serve as the Training Coordinator; and
- Knowledgeable of department policy, procedures, goals, and objectives.

Job duties and responsibilities of the Operations Bureau Commander are the same as sergeants. They include, but are not limited to, the following:

- Assist the Chief of Police in all phases of the administration of the Department;
- Respond from an on-call status when requested;
- Create, review and revise department policy and procedure as necessary;
- Make assignments, hold regular meetings with, and conduct an annual inspection of members within their division;
- Enforce department rules and regulations to ensure compliance with policy and procedure;
- Provide for community relations and represent the Department at community and government functions;
- Participate in the hiring and promotion process;
- Conduct research projects and complete reports commensurate with upper management; and
- Maintain memberships in professional organizations such as the Kentucky Association of Chiefs of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.2 ADMINISTRATIVE STAFF**

The Administrative Staff consists of the Department Resource Officer and the Executive Assistant who report directly to the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.2.1 DEPARTMENT RESOURCE OFFICER**

The Department Resource Officer (DRO) is a sworn officer who reports directly to the Chief of Police.

Qualifications of the DRO are the same as a patrol officer and, also include, but are not limited, to:

- Knowledge of crime prevention techniques;
- Proficient in public speaking;
- Ability to interact with a wide variety of community-based groups and organizations from pre-school age children to senior citizens;
- Ability to work independently; and
- Knowledgeable of department goals and objectives.

The DRO performs the same work as Patrol Officers. The DRO also has additional duties, that include, but are not limited to the following:

- Provides community relations and represents the Department at community functions;
- Attends neighborhood association meetings and school events;
- Creates and presents group-specific materials and programs that address crime prevention in the community;
- Performs business and residential security survey;
- Educates businesses about proper notification and posting of address numbers; and
- Serves as a liaison between the Department and businesses, or residences, with persistent alarm issues.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2</b>
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### **2.2.2 EXECUTIVE ASSISTANT TO THE CHIEF OF POLICE**

The Executive Assistant to the Chief of Police is a non-sworn position that reports directly to the Chief or their designee. The Executive Assistant will also serve as the Criminal Records Clerk.

Qualifications of the Executive Assistant include, but are not limited, to the following:

- Ability to serve as administrative assistant to the Executive Staff Officers;
- Ability to maintain documentation on investigations of a confidential or sensitive nature, including internal affairs investigations;
- Knowledgeable of the Health Information Privacy and Protection Act; and
- Knowledgeable of the open records and records retention policy and procedure.

Job duties and responsibilities of the Executive Assistant include, but are not limited, to the following:

- Serve as administrative/executive assistant to the Executive Staff Officers;
- Maintain confidential files, including, background, internal affairs, and medical files of department personnel;
- Assist Executive Staff Officers in the hiring and promotion process;
- Maintain department archives and historical files;
- Purge records according to the Kentucky Record Retention Schedule;
- Type and distribute traffic complaint forms;
- Compile and submit monthly court pay records;
- Order department supplies; and
- Serve as a notary.

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**2.3 PATROL DIVISION**

The Patrol Division falls under the Operations Bureau Major. The Patrol Division includes three (3) platoons. Each platoon is staffed with two (2) sergeants and patrol officers.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.3.1 PATROL SERGEANT**

Patrol Sergeants are assigned to 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Platoon and report to the Operations Bureau Major. Sergeants will work a ten (10) hour shift, four (4) days a week. Patrol Sergeants will have at least two (2) years of full-time service as a Class A Patrol Officer, with the Department, before being eligible to take the promotional exam. If there is a separation of service, an additional two (2) years of service are still required to be eligible for the promotional exam upon return.

Qualifications of Patrol Sergeant are the same as a patrol officer and, also include, but are not limited, to the following:

- Meet the requirements of the Police Officer Professional Standards Act administered by the Kentucky Law Enforcement Council;
- Knowledge of the City of St. Matthews Handbook;
- Knowledge of Standard Operating Procedures; and
- Leadership and management abilities.

Job duties and responsibilities of a Patrol Sergeant are the same as a patrol officer and, also include, but are not limited, to the following:

- Direct supervision of the tactical operations, conduct, appearance, and performance of personnel assigned under their command;
- Managing personnel;
- Reviewing reports, case files, and other documentation; and
- Writing performance reviews.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2,13.1</b>
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**2.3.2 PATROL OFFICERS**

Patrol Officers are assigned to 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Platoon and report to a Patrol Sergeant. Patrol Officers will work a ten (10) hour shift, four (4) days a week. A Patrol Officer will have a Class B classification from their hire date until the completion of their probationary period. A Patrol Officer receives Class A status upon completion of their probationary period.

Qualifications of Patrol Officer include, but are not limited, to the following:

- Meet the requirements of the Police Officer Professional Standards Act administered by the Kentucky Law Enforcement Council;
- Knowledge of federal, state, local laws, and ordinances, including court decisions and case law;
- Knowledge of department policy and procedures;
- Ability to provide credible testimony in criminal and civil cases;
- Effective communication skills;

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- Reading and writing proficiency;
- Ability to be objective, professional, respectful, and able to exercise discretion when appropriate;
- Ability to act calmly and quickly under stressful conditions;
- Ability to respond appropriately to active resistance;
- Proficiency in the use of approved lethal and less-lethal weapons; and
- Proficiency in vehicle operations and emergency response driving.

Job duties and responsibilities of a patrol officer include, but are not limited, to the following:

- Respond to calls for service;
- Foot patrol;
- Operate police vehicle while on patrol;
- Observe for and address violations of criminal or traffic laws through the issuance of warnings, citations, or by making a physical arrest;
- Conduct criminal and collision investigations and interview victims, witnesses, and perpetrators or suspects;
- Photograph, collect, document, and store evidence;
- Document investigations and complete accurate and thorough reports;
- Provide conflict resolution, dispute mediation, and make referrals to other agencies or organizations for additional assistance;
- Assist victims to obtain emergency protective orders or file a criminal complaint;
- Gain control of situations and/or persons and, if necessary, use reasonable force to subdue individuals, make arrests, and transport prisoners; and
- Participate in court proceedings.

Part-time officers will have the same qualifications, job duties, and responsibilities as full-time officers. Part-time officers will be assigned to patrol on an “as needed” basis. Part-time officers do not accrue seniority, will not be considered for promotional positions, or a full-time position unless they have applied for a full-time position. If an officer becomes full-time after part-time employment, the seniority date will be the first day of full-time employment.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,14.5</b>
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**2.3.3 FIELD TRAINING OFFICER (FTO)**

A Field Training Officer (FTO) will be a Class A Patrol Officer and meet the same requirements as a Patrol Officer. At the time of assignment as an FTO, they will not have any disciplinary action (other than a Letter of Reprimand for an accident), or no more than one (1) chargeable vehicle collision within the previous twelve (12) months. FTOs are assigned to the 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Platoon, in the Operations Bureau, or other assignments at the discretion of the Chief of Police. FTOs report to a Patrol Sergeant and will work a ten (10) hour shift, four (4) days a week.

Qualifications of an FTO are the same as a Patrol Officer. In addition, an officer serving as an FTO will have attended a certified FTO/PTO course. Further, An FTO is expected to maintain a superior level of performance and function as a mentor and role model for new and lateral hires.

Job duties and responsibilities of an FTO are the same as a patrol officer. However, an FTO is expected to be well versed in department policy and procedure to better instruct new and lateral hires.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2,14.5</b>
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**2.3.4 CANINE HANDLER**

A Canine Handler will be a Class A Patrol Officer and meet the same requirements as a Patrol Officer. A Canine Handler will be assigned to the Operations Bureau and report to a Patrol Sergeant. A Canine Handler’s primary duty is patrol. The canine duties are secondary. A Canine Handler will be assigned to a platoon and will work the same hours as those worked by the platoon to which they are assigned.

Canine handlers will receive overtime for any hours worked, more than forty (40) hours, in a workweek. Compensation for the care of the canine is one (1) hour per scheduled workday of a four (4) day work schedule.

Qualifications of a Canine Handler are the same as a Patrol Officer; and include, but are not limited to, the following:

- Ability to multi-task;
- Work a varied schedule, if needed;
- Ability to be on-call;
- Knowledge of laws, policy, and procedures, concerning the use of canines, in the areas of search and seizure and use of force;
- Knowledge of canine certifications and training standards;
- Knowledge of the care, grooming, and basic preventive veterinary techniques involving canines; and
- All other responsibilities as outlined in SOP Chapter 34.

Job duties and responsibilities of a Canine Handler are the same as a Patrol Officer; and include, but are not limited to, the following:

- Responding, from an on-duty or on-call status, to assist in the location of suspects, evidence, and lost/missing persons with an assigned canine;
- Conducting building searches with an assigned canine;
- Using assigned canine to conduct sniffs of inanimate objects, including vehicles, in a public place, to detect contraband; and
- Any/all other uses of assigned canine as outlined in SOP Chapter 34.

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**2.4 CRIMINAL INVESTIGATION DIVISION (CID)**

CID is a part of the Support Bureau. CID consists of a sergeant and detectives. Detectives assigned to CID will investigate crimes that are serious, complex in nature, and/or directed by the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.4.1 CID SERGEANT**

The CID Sergeant will meet the same requirements as other sergeants. The CID Sergeant will report to the Support Bureau Commander. The CID Sergeant will work an eight (8) hour shift, five (5) days a week. The CID Sergeant will review all offense reports and assign cases requiring further investigation to a Detective. The CID Sergeant will update the Department Case Management database with all case assignments, case status, and supplement reports completed by detectives. The CID Sergeant will generate a monthly report of all open cases for review by the Support Bureau Commander.

Qualifications of the CID Sergeant are the same as detectives and sergeants; and include, but are not limited to, the following:

- Case review,
- Supervision, and
- Management.

Job duties and responsibilities of the CID Sergeant are the same as detectives and sergeants. They include, but are not limited to, the following:

- Serve as a liaison and as a conduit for information exchange with other agencies;
- Maintain department intelligence files;
- Identify opportunities for detectives to attend advanced training;
- Assist the Training Coordinator to provide information and advanced training to members;
- Assist officers and the Evidence Officer to monitor that evidence in the Property Room is properly logged, stored, and disposed of promptly and consistent with department policy and procedure;
- Assist officers and the Evidence Officer to coordinate and document forfeiture proceedings;
- Manage case assignments and review monthly statistics; and
- Conduct investigations of a confidential or sensitive nature.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,14.5</b>
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#### **2.4.2 DETECTIVE**

Detectives will be a Class A Patrol Officer, preferably, with prior investigative experience or experience gained through participation in the CID rotation (temporary duty assignment to CID). Detectives are assigned to CID, or other assignments directed by the Chief, and report to the CID Sergeant. Detectives will work a forty (40) hour workweek schedule to be determined by the CID Sergeant.

Qualifications of a detective are the same as a Patrol Officer; and include, but are not limited to, the following:

- Ability to multi-task and prioritize a large caseload;
- Able to work long hours and participate in an on-call rotation;
- Knowledge of, and proficient in, advanced interview and interrogation techniques, evidence collection, and investigation procedures;
- Knowledge of the legal requirements and policy and procedure when working with confidential informants; and
- The ability to maintain the confidentiality of investigations.

Job duties and responsibilities of a detective are the same as a Patrol Officer and include, but are not limited to, the following:

- Responding to callouts and assisting officers with serious, complex, or time-consuming investigations
- Analyze and process evidence;
- Create and distribute wanted flyers;
- Perform surveillance activities;  
Take copious field notes and incorporate them into a detailed supplemental report;
- Maintain regular contact and exchange information with other agencies;
- Identify patterns of crime that will help to better allocate resources to solve cases and enhance crime prevention efforts;
- Work closely with victims to keep them informed of developments in their case; and
- Present cases to the court for prosecution and see them through final disposition.

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**2.5 SUPPORT ADMINISTRATIVE UNIT**

The Support Administrative Unit consists of the Administrative Sergeant who reports to the Support Bureau Commander. This Unit is responsible for information technology, fleet, and other various administrative components of the Department.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.5.1 ADMINISTRATIVE SERGEANT**

The Administrative Sergeant will be assigned to the Support Bureau and report to the Support Bureau Commander. The Administrative Sergeant will work an eight (8) hour shift, five (5) days a week.

Qualifications of the Administrative Sergeant are the same as sergeants and include, but are not limited to, the following:

- Knowledge of, and proficient in, basic computer software and hardware functionality and
- Knowledge of the Kentucky Open Portal Solution (KYOPS) management, policy, and procedure.

Job duties and responsibilities of the Administrative Sergeant include, but are not limited to, the following:

- Supervise the Department’s technology infrastructure (computer network, telephone systems, etc.) and maintain service;
- Function as a liaison with other agencies to ensure department compliance with mutual aid agreements;
- Manage administrative projects assigned by the Chief of Police or Support Bureau Commander; and
- Manage the Department’s fleet operations.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.6 PROPERTY/EVIDENCE UNIT**

The Property/Evidence Unit consists of the Evidence Officer and the backup Evidence Officer. This Unit is responsible for the handling, storage, and disposal of evidence and property including facilitating forensic testing.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.6.1 EVIDENCE OFFICER**

The Evidence Officer is responsible for logging evidence and maintaining the property room per Kentucky Revised Statutes. The Evidence Officer will report to the Support Bureau Commander.

Qualifications of the Evidence Officer are the same as a Patrol Officer; and include, but are not limited to the following:

- Knowledge of federal, state, and local laws regarding property and evidence and
- Knowledge of federal and state rules and regulations concerning seizure and forfeiture of assets.

Job duties and responsibilities of the Evidence Officer include, but are not limited to, the following:

- Maintaining an inventory and database of all department-owned property;



- Maintaining an inventory and database of all department seized/found property;
- Coordinate and assist with propertyroom.com to dispose of property;
- Record and securely store evidence and property logged into the Property Room; ensuring that the chain of custody is maintained;
- Conduct regular inspections of the Property Room and update the disposition of evidence or seized property for disposal;
- Prepare court orders for the disposition of firearms, money, narcotics, and other evidence or seized property; and
- Mail notification letters to property owners.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.7 TELECOMMUNICATIONS**

Telecommunications/Radio Room/Dispatch also referred to as telecommunicators/dispatchers, fall under the Support Bureau and are a vital part of police operations. They are responsible for receiving calls, dispatching officers, open record requests, maintenance of the LINK/NCIC files, and providing officers with pertinent information from various law enforcement and court record management systems.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.7.1 TELECOMMUNICATIONS SUPERVISOR**

The Telecommunications Supervisor will meet the same requirements as a Telecommunicator. The Supervisor will report directly to the Support Bureau Commander.

Qualifications of a Telecommunications Supervisor are the same as a Telecommunicator and include, but are not limited to, the following:

- Knowledge of Open Records Law and proficient with procedures for handling requests for open records;
- Familiar with the Kentucky Records Retention Schedule; and
- Knowledge of Kentucky Open Portal Solution (KYOPS) electronic reporting system.

Job duties and responsibilities of a Telecommunications Supervisor are the same as a Telecommunicator and include, but are not limited to, the following:

- Responsible for the Terminal Agency Coordinator and all LINK/NCIC operations including maintaining updated user agreements, messages, and validation letters;
- Attend LINK/NCIC meetings and conduct training on new policies and procedures;
- Serve as an administrator for the KYOPS electronic reporting system;
- Serve as an administrator and trainer for E-warrants and court process paperwork including arrest warrants, bench warrants, and summons;
- Serve as an administrator and trainer for the Department telephone system;
- Receive and process open records requests;
- Make copies of audio and video media for investigations;
- Coordinate and create civilian member schedules; and
- Serve as a notary.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.7.2 TELECOMMUNICATORS**

Telecommunicators will meet the requirements of the Telecommunicator Professional Standards administered by the Kentucky Law Enforcement Council. Telecommunicators are assigned to the 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> shift or a flexible schedule and report to the Telecommunications Supervisor.

Qualifications of a Telecommunicator include, but are not limited to, the following:

- Ability to multi-task and prioritize multiple incoming calls for service and requests from members and the public;
- Ability to operate department telephones and 911 equipment, CAD system, LINK/NCIC terminal, two-way radio system, and Microsoft Office computer programs;
- Knowledge of city boundaries and geography;
- Knowledge of the Department’s organizational structure and, policy and procedure;
- Good interpersonal skills;
- Proficiency in reading and writing;
- Ability to listen and comprehend;
- Ability to be objective, professional, respectful, and exercise discretion when appropriate;
- Ability to act calmly and quickly under stressful conditions; and
- Ability to work independently and maintain confidential information.

Job duties and responsibilities of a Telecommunicator include, but are not limited to, the following:

- Answer and transfer incoming calls;
- Prioritize and dispatch calls for service;
- Operate department telephones and 911 equipment, CAD system, LINK/NCIC terminal, two-way radio system, and Microsoft Office computer programs;
- Maintain awareness of officer activity to ensure officer safety;
- Assist officers with requests for information on individuals, property, and vehicles; and
- Perform general clerical and office duties including data entry and filing.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.8 OTHER SUPPORT PERSONNEL**

The Department appreciates and acknowledges the significant role of all support personnel; including the Chaplain and Medical Director/Advisor. Their guidance during difficult and tragic situations allows others to focus on their tasks.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.8.1 CHAPLAIN**

A Chaplain will be selected by, and report to, the Chief of Police.

Qualifications of a Chaplain include, but are not limited to, the following:

- A recognized minister of a church;
- Knowledge of religious principles, services, and tenets;

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- Able to conduct funerals, weddings, and other religious-affiliated services for the Department and its members;
- Knowledge of department policy and procedure;
- Knowledge of community programs and resources;
- Proficient in public speaking;
- Able to interact with a wide variety of community-based groups and government organizations; and
- Able to provide confidential counseling and referrals for assistance to department members and their families.

Job duties and responsibilities of a Chaplain include, but are not limited to, the following:

- Respond from an on-call status when requested;
- Provide counseling, services, and support to victims and families in need;
- Assist officers in conducting death notifications;
- Provide for community relations and represent the Department at community and government functions;
- Conduct funerals, weddings, and other religious-affiliated services for the Department and its members; and
- Provide confidential counseling and referrals to members and their families.

A Chaplain will not identify themselves or function as a police officer. Nor will they take any law enforcement action. To maintain member confidentiality, a Chaplain will not provide testimony in disciplinary matters.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**2.8.2 MEDICAL DIRECTOR/ADVISOR**

The Medical Director/Advisor will be a licensed physician and report to the Chief of Police.

Qualifications of the Medical Director/Advisor include, but are not limited to, the following:

- Be a licensed physician;
- Knowledge of emergency medicine and treatment of trauma cases;
- Knowledge of prevention and treatment of bloodborne pathogen exposure;
- Knowledge of prescription medications and their potential effects on the job duties of police officers and telecommunications personnel;
- Knowledge of immunizations, prevention of widespread diseases, and how to respond to a pandemic; and
- Knowledgeable of department policy and procedure.

Job duties and responsibilities of the Medical Director/Advisor include, but are not limited to, the following:

- Conduct field medical inquiries and respond from an on-call status when requested;
- Act as the Department trauma surgeon in the event of a line of duty injury;
- Advise the Chief of Police in medical-related matters affecting members;
- Conduct physical examinations of department members, and advise on their fitness for duty, at the request of the Chief of Police; and
- Oversee maintenance of the Department’s external defibrillator inventory.

The Medical Director/Advisor will not identify themselves or act as a police officer and will take no law enforcement action.

<b>Effective:</b> <b>04/15/2022</b>	<b>Revised:</b>	<b>KACP Standards: 3.2</b>
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**2.8.3 VICTIM SERVICES SPECIALIST**

The Victim Services Specialist is under the Support Bureau Commander and provides crisis intervention services to crime victims at each step of the criminal justice process.

Characteristics and abilities of the Victim Services Specialist include but are not limited to the following:

- Be a licensed behavioral health professional;
- Certified in alcohol and drug counseling;
- Available to meet the unique needs of crime victims; and
- Can provide a variety of services to crime victims to afford them their rights as outlined by the KRS.

Examples of the work of the Victim Services Specialist include but are not limited to the following:

- Provide crisis intervention services;
- Provide information about victim’s rights and services;
- Provide information and referrals for emergency services and community social service agencies (i.e., financial aid, transportation, food, housing, etc.);
- Networking with other victim assistance programs (mental health agencies, human services programs, and Probation and Parole);
- Provide referrals for short-term and long-term counseling;
- Aid with filing crime victims’ compensation claims;
- Provide information and assistance on security options/safety planning; and
- Assisting with filing Emergency Protective Orders (EPOs), Domestic Violence Orders (DVOs), and Interpersonal Protective Orders (IPOs).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,9.1,19.6,19.7</b>
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**2.9 SPECIALIZED TEAMS/ASSIGNMENTS**

Specialized assignments/teams consist of Special Weapons and Tactics Team (SWAT), Hostage Negotiations Team (HNT), and St. Matthews Accident Reconstruction Team (SMART). Openings on specialized assignments/teams will be advertised, department-wide, by written announcement, for at least ten (10) days before any selection process. The selection of members for specialized assignments will be based on but not limited to the following:

- Knowledge and skills required for the assignment,
- Education and training,
- Past performance, and
- Length of experience and service.

The Chief of Police may appoint members in sensitive positions.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,9.1,19.6,19.7</b>
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**2.9.1 SPECIAL WEAPONS AND TACTICS TEAM (SWAT)**

The SWAT Team reports directly to the Operations Bureau Commander. The Team Commander is appointed by the Chief of Police and reports directly to them. SWAT Team Leaders will be selected by a panel consisting of

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the Chief and the SWAT Commander. Selection criteria will include experience, training and performance, and an oral board interview.

SWAT Members may be assigned to one of several elements within SWAT – entry, containment, and sniper.

SWAT applicants must have 1-year of service with the Department or more than two (2) years of tactical team experience at another agency. Applicants may not have any serious discipline in their personnel file. SWAT tryouts will include a handgun qualification, a physical agility test (PAT), and an oral board interview. Applicants will be issued a final earned rating (FER) and all applicants will be placed on a ranked order list (ROL). The (ROL) will be sent to the Chief for consideration and final selection. After selection, the SWAT trainee will be assigned to a SWAT Training Officer (STO) for six (6) to nine (9) months. The STO will complete a SWAT Trainee Monthly Observation Report (STMOR) throughout this training assignment.

Newly selected SWAT members will attend the basic and intermediate/advanced SWAT courses within two (2) years of selection.

Qualifications of a SWAT Officer are the same as a Patrol Officer and include, but are not limited to, the following:

- Knowledge of SWAT tactics and procedures,
- Knowledge of SWAT equipment,
- Knowledge of warrant service practices, and
- Knowledge of active shooter response.

SWAT officers should be active with other tactical associations such as the Kentucky Tactical Officers Association.

Job duties and responsibilities of a SWAT Officer are the same as a Patrol Officer and include, but are not limited to, the following:

- Participation in scenario-based training,
- Participation in community relations activities,
- Responding to a barricaded subject(s),
- Responding to active shooter incidents,
- High-risk warrant service,
- Responding to hostage situations,
- Responding to officer/civilian rescue,
- Responding to severe weather aftermath,
- Participation in riot control,
- Participation in dignitary protection, and
- Any other function requiring the quick deployment of personnel.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2,9.1,19.6,19.7</b>
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**2.9.1.1 SWAT MEDICS**

SWAT Medics will serve as an element within SWAT. SWAT Medics will be members of the St. Matthews Fire Department and EMS. The SMFDEMS Director, SWAT Commander, and one incumbent medic will serve on the selection panel. The selection process will include an oral board interview and job-specific exercises. SWAT Medic applicants will be given a FER and placed on a ROL that will be sent to the Chief of Police for consideration and selection.

A newly selected SWAT Medic will be assigned to a Medic Training Officer (MTO) for six (6) to twelve (12) months and attend the T-CCC course, basic tactical medic course, and SWAT basic and advanced courses within two (2) years of selection.

Qualifications of a SWAT Medic include, but are not limited to the following:

- Knowledge and skills required for the assignment,
- Familiar with SWAT tactics and procedures, and
- Knowledge of tactical emergency medicine.

Job duties and responsibilities of a SWAT Medic include, but are not limited to, the following:

- Participation in scenario-based training,
- Participation in community relations activities,
- Responding to a barricaded subject(s),
- Responding to active shooter incidents,
- Responding to hostage situations, and
- Any other incident where tactical emergency medical services may be utilized.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2,9.1,19.6,19.7</b>
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### **2.9.1.2 HOSTAGE NEGOTIATION TEAM (HNT)**

HNT serves as an element of SWAT and reports directly to the SWAT Commander. The HNT Team Leader is appointed by the Chief of Police. Selection criteria include experience, training and performance, and an oral board interview.

HNT applicants must have 1-year of service with the Department and no serious discipline in their personnel file. The HNT selection process will consist of an oral interview with the SWAT Commander and the HNT Team Leader. Recommendations will be sent to the Chief of Police for consideration and selection. After selection, negotiators will be assigned to a Negotiator Training Officer (NTO) for six (6) to nine (9) months and that monthly training will be documented. Newly selected HNT members will attend the basic and advanced negotiator courses within two (2) years of selection.

Qualifications of an HNT officer are the same as a Patrol Officer and include, but are not limited to, the following:

- Ability to listen, be empathetic and demonstrate active listening,
- Ability to be patient, self-aware, and remain calm,
- Ability to be flexible and adaptable,
- Familiar with SWAT tactics and procedures,
- Knowledge of de-escalation tactics, and
- Knowledge of negotiation procedures and techniques.

Job duties and responsibilities of an HNT Officer are the same as a Patrol Officer and include, but are not limited to, the following:

- Participation in scenario-based training,
- Participation in community relations activities,
- Responding to a barricaded subject(s),
- Responding to active shooter incidents,
- Responding to hostage situations, and
- Any other incident where HNT tactics may be utilized.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2,15.2,15.3,15.4</b>
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**2.9.2 ST. MATTHEWS ACCIDENT RECONSTRUCTION TEAM (SMART)**

SMART falls under the Operations Bureau and the Team Leader is appointed by the Chief of Police. SMART officers are selected by the Chief and the Operations Bureau Commander based on knowledge of accident reconstruction.

If appointed to SMART, the officer must complete the Accident Reconstruction School, within two (2) years, to remain on the team. Equivalent schools will be considered on a case-by-case basis.

Qualifications of a SMART Officer are the same as a Patrol Officer and include, but are not limited to the following:

- Demonstrated knowledge of accident reconstruction, and
- Advanced knowledge of traffic laws and policies related to traffic accidents.

Job duties and responsibilities of a SMART Officer are the same as a Patrol Officer and include; but are not limited to; the following:

- Represent the Department at community activities;
- Participate in community relations by offering training in driver safety, and proper child car seat operation;
- Reconstruction of fatal and/or life-threatening accidents;
- Assist other officers with DUI cases;
- Assist other officers with accident investigations; and
- Function as a liaison with the Commonwealth and County Attorney Offices on accident cases.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.1,3.3,4.4</b>
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**3.0 ORGANIZATIONAL STRUCTURE**

The Department will consist of an Operations and Support Bureau with each Bureau Commander reporting to the Chief of Police. An organizational chart will be reviewed and updated as needed and/or annually.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.1,3.3,4.4,6.1</b>
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**3.1 ORGANIZATIONAL CHART**

See Department Organizational Chart. (Appendix 1)

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 3.2</b>
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**3.2 BUREAU RESPONSIBILITIES**

The Operations Bureau will be responsible for, but not limited to, the following:

- Protection of life and property,
- Enforcement of laws and apprehension of violators,
- Police patrol,
- Training,
- Community relations,
- Traffic control and collision investigation,

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- Management of critical incidents,
- Warrant/process service,
- House watch program,
- Special events, and
- Any other duties as directed by the Chief of Police.

The Support Bureau will be responsible for, but not limited to, the following:

- Criminal investigations,
- Crime prevention,
- Communications,
- Information technology,
- Property and evidence control,
- Records management,
- Equipment,
- Accreditation,
- Grants,
- Planning and research,
- Fleet management,
- Internal investigations, and
- Any other duties as directed by the Chief of Police.

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<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.1,3.2,4.2</b>
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**4.0 CHAIN OF COMMAND**

Members will recognize and respect the chain of command in all official correspondence and communications. Members may bypass the chain of command in exigent circumstances but must be able to justify their actions. Supervisors should not have more than ten (10) members under their immediate command unless, otherwise, directed by the Chief of Police. Members will be accountable to one (1) immediate supervisor.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.1,3.3,4.4</b>
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**4.1 RANK AUTHORITY**

The Department will consist of the following rank authority: Colonel (Chief of Police), Major (Operations and Support), Sergeant, and Officer/Detective.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.3,4.3</b>
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**4.2 OFFICER IN COMMAND**

The Officer in Command will be the officer who holds the highest rank unless delegated otherwise by the Officer in Command. In the absence of a supervisor, the supervisors of the affected shift will appoint an acting supervisor, at their discretion, from a selection of officers assigned to that shift.

Any member placed in a temporary position of higher authority, will exercise that authority, perform the duties of the position, and be held accountable as if they were permanently appointed to that position. They will not interfere with or countermand any order issued by the member whose position they temporarily occupy, except when necessity demands. If such an occasion arises, they will make a report, in writing, to their immediate supervisor. Any member may decline being placed, temporarily, in a position of higher authority.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 3.2</b>
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**4.3 INCIDENT COMMAND PROTOCOL**

Unless a specific policy or higher-ranking authority dictates otherwise, the officer-in-charge has command responsibility for field operations. In the absence of a supervisor, the first officer at the scene of an incident shall assume command until relieved by a commanding officer.

The officer in charge of any non-planned assignment shall be the first officer to arrive on the scene. They shall remain in charge unless relieved by a ranking officer who will specifically advise the officer that they are being relieved. When two officers of equal rank arrive, simultaneously, at a scene and a conflict exists as to who is in charge, the officer in charge shall be the one with the most seniority. If two (2) officers or supervisors of equal rank are assigned to different bureaus, the officer or supervisor of the bureau that normally performs that function will assume command.



<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 4.5,4.6</b>
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## **5.0 ORDERS & DIRECTIVES**

Orders and directives provide information and direction to assist in the operations of the Department. Orders and directives may be issued to members verbally or in writing. Written directives such as general orders and memorandums will be posted in the BRIDGE Program, updated in the Department SOP, and a copy saved in the Chief's Office.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 4.5,4.6</b>
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## **5.1 GENERAL ORDERS**

General Orders are issued by the Chief and are used to announce revisions to department policy or procedure. General Orders are considered indefinite or permanent. General orders will be incorporated into and updated in, the Standard Operating Procedures. All members will acknowledge receipt and understanding of the General Order through the BRIDGE Program.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 4.5,4.6</b>
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## **5.2 MEMORANDUMS**

Memorandums may be issued by any commanding officer. Memorandums are used to announce information not requiring a more formal directive, emphasize previous instructions, orders, or procedures. Memoranda will be distributed in writing to all affected members via the BRIDGE Program and notification will be made through department email. Memorandums are less formal than general orders.

Supervisors will be professional when issuing orders. Orders will not be issued that are, knowingly, or should be known, in violation of any law, ordinance, or procedure. A supervisor may relay an order indirectly through another member and the order will be considered a direct communication from the supervisor.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 4.5,12.1</b>
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## **5.3 OBEDIENCE TO ORDERS**

Members will follow all lawful orders from a supervisor. Should an order conflict with one previously given, or with any department order, the member to whom the order is given will seek clarification before carrying out the order. If clarification is not immediately available, or the situation is time sensitive, the member will follow the last order given.

Obedience to an unlawful order is never a defense for unlawful action. No member is required to obey an order contrary to Federal, state, or local law or ordinance. Members who refuse to follow any order must be able to justify their actions, in writing, to the Chief of Police. This report will contain the facts of the incident, the action(s) taken, and any appeal for relief from such orders.

Failure or deliberate refusal of any member to obey a lawful order given by a supervisor will be considered insubordination. Criticism or ridicule of a supervisor or orders given by a supervisor will also be considered insubordination.

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**DEPARTMENT RULES AND INTERNAL AFFAIRS**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 12.2,12.6</b>
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**6.0 DEPARTMENT RULES**

All department members are expected to uphold the highest standards of the Department and trust of the community they serve, both, on-duty and off-duty. Members will treat all other members with courtesy and respect. Members will not be insubordinate or disrespectful to any other member. When on-duty members will be referred to by rank. When off-duty, and in appropriate settings, members will be referred to by rank.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.1</b>
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**6.1 OATH OF OFFICE**

Officers will take an oath of office to enforce the law, uphold the Constitutions of the United States and the Commonwealth of Kentucky, and abide by the Code and Cannon of Ethics of the Kentucky Department of Criminal Justice Training, before assuming sworn status.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.5,8.7</b>
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**6.2 OFFICIAL CREDENTIALS**

Members are required to have their official credentials on their person while in the City of St. Matthews or while they are on official police business outside the City of St. Matthews or at any time, they are in the police vehicle.

<b>Effective:</b> <b>04/15/2022</b>	<b>Revised:</b>	<b>KACP Standards: 4.7</b>
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**6.3 OFFICER INTERVENTION**

All officers should act to prevent or stop any member, regardless of rank or assignment, from using unlawful or excessive force. This duty is embodied in the Law Enforcement Officer's Code of Ethics and the Law. Members will have a clear understanding of the Department's expectations about conduct and activities while on and off-duty. A law enforcement officer has an affirmative duty to intervene on behalf of a citizen whose constitutional rights are being violated, in their presence, by other officers. Members also have a duty to intervene when they observe or hear conduct by a fellow member of this Department that is unethical, clearly violates the law, or violates department policy.

Members have an affirmative duty to intervene if they witness a response to resistance that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances will, when in a position to safely do so, intervene to prevent the use of unreasonable force. A member who observes another member's response to resistance that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

**Definitions:**

- Deescalate – Reduce the intensity of a conflict or potentially violent situation.
- Intervene – To come between, whether verbally or physically, to change the course of events.

Officers of this Department must recognize and act upon the duty to intervene, prevent, or stop any member from conducting any act that **clearly** violates the law or department policy. Intervention may be verbal and/or physical. Failure to intervene may subject a member to disciplinary and/or legal action.

<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards: 4.7</b>
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**6.3.1 REQUIRED ACTION**

The following are actions that an officer is required to take. They include, but are not limited to:

- Officers are required to take a **proactive** approach to deescalate situations.
- Officers must intervene on behalf of a citizen whose constitutional rights are being violated, in their presence, by other officers.
- Officers must intervene when they observe or hear conduct, by another law enforcement officer, that is unethical or clearly violates the law.
- Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances must, when in a position to safely do so, intervene to prevent the use of unreasonable force.
- Officers must notify a supervisor after observing another officer’s response to resistance that exceeds the degree of force permitted by law and/or they, themselves, performed any type of intervention in response to a clear violation of law or department policy.
- If any person is injured, and requires medical attention, officers of this Department shall request medical assistance and provide safe access, to the injured person, for emergency medical services/personnel; and
- will **render aid** when safe to do so per their training.

Intervention may be verbal and/or physical. Members will report unlawful or excessive force to their supervisor. The supervisor will document and report the incident to the Chief of Police, immediately, through the chain of command. Members inhibited by the chain of command may report instances of unlawful or excessive force directly to the Chief of Police or any commander which they feel more comfortable approaching. If the member does not feel comfortable reporting through the chain of command or the Chief of Police, the member can report the incident to the HR Generalist and/or Mayor.

Members are prohibited from retaliation against any individual because they prevented, intervened, or reported the unlawful or excessive use of force. Any member who engages in retaliation against an individual who has prevented, intervened, or reported the unlawful or excessive use of force may be subject to discipline.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.2</b>
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**6.2 CRIMINAL/CIVIL CHARGES**

Members who receive a summons or subpoena, as a defendant in any criminal case, or a respondent in any civil matter, will notify their shift supervisor and provide a copy of their summons or subpoena which will be forwarded to the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.3 INCIDENTS INVOLVING MEMBERS**

Any call for service or incident involving a member will be handled per this manual. The shift supervisor and appropriate Bureau Commander will be notified.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.4 TRUTHFULNESS/ACCOUNTABILITY**

Members will always be truthful. If unable to answer any question due to the confidential nature of a matter, the member will explain the reason for their inability to answer. Members will not make false reports or, knowingly, document any inaccurate, false, or improper information.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.5 CONDUCT UNBECOMING**

Members, whose conduct, demonstrates any of the following, including, but not limited to:

- Breach of the peace;
- Neglect of duty;
- Any other conduct that undermines the efficiency, discipline, and order of the Department; or
- Reflects discredit upon themselves, or any other member, or the Department.

This conduct will be considered prohibited conduct.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1,12.6,30.4</b>
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**6.6 HARASSMENT POLICY**

Members have the right to work in an environment free of all forms of harassment. Any harassment that could interfere with their work performance, by creating an intimidating, hostile, or offensive work environment will not be tolerated. The Department will take direct and immediate action to prevent such behavior and investigate all reported instances of harassment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1,12.6,30.4</b>
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**6.6.1 TYPES OF HARASSMENT**

Harassment can be verbal, written, and/or sexual; direct and/or indirect.

Harassment may be in the form of, but not limited to, a member who:

- ridicules, mocks, derides, or belittles another;
- makes offensive or derogatory comments; and/or
- posts or displays offensive or derogatory drawings or media based on race, color, gender, religion, or national origin.

Sexual harassment may be in the form of, but is not limited to, a member who:

- Makes unwelcomed sexual advances,
- Requests sexual favors, and
- Any other verbal or physical sexual conduct that may be perceived as a condition of employment.

A member's response to any verbal or physical sexual conduct will not be used in any employment decision(s) affecting the member. Sexually offensive material will not be displayed, in any format, unless required for official duties, during the course, of an investigation.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1,12.6,30.4</b>
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### **6.6.2 HARASSMENT REPORTING & PREVENTION**

Members will report harassment to their supervisor. The supervisor will report the harassment to the Chief of Police, immediately, through the chain of command. Members inhibited by the chain of command may report instances of harassment/sexual harassment/sexual abuse or discrimination directly to the Chief of Police or any commander which they feel more comfortable approaching.

Members will tell the person harassing them, that their actions are offensive and unwelcome. If the offending party continues the harassing behavior, the member will notify their immediate supervisor or any commander which they feel more comfortable approaching. If the person doing the harassment is the member's supervisor or a commanding officer, the member will report the behavior to another commanding officer or the Chief of Police. If the member does not feel comfortable with the Department's chain of command, a member will report the behavior directly to the HR Generalist and/or Mayor.

Members will document and report any incidents of harassment they are a victim of a witness to or become aware of to a commanding officer as soon as possible. The commanding officer will document and forward the complaint to the Chief of Police (per SOP Chapter 7.0). Members will not be retaliated against, by any other member, for filing a harassment complaint. Nor will the member be retaliated against for assisting, testifying, or participating in the investigation of such a complaint.

The victim of any allegation of harassment will be kept informed of all actions. Immediate discipline will be given on any sustained complaints of harassment.

Commanding officers will routinely monitor the work environment and counsel their members during their annual performance evaluation meeting to review harassment policies and procedures and identify any member who is the victim of harassment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.2</b>
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### **6.7 BIASED PRACTICES**

Members will not allow any personal bias or prejudice to interfere with their official duties. Biased law enforcement practices impair investigative effectiveness, alienate citizens, foster distrust of law enforcement, and may subject officers to civil or criminal liability. Most importantly, biased law enforcement practices are unethical.

The protection and preservation of an individuals' constitutional rights remain one of the paramount concerns of government and law enforcement. The Department prohibits any type of biased law enforcement practices.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 12.1,30.4
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**6.8 ASSOCIATIONS & PREJUDICES**

Department members will not be a member of any organization that advocates for or endorses the following:

- Hatred and violence based on race, color, gender, religion, or national origin;
- Whose beliefs and actions violate the constitutional rights of others;
- Whose beliefs would interfere with law enforcement duties; or
- Any other organization that would bring discredit upon the member or the Department.

Except as necessary, in the performance of official duties, members will not knowingly associate with persons who, they should reasonably know, to be criminals, persons under criminal investigation or indictment, or who have reputations in the community for present involvement in felonious or criminal behavior.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 4.5,4.6, 12.1
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**6.9 INTERPERSONAL RELATIONS (INTERNAL & EXTERNAL)**

Members will always be courteous and professional; avoiding the use of any derogatory, profane, or abusive language. Members are required to provide their code number to any person(s) and display their ID and badge.

Members will treat all other members with courtesy and respect and will not be insubordinate or disrespectful to any other member. In the appropriate setting, officers will be referred to by rank when on-duty.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 12.1
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**6.10 POLITICAL ACTIVITY & ENDORSEMENTS**

Members will not be actively involved in political activities or work for the election of a candidate while on-duty, off-duty in uniform, or at any time while in a department vehicle. Members will not be required to participate in any political activities, work for the election of a candidate, or contribute/collect any funds for any political organization. Members who voluntarily choose to participate in political activities, work for the election of a candidate, or contribute/collect money for any political organization will not receive any appointment, promotion, or reward for their involvement. Members will not be permitted to endorse any product or service in their official capacity.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 12.1,20.2
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**6.11 STATEMENTS BY MEMBERS**

Members are prohibited from making any public statements, in any form, concerning any investigation or department matters. Members are required to treat the official business of the Department as confidential.

Members are prohibited from criticizing or ridiculing the Department, its guidelines, or other members. Be it by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for the truth.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.12 CONCEALED TAPE RECORDERS**

Making an audio or video recording of any member, without their knowledge and permission, is strictly prohibited without prior and written authorization from the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.13 SOLICITING**

To eliminate the potential for or the perception of a bribe, members will not accept money, property, or other items from the public. This does not include nominal or gratuitous items offered to the general first responder community such as discounted beverages, food, etc.

Citizens or community groups may voluntarily present the Department with perishable goods or flowers as a sign of gratitude.

Solicitation from the public for the purpose of sales will be prohibited on department property. Members may display or post flyers, regarding personal items for sale, or a notice of solicitation for donations and/or items for sale, in support of charitable or community groups. These flyers and/or notices will only be placed on the Member’s board, located in the roll call area. Members will not be required to make any contribution or purchase regarding any such posting.

Members will not conduct or promote business transactions pertaining to outside employment while on duty. Members are prohibited from accepting or buying any article from any prisoner.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1,30.4</b>
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**6.14 POSTING BOND**

Members are prohibited from posting bond for any person under arrest except for a member of their immediate family.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1,30.4</b>
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**6.15 POLICE RECORDS**

Members are prohibited from revealing the contents of records to unauthorized persons. Members are prohibited from using any police records for personal profit or gain.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.6,12.1</b>
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**6.16 OFFICER-INVOLVED DUI**

If an officer responds to a collision involving an on-duty or off-duty department officer suspected of being under the influence of alcohol/drugs, they will immediately contact their commanding officer and request that they respond to the scene. This applies regardless of whether the officer is operating a department or privately-owned vehicle. The commanding officer is responsible for the investigation of the collision and may request technical assistance, if needed, from SMART. The Executive Command Staff will be contacted immediately.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.6,12.1</b>
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**6.17 INTOXICANTS**

Members will comply with the provisions, and be subject to the sanctions of, the City Drug and Alcohol-Free Workplace Policy. Members will be subject to random drug testing as outlined in the City’s drug testing policy.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.18 TOBACCO USE**

Members will not smoke or vape inside any city-owned building, department facility, or department-owned vehicle. Members may smoke or use smokeless tobacco in designated outdoor areas only and will be required to properly dispose of any refuse. Members will not smoke or use smokeless tobacco when interacting with members of the public.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.19 SLEEPING ON-DUTY**

Members will remain awake and alert during their shifts. Members who are physically unable to remain awake will notify the shift supervisor who will determine their fitness for duty and take appropriate action to ensure officer safety.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.20 CONGREGATING & MEALS WHILE ON-DUTY**

Only two (2) marked vehicles and one (1) unmarked vehicle may congregate at a public place, while on-duty, unless approved by a supervisor. Members will call 10-5 on the radio advising their location and should adhere to a forty-five (45) minute time limit. Members will have their portable radio in their possession while on 10-5 and are subject to being dispatched for runs. Members are allowed one (1) 10-5 for every eight (8) or ten (10) hour shift worked.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.21 REPORTING FOR DUTY**

Members must be punctual in reporting for duty/shift change, calls for service, court appearances, duty requirements, and any other situation where a time has been specified will violate this policy.

Members who fail to report for duty and do not have any accrued time off including vacation, holiday, personal, sick hours, compensatory time, or approved Family Medical Leave Act (FMLA) time will be absent without leave and not compensated.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**6.22 SHIFT LIMITATIONS**

No member will be permitted to work more than two (2) consecutive shifts. Members who work two (2) consecutive shifts will be given at least eight (8) hours off before they are required to report back to work. An exception to this provision may be an emergency mobilization as defined in SOP (Section 39.4).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**6.23 COURT APPEARANCES**

Members are not required by the courts to attend arraignments or preliminary hearings. When subpoenaed, members will appear at the location, date and time indicated. Members who cannot appear must notify the appropriate court in advance (Court Notify) and state a valid reason for their absence and request a continuance through Court Notify or a Request for Continuance Form (SMPD #009) if the system is not available. Members should remain in court until excused by a competent authority.

For cases in District Court, at least five (5) days’ notice is needed to request a continuance of a court case. For cases in Circuit Court, at least fourteen (14) days’ notice is needed to request a continuance of a court case. If a subpoena is received less than the five (5) days needed for District Court or the fourteen (14) days needed for Circuit Court, the member will contact the assigned prosecutor and the Office of the Commonwealth’s Attorney.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**6.23.1 EXTENDED LEAVE (COURT)**

A member’s immediate supervisor is responsible for monitoring subpoenas sent to members who are off from work due to injury, sickness, extended leave of absence, military leave, etc. Members are responsible for notifying their supervisors of any anticipated court cases that may occur during their absence from work. In the event of an extended absence, where it appears that the member will not be available to attend court for an extended period, the member’s supervisor will review the member’s pending court cases and determine, in felony or other critical cases, if it is possible that another member is well enough informed about the case to appear in court to offer similar testimony in place of the unavailable member, and have said member appear in court.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**6.23.2 COURT PAY**

Members required to appear in court under subpoena on-duty will not receive court pay. Members required to appear in court under subpoena off-duty may receive court pay.

Members will submit to their shift supervisor during the member’s first shift following the court appearance, a signed subpoena for all court appearances with the court pay request. The Evidence-Property Disposition Form (SMPD #038) needs to be completed and attached to the Request for Time Off/Pay form (SMPD #080) if the case has been adjudicated and the property/evidence can be released or destroyed.

Members will only receive one (1) court pay per session and will not be paid per subpoena.

Members attending trials will have the option of making the trial appearance their scheduled workday instead of court pay as staffing levels permit. Members who make a trial appearance their scheduled workday must report to work to finish their workday if released from the trial before the end of their eight (8) or ten (10) hour workday. See Appendix 4.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.2</b>
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### **6.23.3 CASES DISMISSED OR DECLINED**

Any case that is declined for prosecution or dismissed by the court due to alleged mishandling by members will be reviewed by the Bureau Commander of the member(s) involved who will report their findings to the Chief of Police.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.2</b>
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### **6.23.4 CIVIL ACTION/SUBPOENAS**

Members will not give any statement involving a civil case unless subpoenaed.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.2</b>
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### **6.23.5 GRAND JURY**

Grand Jury cases are initiated by the Office of the Commonwealth’s Attorney or the United States Attorney’s Office for felony cases. Federal Grand Jury documents and submissions are prepared by the United States Attorney’s Office and are usually presented by federal authorities.

Before presenting a case to the Jefferson County Grand Jury, appropriate Grand Jury Catch Forms (SMPD #021) must be completed. No case will be heard by the Grand Jury until the forms are completed and hand-delivered to the Jefferson County Grand Jury Office, located at 514 West Liberty Street, 4th floor, or emailed to [gjpackets@louisvilleprosecutor.com](mailto:gjpackets@louisvilleprosecutor.com).

Grand Jury Catch Forms (SMPD #021) must be submitted within seven (7) days of probable cause being found by the District Court or the defendant waiving the right to a probable cause hearing. Officers must contact the Jefferson County Grand Jury Office at (502) 595-2384 to schedule the hearing within three (3) days of submitting the forms. One (1) reschedule is permitted.

By law, if the suspect is in custody, cases must be presented to the Grand Jury within sixty (60) days of incarceration.

Direct submissions to the Grand Jury may be permitted before the arrest of a suspect. Direct submissions may be approved in cases where the suspect is out of state and a warrant is needed for extradition or where District Court proceedings could alert a suspect of an ongoing investigation. In such cases, the Grand Jury Catch Forms (SMPD #021) must be completed, and the Office of the Commonwealth’s Attorney must approve the direct submission.

When testifying before the Grand Jury, the officer may read from their citations, reports, other investigative documents, or the forms. They must identify the offense(s), date of occurrence, the criminal elements, and the location of the offense(s) within Jefferson County. Testifying officers should avoid presenting testimony that summarizes any other officer’s written or oral testimony.

If an officer will be late or is unable to attend a Grand Jury appearance, they will call the Jefferson County Grand Jury Office at (502) 595-2384.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**6.23.6 JUVENILE COURT**

Since juveniles are not entitled to bail, a juvenile charged with a criminal offense may be held in custody while awaiting trial. This may only be accomplished following a detention hearing which must be held within forty-eight (48) hours of the juvenile’s initial arrest. Due to the short time frame, the Department may receive a subpoena, via fax, from juvenile court, within twenty-four (24) hours of the arrest. If the member is notified that a subpoena has been received, the member will call the Juvenile Court Office at (502) 574-0148 to determine the time necessary for their appearance at the hearing.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**6.24 JURY DUTY**

Members summoned to jury duty will be temporarily assigned to the 1<sup>st</sup> Platoon (if not currently assigned) Monday through Friday on eight (8) hour shifts and will receive their full pay and benefits. Members will be required to report to work to finish their shift if released from jury duty before the end of their eight (8) hour shift. Any money received from the courts needs to be returned to the City Clerk.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 4.5,4.6</b>
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**6.25 OFF-DUTY REQUIREMENTS**

Officers are required to take action while Off-duty:

- when there is an immediate threat of loss of life, or loss of property, or serious injury in the presence of a police officer;
- when a citizen requests assistance from a police officer, then assistance must be rendered. This assistance may be in the form of a referral or advice; and
- when a police officer encounters an accident, which is of such severity that he is required by statute to render aid.

If a member becomes aware of an incident that poses a threat of physical injury or death to some individual, they will “take action” to minimize the risk of serious bodily harm or death. “Taking Action” under this provision is fulfilled by reporting the incident and will not require the officer to place themselves in a position of peril. An officer who is faced with such a circumstance should act per the guidelines as spelled out in this policy:

- call 911 or Dispatch if in the City of St. Matthews;
- consciously evaluate whether your involvement is necessary or desirable, given the circumstances;
- utilize an off-duty/plainclothes green wristband (to be worn on gun hand wrist) or any other clothing or item available that identifies you as a law enforcement officer to responding law enforcement personnel; and
- ensure the safety of all occupants in their vehicle.

Several circumstances may impact your decision to get involved in a situation. You may be alone, with family members, or other non-police personnel and, it is unlikely that you will have all the necessary police equipment while off-duty. You may be faced with multiple suspects or unaware of hidden suspects. In addition, there may

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be environmental factors working against you such as lack of cover, crowds of civilians, darkness, etc., or your intervention may spark an escalation of violence.

Because of these, your best plan of action may be to gather accurate intelligence and monitor at a safe distance until uniformed and on-duty officers arrive.

Remember, you have no legal or departmental obligation to get involved.

While department policy mandates that you “take action” when witnessing a serious crime, calling the police, and monitoring the situation from a safe vantage point fulfills that obligation.

If you decide you must get involved, attempt to have someone call 911 to advise the operator that an off-duty officer is on scene. Have the caller inform the operator if you are armed. If possible, have them describe you and the clothes you are wearing as this will affect the mindset of the responding officers.

When uniformed police officers arrive:

- have your badge out and visible, if possible;
- maintain cover, if you have it;
- make your hands visible;
- verbally identify yourself, repeatedly, as a police officer when appropriate;
- follow commands of the uniformed officer promptly and completely; and
- never, ever turn toward an on-duty officer if you have a gun in your hand.

**NOTE:** Plainclothes Officers should be aware that the same recognition issues apply to off-duty officers also apply to plainclothes officers. And while rules of action are different, the rules concerning protective steps, i.e., movements, identification, etc. remain the same.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.1</b>
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**6.26 ON CALL**

A rotating, on-call system is necessary for certain functions of the Department whose personnel have expertise and qualifications that may be needed during their routine assignments or regularly scheduled off-duty hours. Each on-call system will abide by the following standards:

- A member’s activities while receiving on-call pay will be semi-restricted and should be able to report for duty as soon as possible, preferably within forty-five (45) minutes of notification. Since members are prohibited from reporting to duty with any measurable amount of alcohol in their systems, alcohol will not be consumed during the period for which the member is on-call.
- Members will be equipped with their cell phones at all times, while they are on-call, and must acknowledge pages/calls as soon as possible, preferably within five (5) minutes of notification.
- Members may be permitted to trade their on-call responsibilities, subject to the approval of their supervisor.
- Members not receiving on-call pay for other call-out status will not be restricted while off-duty.
- Members on-call, both paid and non-paid, will be compensated per SMPD SOP Appendix 4.

On-call members, who continually fail to respond to notifications, may be subject to reassignment, removal from their unit, and/or disciplinary action.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.2,12.3,12.4,12.5,12.6
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**7.0 INTERNAL AFFAIRS**

The purpose of this policy is to establish a reasonable and transparent procedure for investigating citizen complaints and allegations, as well as violations of law enforcement procedures in compliance with KRS 15.520. All allegations and complaints of member misconduct will be investigated and adjudicated, promptly, to ensure the integrity of the Department and its members. All allegations and complaints of member misconduct will be investigated per procedures established in this chapter to ensure a fair and impartial investigation and disposition.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.2,12.3,12.4,12.5,12.6
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**7.1 ALLEGATIONS & COMPLAINTS**

Allegations and complaints of member misconduct may be received from the public or one member against another member(s). The allegation or complaint can be made in person, by telephone, or in writing. Procedures for filing complaints will be posted in the Department Lobby.

The Department will accept and document all complaints alleging officer or department misconduct for the following reasons:

- to ensure that complaints alleging officer or department misconduct are accepted and investigated consistently and reasonably to uncover the truth of the allegations;
- to identify areas of misunderstanding by the complaining citizen;
- to identify officers whose attitude, behavior, and/or performance needs supervisory intervention and correction;
- to protect officers and the Department from erroneous complaints; and
- to identify department policies, training, and/or practices in need of reevaluation, clarification, and/or correction.

**Definitions:**

- “Complaint” means any statement by a citizen, whether written or verbal, which alleges any type of misconduct by an officer, including statements that are submitted or received anonymously.
- “General employment policy” means the rules, regulations, policies, and procedures applicable to the general workforce or civilian members.
- “Law enforcement procedures” means only those policies, rules, and customs that are specific to the conduct of officers in the exercise of law enforcement powers and functions.

To enhance the transparency and accountability of the Department, an informational public brochure has been developed. The brochure outlines how to file a complaint, provide the Department with commendations, and offer suggestions for the Department. These brochures are available at City Hall and in the Police Lobby.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.2,12.3,12.4,12.5,12.6
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**7.1.1 COMPLAINTS**

Any complaint, taken from any individual, alleging misconduct on the part of any police officer, as defined herein, will be taken as follows:

- If the complaint alleges criminal activity on behalf of a police officer, the allegations may be investigated without a signed and sworn complaint from the individual.

- If the complaint alleges abuse of official authority or a violation of rules and regulations of the Department, a sworn and signed affidavit will be obtained from the complainant.
- If the complaint is required to be sworn and signed, but the complainant refuses, the Department may still investigate the allegations. However, no charges will be brought against the officer unless the Department can independently substantiate the allegations without the sworn and signed affidavit of the complainant.
- Anonymous allegations and complaints will be considered valid and investigated in the same manner.
- Nothing in this chapter will preclude the Department from investigating and charging an officer both criminally and administratively.

An investigation **will not** be initiated when there is an internal complaint of a general employment policy violation. These matters will be handled administratively through the appropriate disciplinary processes.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 11.1,12.2,12.3,12.4,12.5,12.6</b>
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### **7.1.2 MEMBER RESPONSIBILITY**

If a member knows of an anticipated complaint, they will:

- immediately notify an on-duty supervisor;
- gather all available information regarding the complaint, including contact numbers for the complainant;
- provide the gathered information to a supervisor, at the earliest moment, during the member's shift; and
- if a supervisor is not immediately available or a complainant refuses to wait for contact from the supervisor, the member shall provide the complainant with the supervisor's contact information.

Failure to follow these orders may result in disciplinary action.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 11.1,12.2,12.3,12.4,12.5,12.6</b>
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### **7.1.3 SUPERVISOR RESPONSIBILITY**

Any informal complaint will be taken by the shift supervisor and documented on a Performance Observation Form (Benchmark/SMPD #036). The shift supervisors will be professional and show empathy and patience while listening to the complainant. The shift supervisor is encouraged to attempt to mediate the issue(s) to the complainant's satisfaction at the time the complaint is received. If the matter is resolved informally, the results should be noted on the Performance Observation Form (Benchmark/SMPD #036) and a copy sent through the chain of command. These forms will be destroyed annually.

If a supervisor is called to the scene of a complaint, they will ensure the following:

- all necessary medical treatment is provided, and documentation is preserved;
- identify all persons involved, including witnesses, department member(s) and/or officer(s), and, if applicable, police personnel from other agencies;
- ensure that all evidence is properly collected and/or documented; and
- ensure that all reasonable documentation and physical evidence is maintained. This includes police reports, communications/dispatch information, MDT transmissions, medical documentation, and video recording of any portion of the police involvement.

If unable to resolve the complaint at the time it is received, the shift supervisor will advise the complainant of the procedure to file a formal notarized complaint. The complainant will be directed to one of the Executive Command Staff members. Only Bureau Commanders may take a formal complaint.



All formal complaints taken by bureau commanders will:

- digitally record the complaint. The complaining person can refuse to be recorded. In these cases, the supervisor shall continue to interview the complainant and note the refusal on the completed Formal Complaint Form (Benchmark/SMPD 019).
- obtain a written, signed, and sworn complaint from the complainant at the conclusion of the interview. Even if the complainant refuses to provide a written, signed, and sworn complaint, the Department will still complete the investigation to determine if there is evidence that can independently substantiate the claim.
- give a copy of the notarized complaint to the complainant.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.2,12.3,12.4,12.5,12.6
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**7.2 ALLEGED CRIMINAL ACTIVITY**

If the complaint involves criminal allegations or the shift supervisor finds criminal activity, the shift supervisor shall immediately notify the Chief of Police through the chain of command.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.2,12.3,12.4,12.5,12.6
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**7.2.1 CRIME WITHIN DEPARTMENT JURISDICTION**

The following pertains to crimes within the City of St. Matthews:

- The Louisville Metro Police Public Integrity Unit will handle all criminal complaints.
- The administrative investigation will be conducted by the Support Bureau Commander or their designee. The administrative investigation is not dependent on the conclusion of the criminal investigation and may continue so long as no actions, in the administrative investigation, interfere with the criminal investigation.
- The accused member shall not be interviewed administratively unless authorized by the mayor and the chief after consulting with legal counsel and the prosecutor (Garrity).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.2,12.3,12.4,12.5,12.6
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**7.2.2 CRIME COMMITTED OUTSIDE DEPARTMENT JURISDICTION**

The Chief of Police will:

- Develop and maintain liaison with the involved agency, and
- Conduct the administrative investigation simultaneously, within the parameters of Garrity.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 11.1,12.1,12.6
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**7.3 ADMINISTRATIVE INVESTIGATION PROCESS**

The Department, under the direction of the Support Bureau Commander, will conduct all administrative investigations and hold hearings concerning allegations of member misconduct and complaints. The following procedures are established to ensure fairness and compliance with Kentucky Revised Statutes 15.520 – Complaints against police officers. These guidelines will also apply to civilian members. LMPD PIU will oversee all criminal investigations concerning department members.

Members are subject to receive a Garrity warning and are required to answer all questions that are specifically, directly, and narrowly related to the member’s duties, fitness for duty, or the complaint in an administrative

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investigation. Failure to answer such questions may result in disciplinary action up to and including termination. Any answers to questions asked after receiving a Garrity warning may not be used in any subsequent criminal proceedings.

Members will not be required to submit to a polygraph examination in any administrative or criminal investigation. Members may request a polygraph examination by a polygraph examiner of their choice and at their expense for exculpatory reasons.

Members will have no expectation of privacy concerning any city-owned property including office spaces, desks, lockers, vehicles, and information systems.

No threats, promises, or coercion will be used at any time against a police officer while they are a suspect in a criminal or departmental matter. Suspension from duty with or without pay, or reassignment to other than an officer's regular duties during the period will not be deemed coercion. Before or within twenty-four (24) hours after suspending the officer pending investigation or disposition of a complaint, the officer will be advised in writing of the reasons for the suspension.

No police officer will be subjected to interrogation in a department matter involving alleged misconduct on their part, until forty-eight (48) hours have expired from the time the request for interrogation is made to the accused officer, in writing. The interrogation will be conducted while the officer is on-duty. The police officer may be required to submit a written report of the alleged incident if the request is made by the Department no later than the end of the subject officer's next tour of duty after the tour of duty which the Department initially was made aware of the charges. All officers involved will receive a 48 Hour Notice form (SMPD #103) before the interrogation/interview.

If a police officer is under arrest, or likely to be arrested, or a suspect in any criminal investigation, they will be afforded the same constitutional due process rights that are afforded to any civilian, including, but not limited to, the right to remain silent and the right to counsel, and will be notified of those rights before any questioning commences. Nothing in this chapter will prevent the suspension with or without pay or reassignment of the police officer pending disposition of the charges.

Any charge involving a violation of any local unit of government rule or regulation will be made in writing with sufficient specificity to fully inform the officer of the nature and circumstances of the alleged violation so that they may be able to properly defend themselves. The charge will be served on the police officer in writing.

When a police officer has been charged with a violation of departmental rules or regulations, no public statements will be made concerning the alleged violation by any person or persons of the local unit of government or the police officer so charged, until the final disposition of the charges.

No police officer as a condition of continued employment by the local unit of government will be compelled to speak or testify or be questioned by any person or body of a non-governmental nature.

At the end of an investigation, the Support Bureau Commander or their designee will prepare the investigative report and submit it through the chain of command for adjudication and disposition. The investigator is a factfinder only and is not expected to make findings or recommendations on discipline.

The Support Bureau Commander will make a recommendation for the disposition findings for each allegation using the following classifications using the burden of proof of a preponderance of the evidence:

- Sustained: there was a preponderance of evidence to prove the allegation
- Not Sustained: there was not sufficient evidence to either prove or disprove the allegation



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- Exonerated: the actions of the member were consistent with the law and department policies, rules, regulations, and practice
- Unfounded: the allegation did not occur
- Policy and/or training deficiency: the allegation occurred but was the fault of deficiencies in department policy and/or training and cannot be accountable to the member involved

Investigations into allegations and complaints will generally be concluded within thirty (30) days. After all administrative investigations, these disposition recommendations will be forwarded to the Chief of Police for review and discussed with the Mayor. The Mayor, through the recommendation of the Chief of Police, will determine if disciplinary action is appropriate and meet with the member charged with the administrative violation(s). The member may voluntarily elect to accept any recommended disciplinary action. A member may request a hearing before the St. Matthews Police Committee instead of accepting any disciplinary action and such request will be forwarded to the Mayor. Upon completion of the investigation, the Chief of Police will advise the complainant, in writing, of the findings and disposition of the complaint. If the complainant is unsatisfied with the findings and disposition of the investigation, they will have the right to schedule an appointment with the Chief of Police to review the matter. If still unsatisfied, the complainant will have their complaint heard before the St. Matthews Police Committee.

When a hearing is to be conducted by any appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes, the following administrative due process will be recognized, and these will be the minimum rights afforded any police officer charged:

- The accused police officer will have been given seventy-two (72) hours' notice of any hearing;
- Copies of any sworn statements or affidavits to be considered by the hearing authority and any exculpatory statements or affidavits will be furnished to the police officer no less than seventy-two (72) hours before the time of any hearing;
- If any hearing is based upon a complaint of an individual, the individual will be notified to appear at the time and place of the hearing by certified mail, return receipt requested;
- If the return receipt has been returned unsigned, or the individual does not appear, except where due to circumstances beyond their control, they cannot appear, at the time and place of the hearing, any charge made by that individual will not be considered by the hearing authority and will be dismissed with prejudice;
- The accused police officer will have the right and opportunity to obtain and have counsel present, and to be represented by counsel;
- The appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes will subpoena and require the attendance of witnesses and the production by them of books, papers, records, and other documentary evidence at the request of the accused police officer or the charging party. If any person fails or refuses to appear under the subpoena, or testify, or attend, or produce the books, papers, records, or other documentary evidence lawfully required, the appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes may report to the Circuit Court or any judge thereof the failure or refusal and apply for a rule. The Circuit Court, or any judge thereof, may on the application compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court;
- The accused police officer will be allowed to present witnesses and any documentary evidence the police officer wishes to provide to the hearing authority and may cross-examine all witnesses called by the charging party;
- Any police officer suspended with or without pay who is not given a hearing as provided by this section within sixty (60) days of any charge being filed, the charge then will be dismissed with prejudice and not be considered by any hearing authority and the officer will be reinstated with full back pay and benefits; and

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- The failure to provide any of the rights or to follow the provisions of this section may be raised by the officer with the hearing authority. The hearing authority will not exclude proffered evidence based on failure to follow the requirements of this section but will consider whether, because of the failure, the proffered evidence lacks weight or credibility, and whether the officer has been materially prejudiced.

The attorney for the city may present the case based on the complaint. The Police Committee, or their designees, will preside over all hearings. The Committee will be appointed by the Mayor, one of which will be appointed by the Committee as the Hearing Officer and will be responsible for the hearing procedure. The committee will decide the case by dismissing the charge, or by suspending, terminating, fining, or other appropriate disposition.

The decision of the Committee will be announced immediately following the deliberation and will be followed within forty-eight (48) hours with a written decision delivered to all interested principals. Copies of the decision will be delivered to the Mayor, Chief of Police, the interested citizens if any, and the officer charged. A copy will be permanently maintained in the officer's personnel file. The decision of the Committee will be final and effective upon rendition.

The officer charged with the violation may appeal the Committee's decision to the City Council within five (5) days of the decision date. Such appeal will be perfected by delivering a written statement signed by the police officer or their representative to the City Clerk which will contain their specific grounds for reversal or modification and the relief requested. The City Clerk will place the appeal on the City Council's Agenda within twenty-eight (28) days. The Clerk will give notice of the date and place of hearing to all principals.

If the City Council does not act on the appeal within the twenty-eight (28) day period aforesaid, the relief requested by the police officer will be automatically granted and the decision of the Police Committee will be modified accordingly.

The City Council will consider all properly perfected appeals in closed session following a regularly scheduled meeting that falls within the twenty-eight (28) day period above noted. All parties and/or their representatives may appear at the hearing in person to further explain the reasons for their appeal. The hearing, however, will not be de novo. The City Council will deny the relief requested unless the Committee's decision was arbitrary and capricious.

After the City Council hears the respective positions of the parties, it will immediately deliberate, decide, and announce its decision to the principals. The City Clerk will note the Council's decision on the copy of the Police Committee Decision previously placed in the officer's personnel file. All appeal papers will also be filed in the officer's personnel file.

Any police officer who has been found guilty by any hearing authority of any charge may bring an action in the Jefferson Circuit Court to contest the action of the hearing authority, and the action will be tried as an original action by the Court.

The judgment of the Circuit Court will be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals will be the same as in any civil action. As the provisions of this section relate to a minimum system of professional conduct, nothing herein will be construed as limiting or in any way affecting any rights previously afforded to police officers of the Commonwealth by statute, ordinance, or working agreement.

Records of all allegations of member misconduct and complaints will be maintained according to the Kentucky Records Retention schedule and secured in the office of the Chief of Police. The Chief of Police will review all allegations of member misconduct and complaints annually to identify any patterns or trends that may suggest the need for changes in policy and procedure or the need for remedial training.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.2,12.3,12.5,12.6</b>
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**7.4 TYPES OF DISCIPLINE**

Commanding officers will be responsible for the supervision of their member’s performance, conduct, and adherence to policies and procedures. Disciplinary action may include termination, demotion, a decrease in pay or grade, suspension without pay, and/or a written reprimand. Non-disciplinary action may include counseling, remedial training, letters regarding non-chargeable vehicle collisions, and/or oral/written warnings.

The Chief of Police and the Mayor may informally discuss violations (informal charges) with an offending officer. The Chief of Police or Mayor, at their discretion, may note the verbal warning in the officer's personnel file. However, penalties such as a letter of reprimand, fine, suspension, demotion, or termination of service as a St. Matthews Police Officer cannot be imposed because of an informal discussion.

Counseling may be conducted when there is evidence a member is having trouble performing their job. A member, or any commanding officer, may initiate the counseling process. Members may be referred to another commanding officer and/or an outside counselor as needed.

Remedial training may be conducted when a member is having trouble understanding their job duties and/or policies and procedures. Remedial training should be job-related and pertain to assigned specific tasks, or policies and procedures.

The Chief of Police may issue a letter regarding a non-chargeable vehicle collision when documentation of the incident is necessary, but disciplinary action is not appropriate. A letter regarding a non-chargeable vehicle collision will be kept in the member’s personnel file for twelve (12) months from the date of issuance. After which time, the member may ask that the letter be removed. The process will follow the Accident Review Board procedures and the results will be included on the summary sheet.

Oral counseling or written documentation of performance may be issued to members for minor violations of performance, conduct, or adherence to policies or procedures. These should be documented on a Performance Observation Form (Benchmark/SMPD #036). Performance Observation Forms may be maintained by a commanding officer until the end of the current rating period for the member’s annual performance evaluation but will not be included in the member’s personnel file.

Through the recommendation of the Chief of Police, the Mayor may issue a letter of reprimand, a fine, a suspension, a demotion, or a termination for any violation of performance, conduct, or adherence to policies or procedures. Letters of Reprimand will be included in a member’s personnel file. All of the above will be included in the member’s disciplinary file. Members will follow the appeals process for any of these disciplinary actions.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2,12.2,12.3,12.5,12.6</b>
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**7.5 ACCIDENT REVIEW BOARD**

If a member is involved in a motor vehicle accident in a city-owned vehicle, a supervisor will complete the accident report and the Vehicle Damage Report (SMPD #018), to include recommendations regarding the accident. The supervisor will forward these documents to the Chief, through their Bureau Commander, and include the Administrative Sergeant.

The Administrative Sergeant will review and submit the Vehicle Damage Form (SMPD #018), along with all documentation related to the incident including but not limited to Vehicle Collision Report, repair estimates,

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medical bills, photographs, etc. will be submitted by the Administrative Sergeant to the Chief of Police.

All accidents will be reviewed by the Accident Review Board consisting of the Executive Command Staff and the Police Committee. The Accident Review Board will determine the following penalties if a member is involved in more than one (1) chargeable accident within a three (3) year period:

- 1<sup>st</sup> Accident: Letter of Reprimand
- 2<sup>nd</sup> Accident One (1) Day Suspension + Loss of Take-Home Vehicle
- 3<sup>rd</sup> Accident Three (3) Day Suspension + Loss of Take-Home Vehicle
- 4<sup>th</sup> Accident Twelve (12) Day Suspension + Loss of Take-Home Vehicle for a Year

Total Property Damage	2 <sup>nd</sup> Accident	3 <sup>rd</sup> Accident
\$0.00 - \$3000.00	1 Week	2 Weeks
\$3001.00 - \$6000.00	2 Weeks	4 Weeks
\$6001.00 - \$9000.00	3 Weeks	6 Weeks
\$9001.00 - \$12,000.00	4 Weeks	8 Weeks
\$12,001.00 - \$15,000.00	5 Weeks	10 Weeks
\$15,001.00 - \$18,000.00	6 Weeks	12 Weeks
\$18001.00 - \$21,000.00	7 Weeks	14 Weeks
\$21,001.00 - \$24,000.00	8 Weeks	16 Weeks
\$24,001.00 - \$27,000.00	9 Weeks	18 Weeks
\$27,001.00 - \$30,000.00	10 Weeks	20 Weeks
\$30,001.00 - \$33,000.00	11 Weeks	22 Weeks
\$33,001.00 <	12 Weeks	24 Weeks

\*In the event of serious injury and/or fatal accident, reckless conduct, or other extenuating circumstances, the Accident Review Board may impose additional disciplinary action on a case-by-case basis including a member’s first accident.

The member is entitled to appeal the recommendation of a chargeable accident if the member believes there are mitigating circumstances that justify the member’s actions regarding the accident. The member may also request, in writing, to appear before the Accident Review Board. This request should be made through the Chief of Police. The Chief of Police will notify the member as to the time and date of the Accident Review Board meeting.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2,12.2,12.3,12.5,12.6</b>
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**7.6 ADMINISTRATIVE LEAVE & SUSPENSION**

Members may be placed on administrative leave if, but not limited to, the following:

- deemed unfit for duty,
- facing possible disciplinary action, or
- in any other situation deemed necessary by a commanding officer.

Any commanding officer placing a member on administrative leave will, immediately, report the incident to the Chief of Police who will determine if the administrative leave will be with or without pay. Administrative leave will not imply or indicate that a member has acted improperly.

Any supervisor may impose an emergency suspension upon a subordinate member when such action is in the best interest of the Department. Any civilian supervisor may impose an emergency suspension upon a subordinate member within their direct chain of command. Appropriate circumstances include, but are not limited to, the

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following:

- criminal acts;
- reporting for duty under the influence of alcohol, illegal drugs, or a combination thereof;
- interference with the administration of discipline; and/or
- gross insubordination or disrespect to a supervisor.

Any suspension must be communicated to the Chief of Police immediately. The suspended member will surrender, at a minimum, the following department issued equipment:

- Radio,
- Badge,
- ID card,
- Department-owned weapons (including Taser) and ammunition, and
- Vehicle (including flashlight).

The suspended member must report directly to the Chief of Police at 1000 hours the next day.

When the Department has sufficient facts to warrant the suspension of an officer, pending an investigation, the Chief (or their designee) will:

- consult with legal counsel before initiating the suspension unless immediate removal of the officer prevents them from doing so;
- prepare a concise notice of the reason(s) for suspension before, or within, 24 hours of the suspension. The notice should include if the member is on a paid or unpaid status.

Members on administrative leave or suspension without pay will not accrue or be allowed to use, any sick, vacation, personal, or holiday hours during the time they are on administrative leave or suspended without pay.

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**DEPARTMENT HUMAN RESOURCES**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**8.0 HUMAN RESOURCES**

This policy describes and explains the rules and regulations regarding payroll, preparing reports, hiring/terminating, and all other matters regarding general employment.

<b>Effective:</b> <b>04/15/2022</b>	<b>Revised:</b>	<b>KACP Standards: 13.1,13.2</b>
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**8.1 HIRING**

The purpose of this policy is to outline, and direct, the hiring process and practices for employment as a sworn member of the Department. The Department seeks the highest level of professionalism and integrity from its members and recognizes that this commitment begins with the selection of candidates.

**Officer Application Procedure:**

- Each applicant must meet the minimum requirements.
- The Department will provide each applicant with a step-by-step checklist outlining the process by which the Department selects individuals for employment as sworn officers.
- The checklist will include all requirements that must be met before consideration for employment: examples- a U.S. Citizen, education level attained, valid driver’s license, POPS Certification, etc.
- The Department will provide each applicant with a declaration of anti-discrimination concerning the hiring process.
- Each applicant must apply in writing using the current department application form. All questions on the form must be answered completely and truthfully.
- Any determination by the Department that an applicant has been deceptive in a response, either verbally or in writing, during the hiring process will be immediate grounds for dismissal from the process.
- Any determination, by the Department, that a candidate who has been hired was deceptive during the hiring process will be grounds for termination.
- Each applicant must provide documentation of the essential requirements upon submission of the application., i.e., driver’s license, social security card, high school, and college diplomas, DD214, proof of citizenship, etc.
- Each applicant must sign a waiver concerning prior employment, medical, psychological, credit, education, & criminal history including sealed and juvenile records.
- Each applicant must sign an affidavit indicating whether they have ever been the subject of a domestic, restraint, or protective order, including, whether they have ever been previously convicted of a domestic violence-related offense.
- Each applicant must sign an affidavit indicating whether they have social media sites and provide the username for each site, respectively.
- Each applicant must sign a drug screen consent form.

<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards: 13.1,13.2</b>
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**8.1.1 FULL TIME (NEW HIRE)**

- Each applicant who meets the minimum requirements will have their application reviewed by a cross-section of the Department and ranked accordingly.
- Each applicant who successfully passes the written examination, will proceed to the fitness test. The fitness levels prescribed by this Department are objective fitness standards that are set in conformity with the necessities of carrying out the law enforcement function of a patrol officer.
  - The fitness standards are set in conformity, prescribed by the Department, by bona fide occupational qualifications. (POPS)
  - The fitness process will be supervised by a certified fitness instructor.
- Each applicant who successfully passes, at the level prescribed by the Department, the fitness test, will then proceed to the background examination process. This process will include:
  - Verification of applicant’s responses in the written application.
  - Applicant’s driving history.
  - Criminal History check of the applicant including checks in all former states of residency.
  - Survey law enforcement agencies in locales where the applicant has resided or is known to frequent. This survey should include a CAD inquiry of the applicant’s former residences during the period of the applicant’s residency.
  - Credit History report.
  - Check the national database that registers officers who have been de-certified by a state POPS.
  - References listed as well as removed references (background investigator should ask the listed references for the identities of additional persons who know the applicant allowing the investigator to speak to persons who know the applicant but who were not listed by the applicant.
  - All former employers, to the extent possible, must be interviewed.
  - Un-named persons known to the applicant, such as neighbors, former neighbors, school officials, etc. should be sought out and interviewed.
  - In cases where form letters have been sent out to references but have not been returned, the investigator will make every effort to contact that individual either face-to-face or by telephone to make an inquiry as to the applicant’s suitability for employment by the Department.
  - If the applicant has already been through the basic academy for POPS certification, interviews of staff members that had direct contact with the applicant must be conducted.
  - Following the background investigation, the investigator will compile a background summary and make a recommendation concerning the applicant’s suitability for employment with the Department. In cases where the investigator is recommending that the applicant not be considered for employment, the investigator will provide specific, detailed information as to the reasons supporting the recommendation.
- Following the successful completion of the background investigation each remaining applicant will undergo an objective interview. Each applicant interviewed will be asked the same group of specific questions. Follow-up questions for clarification may be asked by the interviewer(s). Additionally, interviewers will be provided with the applicant’s background investigation before the interview so that questions relating to the background may be incorporated into the interview process.
- Each applicant suitable for employment per the level described by the Department will undergo an interview with the Executive Command Staff.
- Each applicant suitable for employment per the level described by the Department will undergo an interview with the Police Committee.
- Once all applicants have been interviewed, the interviewer (s) will make recommendations to the hiring authority concerning which applicants should be considered for employment.



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- The Department will not consider persons for hire where the background examination, interview, or any other portion of the application process puts the Department on notice that the candidate has a propensity to engage in conduct that could harm a member of the public.
- If the applicant is chosen to be hired, they will be offered a Conditional Offer of Employment.
- Conditional offer of employment-Prior to medical and psychological exams, is necessary under federal law to make a conditional offer of employment to the candidate. A conditional offer essentially holds that if the candidate passes the medical and psychological exam, they will be hired by the Department. A Polygraph Exam is also administered at this point as there are medical questions asked during the exam.
  - Medical Examination: A licensed medical practitioner who is familiar with the job tasks of a law enforcement officer will conduct this exam.
  - Drug screening will be conducted on all candidates who have received a conditional offer of employment.
  - The medical examination will include a review of the candidate’s medical history of injury/illness that may impact the candidate’s ability to meet the job task of a law enforcement officer/sheriff. This review of medical records is limited to review by the doctor who will determine whether the candidate is medically cleared for a position with this Department.
  - Psychological Testing-Each applicant who has received a conditional offer of employment will undergo the prescribed psychological testing to determine their suitability for the law enforcement profession.
  - Polygraph Examination – The applicant will be asked questions from a Pre-polygraph booklet which the applicant must complete.

<b>Effective:</b> <b>04/15/2022</b>	<b>Revised:</b>	<b>KACP Standards: 13.1,13.2</b>
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**8.1.2 FULL TIME (LATERAL OR RE-HIRE) & PART-TIME**

- Each applicant who meets the minimum requirements will have their application reviewed by a cross-section of the Department and ranked accordingly.
- Each applicant will be ranked and will proceed to the background examination process. This process will include:
  - Verification of applicant’s responses in the written application.
  - Applicant’s driving history.
  - Criminal History check of the applicant including checks in all former states of residency.
  - Survey law enforcement agencies in locales where the applicant has resided or is known to frequent. This survey should include a CAD inquiry of the applicant’s former residences during the period of the applicant’s residency.
  - Credit History report.
  - Check of National Database that registers officers who have been de-certified by a state POPS.
  - References listed as well as removed references (background investigator should ask the listed references for the identities of additional persons who know the applicant allowing the investigator to speak to persons who know the applicant but who were not listed by the applicant.
  - All former employers, to the extent possible, must be interviewed.
  - Un-named persons known to the applicant, such as neighbors, former neighbors, school officials, etc. should be sought out and interviewed.
  - In cases where form letters have been sent out to references but have not been returned, the investigator will make every effort to contact that individual either face-to-face or by telephone to make an inquiry as to the applicant’s suitability for employment by the Department.
  - If the applicant has already been through the basic academy for POPS certification, interviews of staff members that had direct contact with the applicant must be conducted.



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- Following the background investigation, the investigator will compile a background summary and make a recommendation concerning the applicant’s suitability for employment with the Department. In cases where the investigator is recommending that the applicant not be considered for employment, the investigator will provide specific, detailed information as to the reasons supporting the recommendation.
- Following the successful completion of the background investigation each remaining applicant will undergo an objective interview. Each applicant interviewed will be asked the same group of specific questions. Follow-up questions for clarification may be asked by the interviewer(s). Additionally, interviewers will be provided with the applicant’s background investigation before the interview so that questions relating to the background may be incorporated into the interview process.
- Each applicant suitable for employment per the level described by the Department will undergo an interview with the Executive Command Staff.
- Each applicant suitable for employment per the level described by the Department will undergo an interview with the Police Committee.
- Once all applicants have been interviewed, the interviewer (s) will make recommendations to the hiring authority concerning which applicants should be considered for employment.
- The Department will not consider persons for hire where the background examination, interview, or any other portion of the application process puts the Department on notice that the candidate has a propensity to engage in conduct that could harm a member of the public.
- If the applicant is chosen to be hired, they will be given a Conditional Offer of Employment. A Conditional Offer of Employment is given before medical and psychological exams, and if necessary, under federal law, to make a conditional offer of employment to the candidate. A conditional offer essentially holds that if the candidate passes the medical and psychological exam, they will be hired by the Department. A polygraph exam is also administered at this point. There may be medical questions asked during the polygraph exam. In cases where an applicant has already been certified through KLEC or equivalent out-of-state agency, a psychological exam is not administered.
  - Medical Examination: A licensed medical practitioner who is familiar with the job tasks of a law enforcement officer will conduct this exam.
  - Drug screening will be conducted on all candidates who have received a conditional offer of employment.
  - The medical examination will include a review of the candidate’s medical history of injury/illness that may impact the candidate’s ability to meet the job task of a law enforcement officer/sheriff. This review of medical records is limited to review by the doctor who will determine whether the candidate is medically cleared for a position with this Department.
  - Polygraph Examination – The applicant will be asked questions from a Pre-polygraph booklet which the applicant must complete.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 4.5,4.6</b>
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**8.1.3 NEPOTISM**

The Department does not prohibit the employment of immediate family members (parents, spouse, and children), provided that one (1) family member is not under the direct supervision of another family member.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 15.1,16.4
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**8.2 PROBATIONARY PERIOD**

The probationary period for members will be twelve (12) months from their date of hire or appointment. A member’s immediate supervisor will counsel them on their job performance standards as outlined in SOP (Section 2.3.2 and Chapter 11) when they begin employment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 17.2,17.3
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**8.3 ASSIGNMENTS**

Initial assignments will be based on where the officers ranked on the final hiring list and the needs of the Department (i.e., open vacancy positions).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 17.2,17.3
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**8.3.1 REASSIGNMENTS**

The Chief of Police may transfer any member from one assignment, or shift, to another for the efficiency of the Department. Members may request reassignment by submitting a Request for Reassignment Form (SMPD #056). Members may be transferred only with the approval of the Chief of Police. Members will retain all previously issued equipment when transferred unless otherwise directed by a commanding officer. Vacancy announcements will be posted for at least ten (10) days. Selection will be based upon seniority, experience, and the needs of the Department.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 15.2,15.3,15.4
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**8.4 PROMOTIONAL PROCEDURE**

A promotional process will be advertised department-wide, by written announcement, for at least forty-five (45) days before the beginning of the process. The announcement will include, but not be limited to:

- Identification and description of the position that is intended to be filled through promotion (currently applies to Sergeant’s positions);
- Schedule of dates, times, and locations for all elements of the promotional process;
- Specification of the requirements for participation in the promotional process; and
- Description of the process to be used for the testing, evaluation, and selection within the promotional process.

Postings for promotional vacancies will be posted within ninety (90) days of the vacancy. The Executive Staff Officers will be responsible for the administration and oversight of the promotional process.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**8.5 RESIGNATION/RETIREMENT**

Members who plan to resign or retire will notify the Chief of Police and the Human Resource Generalist in writing, as soon as possible, before the scheduled date of resignation or retirement. Members should provide, at least, two (2) weeks’ notice when possible.

If a member wishes to have an exit interview with the Chief of Police, they must include this request in their notice of separation letter.

The Checklist for Separated Officer form (SMPD #098) will be completed before the end of the member’s last day.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.6</b>
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## **8.6 REPORTING AN ON-DUTY ILLNESS OR INJURY**

Any member who suffers a workplace or work-related illness or injury is required to notify their supervisor immediately. The member will report all injuries/illnesses, no matter how “minor” they are perceived to be, including exposure or potential exposure to biohazards, to their supervisor. In turn, the supervisor should assist the member in completing the Workers Compensation - First Report of Injury Form (SMPD #049). This will be forwarded through the chain of command and Human Resource Generalist. Members who sustain any serious or life-threatening on-duty illness or injury will be treated at a hospital. Members will be provided information through the Human Resource Generalist to ensure the filling of prescriptions.

Supervisors are required to complete an Administrative Incident Report Form (Benchmark/SMPD #057) documenting any reported injury/illness in as specific detail as possible. The documentation will include information concerning the cause and/or officer/suspect actions that lead to the injury/illness. This will be completed on the Benchmark Software. In the event Benchmark is not operational, the Administrative Incident Report (Benchmark/SMPD #057) will be submitted to the Chief of Police through the chain of command. Electronic copies of the Administrative Incident Report (Benchmark/SMPD #057) will be provided to the Executive Command Staff and the Training Coordinator.

Members who are off work, due to an on-duty illness or injury, will be required to submit copies of all correspondence from their physician to the Chief of Police through the appropriate Bureau Commander. Correspondence will include follow-up documentation concerning when the member will return to the physician for appointments related to the on-duty illness or injury. Correspondence will also include a timeline concerning how long the physician estimates the member to be off work, as well as any physician’s reports and/or statements.

Members will furnish a release from their attending physician upon their return to duty in all cases involving an on-duty illness or injury by having their physician complete a Return to Duty Form (SMPD #061).

Members who report a second or subsequent illness or injury because of a previously reported on-duty illness or injury will notify their shift supervisor who will, in turn, complete a supplemental Administrative Incident Report Form (Benchmark/SMPD #057).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.6,29.8</b>
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## **8.7 FIT FOR DUTY EXAMINATIONS**

All Officers will undergo an annual physical examination by a licensed physician. The physician is chosen by and at the expense of the city. The Chief of Police may require an officer to submit to an additional fit for duty physical or psychological examination, at any time, based upon specific, written justification. This, too, is at the expense of the city. Members ordered to submit to a fit for duty physical or psychological examination will complete an Authorization for Use or Disclosure of Protected Health Information Form (SMPD #001).

Members who hold a Commercial Driver’s License (CDL) are required by the Department of Transportation (DOT) to pass a physical examination every two (2) years.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.6,12.1,29.8</b>
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**8.8 MEDICAL CONDITIONS & PRESCRIPTION MEDICATION**

Medical conditions or restrictions, which may adversely affect a members’ performance and job duties, must be reported to the Medical Director. The member will submit a memorandum explaining the medical condition and/or restrictions and place it in a sealed envelope. The sealed envelope should be addressed to the Medical Director and forwarded to them. The Medical Director may report the status of the member to the Chief of Police to determine fitness for duty. These reports will be included in the member's confidential medical file in the custody of the Chief of Police and/or Medical Director.

Members will submit a memorandum, in a sealed envelope, addressed to the Medical Director for any prescription medication they are taking which may impair their judgment, reaction time, or interfere with the safe performance of their job duties. The memorandum should include the type of drug, dosage, and possible side effects which could impair the member. Commonly prescribed medications that are known to impair judgment, reaction time, or interfere with the safe performance of job duties include but are not limited to: narcotics/opioids; benzodiazepines; muscle relaxants; controlled substances including amphetamines; sedatives; and central nervous system depressants. It will be the responsibility of each member to consult with their physician to determine if any prescribed medication could impair their judgment, reaction time, or interfere with the safe performance of their job duties. Medical memorandums will be maintained in the member’s confidential medical file, in the custody of the Chief of Police.

To enhance our physical fitness, officers are encouraged to and permitted to utilize the police fitness center on and off-duty. On-duty use is limited to (45) forty-five minutes provided officers are available for priority calls for service. Officers are also encouraged while working to periodically exit their vehicles to stretch, walk and warm up their muscles.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**8.9 NOTICE OF DEATH/INJURY/HOSPITALIZATION**

A Department Notification and Announcement Form (SMPD #033) will be completed by the immediate supervisor of any affected member, with that member’s permission, in the event of a death, injury, or hospitalization of a member or their immediate family. Members will have the right to privacy and refuse permission for their supervisor to complete a notification form and such a decision will be respected.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**8.10 SHORT & LONG TERM DISABILITY**

Refer to the St. Matthews City Employee Handbook regarding short and/or long-term disability.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**8.11 SICK HOURS**

If a member is sick, and cannot report for duty, they will call in at least two (2) hours before the start of their shift. Officers will contact the on-duty shift supervisor who will be responsible for arranging shift coverage. Civilian members will contact the on-duty dispatcher if the Telecommunication supervisor is unavailable.

When a member is absent from work due to an injury or illness, the member’s supervisor, with the approval of the respective Bureau Commander, may require the member to provide a physician’s statement regarding the injury or illness. The supervisor will forward the original physician’s statement to the Chief of Police no later than the end of the tour of duty on which it is received. No copies of medical records will remain in the supervisor’s file.

Members who are off work due to any illness or injury will not be allowed to work any off-duty employment until they are released from their attending physician to return to duty. Members who are off work due to an extended illness or injury will be required to turn in their assigned vehicle until they are released from their attending physician to return to duty.

In December of each year, all current members have the option of carrying forward all unused sick leave time up to the maximum of nineteen hundred-twenty (1920) hours. Members also have the option to be paid for all sick leave time, over eighty (80) hours, at a rate of 50% of their regular compensation.

<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards:</b>
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**8.12 LIGHT DUTY**

Members who are unable to perform their normal job for any reason may be assigned a light-duty assignment for a limited time. This option is to help members maintain their employment status and reasonably accommodate illness or injury. Light duty assignment may also be used in the case of a pending administrative investigation that requires a temporary assignment.

Light duty status permits a member who is unable to perform all job functions but is not so disabled as to warrant sick leave, to return to work at less-than-full duty while recovering. For purposes of this directive, conditions justifying assignment to light duty status include, but are not limited to; any disability rendering it medically unsafe for a member to perform full job functions. For a sworn member this includes the ability to perform full police functions, such as the inability to make a forceful arrest, the inability to operate an emergency vehicle, and the inability to safely operate a firearm.

It is the responsibility of the member to advise the Chief of Police, through the appropriate chain of command, of an inability to perform all job functions required of active-duty status. Notice of the member's inability to perform all job functions required of active-duty status must be made in writing, clearly stating the reason the member is not able to physically, mentally, or emotionally perform the duties required of active-duty status. However, the Chief of Police may also determine a member is not able to perform all job functions required of active-duty status.

Light Duty assignments are only approved by the Chief of Police and are only for a limited time until the member can return to regular duty without restrictions. A member may refuse a light-duty assignment, except when off on an injury or illness that is subject to Workers Compensation. However, doing so may affect their ability to continue to collect disability or unemployment benefits.

The city may require members off work for an on-the-job injury subject to Workers Compensation, to work in a light-duty capacity, subject to a review and/or medical examination by a competent medical authority of the city's choosing and at the city's cost:

- In the event a member's physician disagrees with the city's physician regarding the member's ability to work light duty, the member may grieve the finding of the city's physician directly to SOP (Section 7.3). During this grievance, the member may submit a detailed opinion from a third physician of the member's choosing and at their expense.
- The Chief of Police will consult with the city's physician before rendering a decision. The member may not be required to work light duty following a decision by the Chief of Police while the member progresses through the remaining grievance steps, however, in the event, the member decides not to appeal to the next step, or the steering committee determines the member was able to work light duty, the member will be charged paid time off hours for sick leave or injury leave used during the Grievance Procedure.

Members on light duty status will report, in writing, to the Chief of Police, every thirty (30) days concerning their status. The report will include a medical certification of their diagnosis and prognosis. When a member's physician, or the city's physician provided to the member, certifies, in writing, that the member can perform all job functions and return to active-duty status, the member will notify the Chief of Police in writing, including all pertinent medical certification. Upon review of the member's request, the Chief of Police will notify the member whether the request to return to active duty is authorized, or if more information is required before authorization for return to active duty.

If a member is unable to perform full police functions after ninety (90) days on light duty, the Chief of Police will review whether the member's light-duty assignment will be continued or terminated. The Chief of Police can terminate light duty status for good cause or the needs of the Department.

Depending on the needs of the Department, the member may be required to turn in their take-home vehicle. A member placed on light duty will have limited police powers and will adhere to the attire standards set forth by their immediate supervisor. A member placed on light duty will retain their badge, weapon, and identification. A member on light duty will also complete all required training, unless physically incapable, to keep their training records and certifications current. Any member on light duty must be accessible for court and available to the Chief's Office.

Before returning to work from light duty, the member's physician, or the city's physician provided to the member, must certify in writing the member can fully perform their duties by completing a Return to Work Form (SMPD #061).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **8.12.1 LIMITATION OF POLICE POWERS**

At the direction of an Executive Command Staff Officer, if a sworn member is unable to perform full police functions for more than ten (10) days, the sworn member will be served with a copy of a notification of Limitation of Police Powers form (SMPD #066) and placed on off-duty or light duty status and surrender their assigned police vehicle, if off more than thirty (30) days.



<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards: 4.5,4.6</b>
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**8.12.2 LIGHT-DUTY ASSIGNMENTS**

Light duty assignments may include, but are not limited to the following:

- Assist executive assistant - cover front desk (phone, window, distribute mail, pill drop box.... when needed, short/long term)
- Open front desk for additional hours from 1600-2400 hours (to provide more good community service.... opens the front desk from 0800-2400 M-F)
- Open the front desk on the weekends from 0800-1600 (or offer a different shift for being open, perhaps mid-day, 1000-1800)
- Work on the archive room (continue clean-up and filing/re-filing)
- Fingerprinting
- Handle walk-in 10-41's
- Work as a "TRU Officer" (telephone reporting unit.... make reports by phone, or, in unmarked cars to some locations, such as accidents on private property, misdemeanors...)
- CID: misdemeanor callbacks, other callbacks for detectives, light filing....
- CID: collect video evidence for detectives (video from Kroger on robbery, Nike on shoplifting...)
- Assist executive command staff with projects
- Assist fleet manager (jockey cars....)
- Assist evidence/property officer
- Assist training director (filing, equipment cleaning, classroom set-up, being a POC for DOCJT instructors when on-site presenting class(es), cleaning out 2<sup>nd</sup> FL storage room, cleaning the fitness room equipment...)
- Assist DRO with community presentations/displays....
- Assist range cadre (clean weapons, maintain order & cleanliness of armory)
- Serve as a call taker (only) in dispatch (3<sup>rd</sup> table already in place with available phone jack)

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**8.13 LEAVE OF ABSENCE**

There are many types of leave. Some types of leave are implemented for departmental reasons, such as administrative leave. Other types are implemented upon the request of the member and with subsequent departmental approval. Depending on the type of leave, it may be paid or unpaid, depending on the individual member's situation. Below are the types of leave:

- Administrative Leave: A temporary leave of absence from a job assignment, with pay and benefits intact.
- Adoption Leave: Leave taken for the adoption of a child.
- Extended Sick Leave: Approved time-off from work, due to sickness or injury, for five (5) or more consecutive days.
- Family Medical Leave: See the City of St. Matthews Employee Handbook.
- Leave of Absence: Any approved paid or unpaid extended absence from duty.
- Maternity Leave: Leave taken for childbirth.
- Military Leave: Activation by the military, over, annual training.
- Paternity Leave: Leave taken for the care of a newborn, children, and mother.

When a member is off for five (5) or more consecutive working days, for any reason, other than vacation, workers' compensation, or suspension, they will submit a leave of absence request, in memorandum form, through the



appropriate chain of command, to the Chief of Police.

If applicable, the member should obtain and complete an (FMLA) Certification - Serious Health Condition of Employee form (SMPD #062), from Human Resources, stating:

- The reason for the leave; and
- The beginning and ending dates.

Medical leaves must have the medical portion completed by the treating medical provider. Human Resources reviews each application and decides which type of leave is the most appropriate given the circumstances. Human Resources will notify the member as to whether the request for leave is approved, and if the leave, or any portions of the leave, may be paid or unpaid.

Members on extended sick leave are required to report, in writing, using the Application for Medical Leave of Absence (FMLA Absence Request) form (SMPD #063), of their status. The form will be sent to the Chief of Police, every thirty (30) days, and will include a medical certification of their diagnosis and prognosis and the medical necessity for the continued use of sick leave.

The continued approval of extended leave for sickness is contingent upon the member’s situation, the physician’s prognosis regarding the member’s potential for returning to full duty, and the Department’s ability to accommodate a member who may not be able to return to full duty. Medical leave is an uninterrupted leave due to a continuous period of incapacity. Medical leave may not be taken on an intermittent or reduced schedule and is a continuation of family medical leave.

In all situations when family medical leave is requested or otherwise appears appropriate, Human Resources considers the leave application and any related documentation. Human Resources is responsible for notifying the member as to whether the leave is considered a part of the member’s family medical leave. Approved family medical leave runs concurrently with the member’s sick leave. A member on family medical leave is required to use all applicable paid leave (e.g., sick, vacation, compensatory time, and personal days) before the family medical leave is unpaid. When taking family medical leave for a family member, an FMLA Family Member Form WH-38F (SMPD #064) will be completed.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.2</b>
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### **8.13.1 FMLA MILITARY LEAVE**

#### **Qualifying Exigency Leave:**

Eligible members who are the spouse, son, daughter, or parent of a military member may take up to twelve (12) weeks of FMLA leave during any twelve (12) month period to address the most common issues that arise when a military member is deployed to a foreign country. Issues that may arise include, but are not limited to:

- Attending military-sponsored functions;
- Making appropriate financial and legal arrangements; and
- Arranging for alternative childcare.

This provision applies to the families of members of both the active duty and reserve components of the Armed Forces.

**Military Caregiver Leave:**

Eligible members who are the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to twenty-six (26) weeks of FMLA leave during a single twelve (12) month period to care for the service member who is:

- Undergoing medical treatment;
- Recuperating in outpatient status; or
- Is otherwise on the temporary disability list, for a serious injury or illness incurred or aggravated in the line of duty on active duty.

This provision applies to the families of members of both the active duty and reserve components of the Armed Forces.

In both cases, the FMLA Military WH-384 (SMPD #065) will be completed and sent through the chain of command.

Military leave is provided for members according to Kentucky Revised Statutes 61.394. The Chief of Police will be notified of the starting date and duration of the requested leave and the members will provide the Department with a copy of their military orders. Members are responsible for providing additional and pertinent information to include, but not limited to:

- Last day worked,
- Start date of leave,
- Whether the leave is active duty or drill, and
- Their military base pay.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 4.5,4.6</b>
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**8.13.2 MILITARY REINTEGRATION**

It is the policy of this Department to be supportive of its personnel who are called to active-duty service in the United States military. This support includes uniform strategies to facilitate a smooth and beneficial transition after the veteran returns and resumes their role in department operations.

The Department believes an active role in the reintegration of veterans is vital to, both, the veteran’s, and the Department’s success. The policy is designed to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

**Definitions:**

- Reintegration: The process of integrating and assimilating returning veterans into department operations safely and comprehensively.
- Veteran: A member of the Department who separated, from the Department, to serve on active duty for more than 180 days and was:
  - Discharged/released with other than a dishonorable discharge;
  - Was discharged/released from active duty because of a service-connected disability;
  - Was discharged or released as a member of a reserve component or national guard unit under an order to active duty;
  - Served on active duty for any length of time during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged/released from such duty with other than a dishonorable discharge.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**8.13.3 REINTEGRATION PROCEDURE**

Each returning veteran will be offered the opportunity and is encouraged to participate in the Department’s reintegration program, for a time to be determined by the Chief of Police or their designee, and the returning veteran. Participation may be ended at any time by the returning veteran.

Once a reintegration program is agreed upon between the Chief of Police and the returning veteran, the veteran may participate in one or more of the following activities, unless/until ended by the returning veteran:

- All administrative and auxiliary tasks to assimilate the veteran into department systems and processes, obtaining the necessary access to records, databases, and communication networks.
- Retraining and recertification with department-issued weapons before performing any law enforcement function.
- The Department will advise the returning veteran of departmental resources available to them during and after the reintegration. The Department will also assist the veteran in applying/updating department benefits (i.e., insurance, retirement, etc.).
- A particularized audit of required training needs and certification requirements, as well as a training plan, will be created and/or conducted to ensure necessary competencies and certifications are met, or updated, in a reasonable and timely fashion. This will include compliance with all certifications required by the Commonwealth of Kentucky to accomplish the returning veteran’s job function.
- A review of the use of force policy, options, and concepts where applicable.
- The returning veteran will be assisted in relearning matters that pertain to their job function which may include radio procedures, re-familiarization or familiarization with technologies, introductions to new personnel and or local officials where necessary, as well as legal and policy review with emphasis on new policies and procedures that may have been enacted during the veteran's separation from the Department.
- At any time during the reintegration process, whenever the returning veteran feels comfortable returning to the primary law enforcement role the returning veteran will assume full law enforcement duties. The supervisor will conduct weekly observations and performance feedback;
- At the end of the reintegration period, the veteran will return to full duty status.
- If necessary, the veteran will be required to take in-service training as required by KRS Chapter 15.

**Supervisor Responsibilities:**

During the reintegration period, the supervisor will meet with the veteran every week and provide feedback, as to the veteran's progress, via memorandums to the Chief of Police or their designee. The Chief of Police or their designee may grant additional extensions of the reintegration program.

**Reinstatement times:**

- If the member’s length of military service is less than or equal to thirty (30) days, the member must report to duty no later than the next full calendar workday, allowing time for safe travel home and eight (8) hours of rest.
- If the member’s length of military service is more than thirty (30) days but less than or equal to one hundred eighty (180) days, the member must report to duty no later than fourteen (14) calendar days after the completion of their current military tour.
- If the member’s length of military service is more than one hundred eighty (180) days, the member must report to duty no later than ninety (90) calendar days after the completion of their current military tour.

The following discharges would not be eligible for USERRA:

- A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

- A separation of such person from such uniformed service under other than honorable conditions, as characterized according to regulations prescribed by the Secretary concerned.
- A dismissal of such person permitted under section 1161(a) of title 10.
- A dropping of such person from the rolls according to section 1161(b) of title 10.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.12,10.6</b>
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#### **8.14 ADMINISTRATIVE LEAVE**

Officers involved in a use of force or motor vehicle accident, which results in death or serious physical injury (critical incident), will, immediately, be placed on administrative leave pending an administrative investigation. Officers may also be placed on administrative leave or administrative reassignment while under administrative investigation for failure to meet firearms qualifications, or at the discretion of the Chief of Police.

Upon being placed on administrative leave or administrative reassignment, officers will have their police powers limited and may be reassigned to desk duties (e.g., limited-duty work) or relieved from duty entirely.

##### **Definitions:**

- **Administrative Leave:** A temporary leave of absence from a job assignment, with pay and benefits intact.
- **Educational Debriefing:** Formerly known as “fit for duty.” It is the process of counseling following a critical incident to determine if the officer has received the support and resources needed to verify that the officer was well informed about psychological survival and is ready to return to work.
- **Limited-Duty:** An officer whose police powers may be limited or suspended while working an administrative reassignment.

In all cases where a person has received a fatal or life-threatening injury, as a result of police action (critical incident), the services of a police psychologist (paid for by the Department), Department Chaplain(s), and the Peer Support Team (PST) will be made available to the officer(s) involved and their family.

The officer(s) involved will undergo a debriefing with members of the PST within ten (10) days of the incident. This session assists the officer with the moral, ethical, and psychological effects of the incident. The debriefing session and services are not protected by the Professional Psychologist Code of Ethics and the Kentucky Rules of Evidence (Chapter KRE Rule 506 Counselor-Client Privilege).

A mental health assessment may also be required when an officer has been involved in a critical incident. The mental health assessment is an individual session(s) conducted by the, departmentally furnished, mental health professional. The officer’s bureau commander is responsible for contacting the mental health professional within seventy-two (72) hours of the incident to schedule an appointment for an assessment. The mental health assessment is completely unrelated to the PST debriefing and is provided to the officer at no cost. If the mental health professional determines that the officer is fit to return to duty, a letter of confirmation will be sent to the Chief of Police and Human Resources (HR).

An officer on administrative leave or administrative reassignment may not return to regular duty until directed by the Chief of Police. This decision may be based on one (1) or more of the following:

- Recommendation of the mental health professional regarding the officer’s educational debriefing.
- Release by a physician (if the officer has been physically injured).
- Given circumstances.
- Status of the administrative/legal review of the incident.
- Meeting firearms qualification standards.

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During a critical incident investigation, the Office of the Commonwealth’s Attorney reviews the incident to decide if any charges should be filed against the officer because of their action(s). If the officer is cleared of any wrongdoing or indictment, the Office of the Commonwealth’s Attorney will send a letter of confirmation to the Chief of Police who may restore the officer’s full police powers. The restoration of police powers will be documented on a Notification of Restoration of Police Powers form (SMPD #067) and given to the officer.

If an officer is returning to duty after being on administrative leave or administrative reassignment and is issued a temporary or loaned firearm, they will successfully qualify with this firearm before returning to duty.

Before returning to duty, members will acknowledge that they have read and understood all policies, General Orders, and General Memorandums found in the BRIDGE Program. If the officer has been on any type of administrative leave for more than one hundred eighty (180) days and can return to full duty:

- The Chief of Police or their designee will notify Human Resources when the officer is ready to be sent for an educational debriefing if they are on administrative leave or administrative reassignment.
- Human Resources will notify the Chief of Police when the officer has been cleared from the educational debriefing and a decision to restore the officer’s police powers.
- A Return to Duty Clearance form (SMPD #061) will be completed.
- Upon completion of the Return to Duty Clearance form (SMPD #061), the Notification of Restoration of Police Powers form (SMPD #067) is completed, and the officer is provided with a copy.
- The departmentally issued property/equipment will be returned to the member upon their return to duty.

Upon returning to duty after a leave of more than one hundred eighty (180) days, the member will contact the Training Coordinator to see if they need to make up any required training.

Members who are on administrative leave or administrative reassignment and/or are under investigation either criminally or administratively will not have an annual performance review/evaluation completed. The performance review/evaluation will be completed upon the member’s return to duty.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.2</b>
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**8.15 BEREAVEMENT LEAVE**

Bereavement leave will be granted per the City of St. Matthews Employee Handbook.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**8.16 EMPLOYMENT ASSISTANCE PROGRAM**

The Department offers an Employee Assistance Program (EAP) to provide professional and confidential assistance to members who are experiencing personal problems. The EAP is designed to encourage early member awareness of such problems and to help in managing them.

Use of the EAP is voluntary, except when a mandatory referral is made. It is available to department members and all household members. For further, reference the City of St. Matthews Employee Handbook.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2</b>
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**8.17 PAID TIME OFF (PTO)**

Paid Time Off (PTO) and sick hours will be accrued each pay period and per the City of St. Matthews Handbook and the SMPD SOP Appendix 4 for police members.

Requests for PTO may be submitted on a Request for Time Off/Pay Form (SMPD #080) and submitted to the member’s immediate supervisor or, the member may meet with the supervisor for immediate approval. Members may modify a request before it is taken.

Seniority requests for primary vacation, forty (40) consecutive hours, will be submitted on a Request for Time Off/Pay Form (SMPD #080) to the member’s immediate supervisor between November 15<sup>th</sup> and December 15<sup>th</sup> for the following year. After December 15<sup>th</sup>, requests will be approved on a first-come, first-served basis.

Members who laterally transfer from another agency are not granted seniority credit from their previous employer. Seniority credit will begin based upon a member’s full-time date of hire with the Department. Request for time off does not need to be sent through the Chief’s Office.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.1</b>
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**8.18 DEPARTMENT PAY**

Department pay will be determined based upon a member’s position and job classification per the St. Matthews City Employee Handbook. A Request for Time Off/Pay Form (SMPD #080) will be submitted weekly to the immediate supervisor. Any overtime, part-time, or court pay that is worked outside regular duty hours, should be documented on the form. This form needs approval from the Chief’s Office.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**8.19 CHANGE OF PERSONAL INFORMATION**

Members will report a change in their address, phone number, or marital status within twenty-four (24) hours, by memorandum, through the Chain of Command.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1,12.4,12.6,26.1,26.2</b>
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**8.20 MEMBERS RECORDS**

A Member’s records will be contained in five (5) separate files: personnel, training, POPS, medical, and disciplinary. All or parts of these files are subject to open records; except for medical files. Medical files are not subject to open records.

Personnel, medical, and disciplinary files will be maintained in the front office. Training and POPS files will be maintained in the training office.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.2,10.3</b>
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**8.21 SECONDARY/OFF-DUTY EMPLOYMENT**

Employment with the Department will be the primary responsibility of each member. Secondary/off-duty employment is permitted with prior approval. Members will not engage in any secondary/off-duty employment that would create a conflict of interest, jeopardize the impartial position of the Department, interfere with the performance of official duties, involve any labor dispute, or violate any department policy or procedure. It is the responsibility of the supervisor to monitor job performance that may be adversely impacted by secondary employment.

Officers requesting secondary/off-duty employment are required to submit a Secondary Employment Form (SMPD #045), in advance, for approval by their immediate supervisor, Bureau Commander, and the Chief of Police before working the secondary/off-duty job. All approved secondary/off-duty employment requests will expire on December 31 of each year and must be resubmitted for approval for the following year.

The following aspects of secondary employment are prohibited:

- Using departmental records (e.g., case files, criminal records, etc.) for the benefit of a secondary employer, unless authorized, in writing, by the Chief of Police.
- Working a secondary job when a member is on sick or injury leave
- Working a secondary job involving the use of official duties as an officer while on suspension from the Department.
- Performing secondary employment duties in exchange for compensation from any person or firm, during regularly scheduled work hours.
- Soliciting secondary employment from any person, agency, or firm while on-duty.
- Signing any type of form waiving the liability of the secondary employer for any incident arising out of the secondary employment which may require the use of official powers granted by the Department.
- Driving a department vehicle to a secondary job without prior approval.
- Transporting civilian riders or passengers in a department vehicle without prior approval from the Chief of Police.
- Working a bingo hall, unless the member submits, along with the request form, a letter from the bingo operator stating that the organization conducting the bingo is tax-exempt, as detailed by state law.

Officers working secondary/off-duty employment will advise dispatch, by radio, of their location and the duration which they will be working the secondary/off-duty employment. Dispatch will maintain a list of and be aware of all officers working secondary/off-duty employment for enhanced officer safety in the event the officer becomes involved in a police action and requests assistance.

**Appeal Process:**

If the member is denied secondary employment, the member may appeal through the Chief of Police to the Police Steering Committee. The Chief of Police may revoke approval for secondary/off-duty employment, at any time, if such employment impairs or interferes with a member’s job performance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**8.22 BRADY RULE**

The Department recognizes its duty and obligation to document and provide all evidence, including potentially exculpatory evidence, to prosecuting agencies. The landmark United States Supreme Court decision of Brady v.



Maryland (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potentially exculpatory information to include evidence that may impact the credibility of any department witness.

<b>Effective:</b> <b>04/15/2022</b>	<b>Revised:</b>	<b>KACP Standards: 4.5,4.6</b>
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### **8.23 EARLY INTERVENTION SYSTEM**

A comprehensive Early Intervention System is an essential component of good discipline in a well-managed law enforcement agency. The Early Intervention System is a supervisory tool and not a disciplinary process. The early identification of members exhibiting symptoms of stress or other behavior, which could pose a liability to the community, the Department, or the member, must be detected as soon as possible. An intervention system offering a menu of remedial actions can increase department accountability and offer members a better opportunity to meet the Department’s values and mission statement.

The Department will establish an Early Intervention System to identify department members who may require intervention efforts. The system should identify patterns of behavior that might be symptomatic that an individual member requires an intervention. The system should review at a minimum:

- Complaints
- Incidents involving the use of force
- Shooting incidents
- Use of sick leave
- Preventable accidents
- Domestic misconduct incidents
- Civil litigation
- Performance Evaluations
- Commendations
- Performance Observations

#### **Definition:**

Early Intervention System (EIS): A data-based management tool designed to identify members whose performance exhibits potential problems and, if identified, provides intervention. The intervention can be in the form of, but not limited to, the following:

- Counseling to address any issues that may be contributing to performance issues, or
- Training to correct the performance issues.

<b>Effective:</b> <b>04/15/2022</b>	<b>Revised:</b>	<b>KACP Standards:</b>
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#### **8.23.1 EARLY INTERVENTION SYSTEM MANAGEMENT**

The Early Intervention System will be maintained by the Support Bureau Commander or their designee. The Department will establish thresholds in each of the indicated categories notated in SOP 8.23. These thresholds will be established by a cross-section of the Department.

The review of the data will generate periodic reports identifying members who have met the established thresholds triggering the Early Intervention System. These reports will be prepared monthly. It will be the responsibility of the identified member’s chain of command, to recommend, in writing, the appropriate action initiated to correct

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any deficiency that might be identified. The recommended actions could include, but are not limited to, the following:

- No further action is required. The member's actions that triggered the EIS have been thoroughly reviewed and do not indicate any concern for corrective action;
- Supervisory counseling;
- Periods of observation in the field by the first-line supervisor;
- Peer counseling;
- Referral to the Employee Assistance Program;
- Referral to psychological services;
- Referral for remedial training;
- Re-assignment;
- Referral for anger management training;
- Referral for stress reduction training;
- Other action as deemed appropriate; and/or
- Where it is determined that the conduct is related to medical, psychological, member assistance, or another issue, which is subject to confidentiality under Kentucky State law, all records will be maintained as confidential.

Once the recommended action plan is discussed with the member and approved by the chain of command, the intervention will be engaged. The progress of the member will be documented, in writing, and reported to the entity charged with the responsibility of maintaining the system. A follow-up component will be established in the action plan to ensure the behavior that triggered the intervention is no longer a concern.

**St. Matthews Police Department  
Standard Operating Procedures  
Department Administrative Guidelines**

**DEPARTMENT ADMINISTRATIVE GUIDELINES**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**9.0 AUDITS & REPORTS**

This policy refers to the recordkeeping, auditing, and fiscal management of the Department.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.8,18.9,26.1,26.2</b>
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**9.1 RECORDS RETENTION**

The Department will use the Records Retention Schedule prepared by the Kentucky Department for Libraries and Archives to retain, transfer, destroy, or otherwise disposed of records. No records will be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule unless by a change in the law or court order.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 5.1,6.1,17.1,22.2,26.5</b>
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**9.2 INFORMATION REPORTS**

Information will be distributed to members primarily by daily information, monthly and annual reports, memorandums, and email.

Daily information or significant activity provides current information and a recap of recent events including but not limited to:

- Arrests,
- Trouble runs,
- Unusual events;
- Attempt to locate,
- Stolen vehicles; reports, and
- Directed patrols.

Daily information will be distributed via the Department computer network and will be displayed at roll call.

Monthly Reports are compiled from KYOPS, Crime View Web, and the Department computer database. They include, but are not limited to:

- offense reports by type and the detective assigned,
- Property stolen and recovered,
- Arrests,
- Collisions, and
- Open cases.

The purpose of these reports is to identify problem areas and crime trends. The reports will be used to assist in formulating responses to these problems.

Annual or biannual reports will contain information as required by the Chief of Police and will be made available to department members, the Mayor, and City Council. The purpose of this report is to:

- Highlight major activities of the Department,
- Provide uniform annual statistics for comparison purposes,
- Provide information to assist in setting goals and objectives for the Department, and
- Educate readers on our Department, our mission, our purpose, our performance, and our capabilities.

The Chief of Police will ensure reports are completed at the end of the year and in compliance with the Kentucky Uniform Crime Reporting Program.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.11,1.12,29.1</b>
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**9.3 ADMINISTRATIVE INCIDENT REPORT**

An Administrative Incident Report (Benchmark/SMPD #057) will be submitted for any of the following:

- Injury or potential injury; including bloodborne pathogen exposure to a member;
- Vehicle and foot pursuits involving officers;
- Discharge of an officer’s weapon for any reason, other than training or recreational purposes;
- Physical force, other than a control hold or handcuffing, used to effect an arrest;
- Whenever it is known or alleged that a canine has apprehended or otherwise injured an individual;
- Warrant/warrantless forced entry or damage to property;
- Injury or death to a prisoner including attempted suicide;
- An attempt or successful escape from custody;
- Injury or death to a person as a result of police action;
- Any strip search or extraction of evidence; and
- Any charged/detained suspect release.

Members involved in any of the above-listed circumstances will report the incident to their shift supervisor, as soon as possible, before the end of their shift. The shift supervisor will investigate the incident and complete an Administrative Incident Report (Benchmark/SMPD #057) before the end of their shift and forwarded it to the Training Coordinator through the Benchmark program. If the Benchmark System is down, the original Administrative Incident Report (SMPD #057) will be submitted, through the chain of command, to the Chief of Police. In this case, electronic copies will be distributed to all Executive Command Staff Officers via the Department email system.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**9.4 FORMS**

Department forms are contained in the Department’s computer network. Members are encouraged to complete all forms on a computer. Handwritten forms will be accepted if the computer system or printer is inoperable. Members will access all forms directly from the shared drive to ensure that the most current copy of a form is being used.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 20.2,22.4,26.1,28.7</b>
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**9.5 RECORDS**

The Telecommunications Supervisor will enter all completed and applicable reports into the Louisville Metro

Police Department’s ILEADS database. The Executive Assistant disseminates copies of offense reports to the appropriate unit(s). Case files are maintained in the CID Sergeant’s office and Department’s Archive Room. The Case File Sign Out Log (SMPD #068) will be completed anytime a case file is removed. Persons requesting any record other than a collision or offense report will complete an official, written request, which will be sent to the Support Bureau Commander for review and approval.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 22.4</b>
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**9.6 CITATIONS**

Officers will contact the Administrative Sergeant to obtain a citation book. The officer will sign for each citation book they receive on the Citation Accountability Log (SMPD #100). The officer must account for all voided, damaged, or unusable citations using the Void Citation Log (SMPD #099). The Administrative Sergeant will conduct a monthly audit of citation books issued. It is highly recommended to utilize the KYOPS ECitation.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 8.2,8.3,8.4,8.5</b>
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**9.7 FISCAL MANAGEMENT FUNCTION**

The Support Bureau Commander will prepare an annual budget proposal to be submitted to the Chief of Police by May 1 of each year. The budget proposal should be based on, but not limited to, past expenditures, anticipated department needs, and requests from various units. The Executive Command Staff officers will meet to discuss the budget proposed. The Chief of Police will have final responsibility for approval and submission to the Mayor. Invoices and receipts will be forwarded with designated account numbers to the City Clerk for payment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 8.5</b>
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**9.8 PURCHASING PROCEDURES**

Any purchase including those made from petty cash requires prior approval from an Executive Command Staff officer. The Chief of Police will have the authority to purchase or lease equipment to provide uninterrupted services in the event of an emergency. However, any requests for supplemental or emergency appropriations and/or funding will require the approval of the Mayor.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 8.5,8.6</b>
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**9.9 CASH DISBURSEMENTS AND RECEIPTS**

The Chief of Police will be responsible for all funds collected and disbursed by members. The Executive Assistant will charge the appropriate fees that are posted in the Department Lobby for any requested records. Receipts are issued and maintained in a receipt log and Records Unit Ledger (SMPD #069). All monies are maintained in a secure cash drawer which should contain a minimum of \$250.00. These are general funds and will only be accessible to the Executive Assistant and Executive Command Staff Officers. An Executive Command Staff Officer will approve all purchases. The Executive Assistant and a supervisor will balance the administrative cash drawer weekly. Any amount over the \$250.00 will be collected and recorded on a Records Unit Deposit Slip (SMPD #070). The money and the deposit slip will be forwarded to the City Treasurer for deposit.

An audit of general funds will be conducted quarterly by the Support Bureau Commander and a written report will be forwarded to the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 8.7,27.3</b>
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**9.10 EQUIPMENT INVENTORY**

A department equipment inventory database is maintained by the Evidence Officer and will list the assigned location of all department equipment.

When a member receives or returns department-issued equipment, the Training Coordinator or Administrative Sergeant will document it on the member’s Equipment Issue Checklist (SMPD #097).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.3</b>
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**9.11 INSPECTIONS**

The Department will conduct audits and inspections of designated police operations and tasks. The audit and/or inspection can be scheduled or unscheduled.

The following operations and tasks will be audited and inspected by a person/unit designated by the Chief of Police. This person/unit shall be directly responsible to the Chief of Police. The person(s) conducting the audit/inspection shall use the formal checklist to ensure that all areas being audited and/or inspected are addressed:

- Access to the criminal information system Quarterly
- Uniforms & Equipment Monthly
- Citizen complaint investigations Annual
- Use of Force/Control of Resistive Persons Reports Monthly/Annual report
- Pursuit Reports Quarterly/Annual Report
- Property/Evidence (Narcotics, Money, Guns) See below
- SWAT equipment and training Annual
- Crowd control contingency plans and equipment Annual
- Less lethal weaponry Monthly
- Video camera supervisory reviews Quarterly
- Mandated training Quarterly/Annual Report
- SOP Yearly

The purpose of these inspections is to ensure that operations/tasks are being conducted in a manner that is consistent with department policy, procedure, and the law. Scheduled inspections shall enlist and involve the personnel of the unit/function being inspected unless there is an indication that this would inhibit the process of the audit/inspection. Unannounced audits/inspections shall be conducted at the direction of the Chief of Police.

Each audit/inspection shall be documented. The report will provide feedback and give specific examples of any issues identified. This report will be forwarded directly to the Chief of Police.

Each audit/inspection report that identified a deficiency or area of concern will have a follow-up audit/inspection within one month. All reports of audit/inspections shall be maintained in a secure location for a minimum of five (5) years, or longer, where required by state law.

At the discretion of the Chief of Police, someone, other than the Evidence Officer will take an inventory and audit the Evidence/Property Unit. During the inventories and audits, property control officers will be present to witness the process to maintain a proper chain of custody and security. An audit and inventory of the Evidence /Property Room will be conducted quarterly and unannounced.

A complete audit and inventory will be conducted as follows:

- Every two (2) years,
- When a new Evidence Officer is appointed, or
- When a new Chief of Police is appointed.

Unannounced inspections of the Evidence/Property Unit may be conducted as directed by the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b>	<b>KACP Standards: 4.6</b>
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**9.11.1 STANDARD OPERATING PROCEDURES COMMITTEE**

The Standard Operating Procedure (SOP) Committee will meet at least annually to review all written directives and make recommendations for additions, deletions, or revisions to policies and procedures. The SOP Committee will consist of the Executive Command Staff, Training Coordinator, and the Command Staff. This committee allows any member to comment on policies and procedures which will be considered during the annual or any other policy review.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 8.7,19.4</b>
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**9.11.2 PERSONNEL & VEHICLE INSPECTIONS**

Shift supervisors will conduct informal inspections of their members daily and see that any deficiencies are corrected promptly. Shift supervisors will conduct monthly inspections of their members and members’ vehicles to verify and document proper care, maintenance, and cleanliness of all equipment. This will be documented on the Inspection Sheet maintained in the Command Folder on the “X” Drive.

Bureau Commanders may conduct random inspections of their members annually. Deficiencies noted on the inspection form will be corrected promptly and sent to the respective member’s supervisor. The supervisor should review these reports during the annual evaluation process.

The care and proper use of all department-issued equipment will be the responsibility of the member to whom it is issued/assigned.

The Support Bureau Commander will conduct regular inspections of all department components, facilities, and equipment. Members should report deficiencies or repair needs in facilities to their immediate supervisor who will forward the request through the chain of command. The Support Bureau Commander will forward the request to the appropriate city department.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.2,12.4,12.6,26.1,26.2</b>
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**9.12 PERSONNEL FILES**

Member’s records will be contained in five (5) separate files: personnel, training, POPS, medical, and disciplinary. Personnel files will be maintained in the front office and the training files will be maintained in the training office. Parts of or both of these files may be subject to Open Records laws. Medical files and internal affairs investigations are confidential, maintained separately, and are not subject to Open Records laws.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.8,18.9,26.1,26.2</b>
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**9.13 EXPUNGEMENTS**

It is the policy of the Department to verify that all criminal records are expunged or sealed in compliance with court orders. This will be done within sixty (60) days of receipt of the expungement or seal order. At no time will correspondence that contains any identifying information regarding the expunged/sealed case be sent electronically. All charges listed on an expungement order will be destroyed whether in electronic or paper format. If the individual is named on a report their information will be redacted, leaving the remainder of the report intact. After all information is redacted, the expungement order will be destroyed, and no record of the expungement or charges will be retained.

Once an order to expunge and/or seal a record is received, the Executive Assistant will prepare and send a memorandum to the CID Sergeant and the Support Bureau Commander advising them of the expungement order. The memorandum will contain all identifying information regarding the case and the subject involved.

The CID Sergeant will locate all paper records, case files, documents, videotapes/CDs/DVDs, printed photographs, etc. related to the case and the subject identified in the expungement/seal order. The CID Sergeant will contact the officer(s)/detective(s) who handled the case to verify that they have not retained any related records or documents.

If the case is closed, the CID Sergeant will do the following:

- Gather all known paper records, case files, documents, videotapes/CDs/DVDs, printed photographs, etc. related to, and covered under, the expungement order;
- Change the jacket status and incident type or number to “Expunged or Sealed”; and
- Send the original records and all copies back to the Executive Assistant.

The Executive Assistant will place all related case documents and materials in a container (or envelope if items will fit), seal the container and write the incident control number (ICN) or arrest report number and retention date on the outside of the container.

Expungement orders with similar retention dates may be boxed together for storage. An Archived/Closed Case Log (SMPD #095) will be attached to the container upon transfer to Archives. All departmental records, files, or documents, whether maintained electronically or in any other form, are subject to the regulations governing retention schedules and destruction procedures as defined by law and contained in this policy.

If the case has **not** been closed or there are other defendants involved, only the person for whom an expungement order has been issued will have all identifying information redacted. If there are any co-defendants, whose identity could reveal the identity of the subject of the expungement order, their identity will be redacted, and the word “Expunged/Sealed” entered.

The Support Bureau Commander oversees expungement case file compliance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.9</b>
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**9.13.1 JUVENILE EXPUNGEMENTS**

Unless a signed order to expunge is received from the courts, juvenile case files will be stored until the defendant reaches the age of twenty-three (23). At that time, the files will be destroyed according to the Commonwealth of

Kentucky Records Retention Schedule. EXCEPTION: The following records are **not** destroyed when the defendant reaches the age of twenty-three (23) but are retained in the same manner as adult case files and according to applicable records retention schedules:

- Case files of juveniles who are tried as an adult,
- Case files where a juvenile is a suspect in a child abuse case, and
- Juvenile traffic offense and vehicular accident records.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.1</b>
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## **10.0 INFORMATION SYSTEMS**

This policy describes the usage of department information systems. Members authorized and trained in the use of Information Systems may use such equipment whenever necessary for business purposes. Information Systems equipment and its content are the property of the city and intended for use in conducting official business with limited exceptions noted elsewhere in this chapter. Information transmitted via information systems will be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence or public records.

Information Systems include but are not limited to the following:

- Computers, to include Mobile Data Computers and tablets;
- Internal and external databases;
- Information exchange networks;
- Electronic and voice mail systems;
- Paging systems;
- Internet services;
- Facsimile transmissions; and
- Related electronic messaging devices.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.1</b>
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## **10.1 GENERAL PROCEDURES**

Members will not have any expectation of privacy concerning information systems or its content including personally owned software if approved. The Department may access any of the records within its information systems at any time. The Department may retain or dispose of records it deems necessary and may require members to provide access or passwords to encrypted or protected files. The Department may access, for quality control purposes and/or violations of this chapter any information systems used by members. Communications sent by email may be subject to Open Records law or litigation if requested.

Confidential, proprietary, or sensitive information may only be disseminated to individuals with a need and a right to know and with the assurance that the security of the information will be maintained.

Unless such material is required for official business, accessing, or transmitting materials that involve the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage the Department, or any person, group, or classification of individuals is prohibited. Members may be approved to receive, copy, or download such material, as part of an official investigation, with the approval of the Chief of Police.

Members should log off any information system whenever they leave their work area to avoid a breach of security. Misuse of the information systems may result in disciplinary action.

Infrequent personal use of information systems is permissible if limited in scope and frequency. Personal use, related to, a profit-making business or enterprise, or promotion of any product, service, or cause, which has not been approved by the Chief of Police is not allowed. Members may use information systems when off-duty for professional and career development purposes.

Before the auction or destruction of any information systems, all information storage devices will be removed, wiped, and either, held for department use or destroyed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.1</b>
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### **10.2      DOWNLOADING/IMPORTING**

Members will take all necessary steps to minimize the possibility of a computer virus before downloading or installing any data, or software, from the internet or other external source on information systems. Members are encouraged to consult with the Administrative Sergeant or Support Bureau Commander for assistance when downloading data. If more technical expertise is required, the city’s IT Director will be consulted. All downloads to a Mobile Data Computer will be performed by the Support Bureau Commander or an authorized designee, MDT Central, or the city’s IT Director.

Members will observe copyright and licensing restrictions of all software applications, documents, images, or sound applications, and will not copy software from any source unless legally authorized. Any software for which proof of licensing cannot be provided is subject to removal. Privately owned software may not be installed on information systems without approval from the Support Bureau Commander or Chief of Police. Additions or enhancements to information systems will be approved by the Support Bureau Commander or Chief of Police secondary to consultation with the city’s IT Director. The IT Director will be responsible for determining the proper installation of such equipment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.1</b>
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### **10.3      INTERNET INFORMATION**

The official department website and its pages will be created and maintained by the Administrative Sergeant at the direction of the Chief of Police. Members will not create an internet website that appears to represent the city, or the Department, without the approval of the Chief of Police. The use of any scanned images or official department logos, patches, or badges on personal web pages is prohibited unless approved by the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **10.4      SOCIAL MEDIA SITES**

The purpose of this policy is to endorse the secure use of social media to enhance communication, collaboration, and information exchange, streamline processes and foster productivity. This policy establishes the Department’s position on the utility and management of social media and guides its management, administration, and oversight. It is not meant to address one particular form of social media; rather social media in general, as advances in social media technology, will occur.

This policy identifies potential uses of social media that may be explored or expanded upon as deemed appropriate by the Chief of Police.

The Department recognizes the role of social media in the personal lives of members. The personal use of social media can also have bearing on members in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by members.

**DEFINITIONS**

- Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- Post: Content an individual shares on a social media site or the act of publishing content on a site.
- Profile: Information that a user provides about themselves on a social networking site.
- Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook), micro-blogging sites (Twitter), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communications.
- Wiki: Web page(s) that can be edited collaboratively.

The United States Supreme Court case of Garcetti v. Ceballos (2006) has held that speech made by public employees, according to their official duties, is not protected by the First Amendment and may be subject to employer discipline.

Members should be cognizant of the fact they are responsible and, may be held accountable for any speech, posts, etc., made by them, relating to, or as a result of, their employment. Members who are speaking as private citizens on their personal social media website account(s) and address a matter of public concern are protected under the First Amendment. Matters of public concern include speech that addresses an issue of political, social, or other concern to the community.

The United States Supreme Court case of Connick v. Myers (1983) has held that speech made by public employees which affect the efficient operation of the Department may not be protected by the First Amendment and may be subject to employer discipline.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 26.1</b>
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**10.4.1 DEPARTMENT-SANCTIONED USE**

All department social media sites or pages will be approved by the Chief of Police and will be administered by the Administrative Sergeant. Where possible, social media pages will clearly indicate they are maintained by the St. Matthews Police Department and have contact information prominently displayed. Social media content will adhere to applicable laws, regulations, and policies, including all information technology and records management policies. Where possible, social media pages should:

- State the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department;
- Pages will clearly indicate that posted comments will be monitored and that the administrator reserves the right to remove obscenities, off-topic comments, personal attacks, or any other content deemed inappropriate by the Department; and
- Pages will clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Sworn and civilian members, representing the Department via social media outlets, will do the following:

- Identify themselves as a member of the St. Matthews Police Department; and
- Always conduct themselves as representatives of the Department and, accordingly, adhere to all standards of conduct observing conventionally accepted protocols and proper decorum.

Members WILL NOT:

- Make statements about the guilt or innocence of any suspect or arrestee or comments concerning ongoing investigations or pending prosecutions;
- Post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to training, activities, or work-related assignments, without permission from the Chief of Police; and/or
- Conduct political activities or private business.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.2</b>
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**10.4.2 PERSONAL USE**

Department members should assume that their speech and related activity on social media sites will reflect upon their office and the Department. When using social media, department members should be mindful that their speech becomes part of the worldwide electronic domain. Members are reminded of the following with regards to social media:

- Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer’s testimony in criminal proceedings.
- Department members should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by any individual, group, or government agency, including this Department, at any time without prior notice.
- Department members may not post content to their personal social media accounts (such as text, photos, and videos) that relates to the Department’s response to calls for service or criminal investigations.
- Except for live streaming video, members may post content of themselves in uniform as well as content related to non-enforcement department activities (such as community events, social functions, etc.).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 16.1,16.9</b>
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**11.0 PERFORMANCE EVALUATIONS**

The purpose of an evaluation system is to serve both management and the individual member and assure the public that members are qualified to carry out their assigned duties. The Department’s evaluation system will allow for fair and impartial personnel decisions and standardize the nature of the personnel decision-making process; maintain and improve performance and provide a medium for member counseling; facilitate proper decisions regarding probationary members and provide necessary behavior modification information to eliminate inappropriate behaviors; measurement of individual performance per prescribed guidelines and identify training needs. To accomplish these purposes, the Department will conduct annual evaluations of all members.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 16.1,16.2,16.3,16.7,16.8</b>
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**11.1 PERFORMANCE EVALUATION PROCESS**

The Executive Command Staff will review and evaluate all members annually. Supervisors will complete a personnel evaluation (Benchmark/SMPD #035) on each member under their command.

All members of the same rank performing the same tasks will be evaluated with the same measuring instrument. Evaluations will be both subjective and objective and be applied as fairly as possible. Subjective refers to opinion-based performance ratings that are generally used to rate hard to define characteristics such as interpersonal relations. Objective refers to quantitative type assessments of actual work performed. Evaluations will be job-related to accurately measure the performance of members in their areas of responsibility. Performance standards will be fair, obtainable, concise, and understandable.

Members will be counseled within the first six (6) weeks of employment to familiarize them with the evaluation system. Each person responsible for rating or evaluating members will do so in compliance with all evaluation guidelines. Raters will receive training before giving evaluations and become familiar with all aspects of the evaluation system to rate members as fairly and uniformly as possible.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 16.1</b>
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**11.2 PERFORMANCE EVALUATION PROCESS REVIEW**

The Chief of Police will review the evaluation process annually to ensure members receive a consistent, fair, and unbiased evaluation, and review any contested appraisals to identify trends.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 16.1,16.3,16.5</b>
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**11.3 PERFORMANCE EVALUATION RATING PERIOD**

The performance evaluation period will be from January 1 to December 31. Performance before or following the rating period should be excluded from the rating for that period. Performance evaluations are to be completed by supervisors and forwarded to the appropriate Bureau Commander by February 1<sup>st</sup>. Members will receive their review by March 1 following the rating period.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 16.1,16.3</b>
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**11.4 PERFORMANCE EVALUATION CRITERIA**

Criteria for performance evaluations will be specific to the position occupied by the member being rated. Job descriptions outlined in SOP (Section 2.0) form the basis of the work to be performed. Criteria to define the quality of work should be descriptive, measurable, and allow a characterization regarding how the work is performed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 16.1,16.2,16.7</b>
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**11.5 PERFORMANCE EVALUATION SUPERVISOR REVIEW**

All performance evaluations will be conducted by the member’s immediate supervisor and reviewed by the Executive Command Staff. A Mid-Year Progress Report (SMPD #094) will be completed on each member by their immediate supervisor utilizing the previous year’s evaluation and any performance observation completed on the member. This review will serve as a gauge of progress on the previous year and denote any deficiencies



which may need to be corrected. This review will be completed in July and forwarded to the appropriate Bureau Commander.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 16.1,16.3,16.7
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**11.6 PERFORMANCE OBSERVATION FORMS**

Performance observations (Benchmark/SMPD #036) should be conducted throughout the entire evaluation period to document any unacceptable or outstanding performance. This can be a one-time incident or a continued pattern of behavior. Any member may use the performance observation form to document the performance of another member.

If the member receiving the performance observation does not agree with the performance observation, they may add a rebuttal via a memorandum and send it through the chain of command. Supervisors will print the form and have the member sign the bottom of the page. A copy will be given to the member if they request it. At the end of the evaluation period, all performance observation forms in the supervisory file will be shredded/destroyed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 16.1,16.3,16.7
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**11.7 PERFORMANCE EVALUATION UNACCEPTABLE REPORTING**

Members will be advised by their immediate supervisor in writing during the mid-year progress review or by performance observations when their performance is deemed to be unacceptable. Supervisors will substantiate such ratings and define actions to be taken to improve the performance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 16.1,16.3,16.6,16.7,16.11,16.12
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**11.8 PERFORMANCE EVALUATION MEMBER REVIEW**

Performance evaluations will be reviewed during January by the Executive Command Staff and presented to the member by their immediate supervisor before March 1<sup>st</sup> following the rating period. Evaluations will be read, understood, and signed by each member. Supervisors will print the form from Benchmark and have the member sign the last page. Signatures will indicate that the member has read the evaluation and will not imply agreement or disagreement with the content. Members may add comments in the employee section. Instead of adding comments to the employee section, the member may write a memorandum and send it through the chain of command. Members will receive a copy of their performance evaluation if they wish, and a copy will be placed in their personnel file.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 16.1,16.3
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**11.9 PERFORMANCE EVALUATION MEMBER COUNSELING**

Members should use performance evaluations as a basis for improvement. Members will be counseled at the beginning of each rating period on their performance evaluation results, level of expected performance, rating criteria, and goals for the new reporting period.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 16.1,16.3
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### **11.10 PERFORMANCE EVALUATION COMMENTS**

Performance evaluations will include comments in each section documenting the rating by the supervisor.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 16.1,16.10</b>
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### **11.11 PERFORMANCE EVALUATION CONTESTING PROCESS**

A member contesting a performance evaluation will notify their immediate supervisor in writing within ten (10) days of receiving and signing their evaluation. A review will be conducted with the member and the appropriate Bureau Commander within five (5) days after the supervisor receives the letter of contest. If unresolved by the Bureau Commander, a review will be conducted among all parties and the Chief of Police within five (5) days of the meeting with the respective Bureau Commander.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 15.1,16.1,16.4</b>
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### **11.12 PERFORMANCE EVALUATION FOR PROBATIONARY MEMBERS**

Members on probation and riding with a Field Training Officer (FTO) will be evaluated weekly and per the guidelines set out in the Field Training and Evaluation Program manual. New hires/recruits on probation and no longer riding with an FTO will be evaluated monthly by their shift supervisor. Lateral hires on probation and no longer riding with an FTO will be evaluated monthly by their shift supervisor.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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## **12.0 AWARDS & HONORS**

The purpose of the department awards program is to officially recognize members and citizens for acts of valor, extraordinary achievement, or outstanding service to the Department and community.

An Awards Committee consisting of five (5) members including at least one (1) Executive Command Staff officer, one (1) Sergeant, and three (3) at large members which will be appointed by the Chief of Police and monitor the awards program. Appointments to the Awards Committee will be for two (2) years from the date of appointment and no officer will serve more than two consecutive terms.

The Chief of Police will have the final determination as to the level of award for each nomination submitted based on the award criteria and recommendations from the Awards Committee. A simple majority vote will determine Awards Committee decisions for recommendation to the Chief of Police. Awards Committee members nominated for an award will recuse themselves from the Awards Committee until a decision is made regarding their award.

Any department member who witnesses or has knowledge of an incident meeting any of the award criteria may nominate members or community members for an award. Nominating members may request the Awards Committee to withdraw the nomination if additional information is learned that calls the nomination into question. Nominations will be submitted on the Awards Nomination Form (SMPD #096) to the Chief of Police who will forward a copy to the Awards Committee for review and recommendation.

After review, the Awards Committee will submit their recommendations to the Chief of Police for consideration.

Copies of all awards and honors will be included in a member's personnel file.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.1 MEDAL OF HONOR**

The Medal of Honor is the highest award that can be presented to a member. A certificate of presentation with a written citation suitable for framing will accompany the medal and red, white and blue breast bar. The ribbon and breast bar will be of the same color. Members receiving this award will also receive one (1) day off with pay. Members acting under the color of law and department regulations willingly without hesitation and with full knowledge of extreme danger to their safety will be eligible for consideration for the Medal of Honor when they do one or more of the following: are engaged in an active confrontation with an armed subject, saves or attempts to save another human life, or are killed or suffer serious physical injury.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.2 MEDAL OF VALOR**

The Medal of Valor is the second-highest award that can be presented to a member. A certificate of presentation with a written citation suitable for framing will accompany the medal and red and white breast bar. The ribbon and breast bar will be of the same color. Members receiving this award will also receive one (1) day off with pay. Members acting under the color of law and department regulations willingly and with knowledge of danger to their safety will be eligible for the Medal of Valor when they do one or more of the following: are engaged in a confrontation with an armed subject or saves or attempts to save another human life.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.3 LIFE SAVING MEDAL**

The Life Saving Medal is the third-highest award that can be presented to a member. A certificate of presentation with written citation suitable for framing will accompany the medal and red breast bar.

Members who without delay take direct, immediate, and positive action to preserve the life of a human being who is in real and imminent danger of death, and when their action(s) do in fact prevent their death will be eligible for the Life Saving Medal.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.4 MERITORIOUS SERVICE MEDAL**

The Meritorious Service Medal is the fourth-highest award that can be presented to a member. A certificate of presentation with written citation suitable for framing will accompany the medal and blue breast bar.

Members who exhibit an act(s) of distinctive gallantry or achievement that reflects great credit upon themselves, and the Department will be eligible for the Meritorious Service Medal. The superior performance of normal duties will not necessarily justify the presentation of this award.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.5 CERTIFICATE OF COMMENDATION**

The Certificate of Commendation is the fifth-highest award that can be presented to a member. A certificate of presentation with written citation suitable for framing will be presented to the member.

Members who exhibit an act(s) of significant achievement or service that reflects credit upon themselves, and the Department will be eligible for the Certificate of Commendation. The superior performance of normal duties will not necessarily justify the presentation of this award.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.6 PURPLE HEART**

The Purple Heart may be awarded to members who are seriously injured in the performance of their duty under honorable conditions due to assaults, fires, explosions, or other actions. Serious injury is defined as any injury from a life-threatening situation, which requires substantial medical treatment. The Purple Heart may be awarded posthumously. Recipients will receive a medal, breast bar, and citation.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.7 FIREARMS EXPERT AWARD**

The Firearms Expert Award will be presented to officers who achieve a score of 95% or higher on each of their two (2) annual on-duty handgun qualifications. Officers who fail to qualify on their first attempt and subsequently qualify on additional attempts will not be eligible for this award. Officers presented with this award must continue to qualify as an expert to continue wearing the breast bar in subsequent qualification years.

A blue “Pistol Expert” breast bar with silver trim for officers below the rank of Sergeant and gold trim for officers holding the rank of Sergeant and above will be presented to the officer.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.8 LETTER OF APPRECIATION**

A Letter of Appreciation may be issued to a member by the Chief of Police recognizing them for superior work upon receipt of a Performance Observation Form or other notification from a member, or the public. A copy of the Letter of Appreciation will be given to the member and included in the member's personnel file.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.9 CITIZEN COMMENDATION**

A Citizen Commendation may be presented to a member of the community for rendering valuable or courageous assistance to a department member, particularly in any case in which a suspect is detained until the officer's arrival. A certificate of presentation with a written citation suitable for framing will be presented to the community member.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.10 CERTIFICATE OF APPRECIATION**

A Certificate of Appreciation may be presented to a member of the community or organization for rendering valuable assistance to a department action such as public education, crime prevention, or other endeavors that furthers the mission of the Department. A certificate of presentation with a written citation suitable for framing will be presented to the community member.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.11 POSTHUMOUS AWARDS**

Awards may be posthumously presented to a member’s next of kin. The Chief of Police will contact the member’s next of kin to determine their preference for the presentation of the award. The certificate of presentation will be read at the awards ceremony to honor the member regardless if the member’s next of kin choose to participate in the ceremony.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.12 BREAST BAR UNIFORM DISPLAY**

Members receiving an award with a breast bar may wear it on their Class A uniform.

Members will wear the highest awarded breast bar centered above the right-side shirt pocket. Members who have received up to three (3) breast bars will wear them centered above the right-side shirt pocket in order of precedence with the highest award closest to the heart. Members who have received four (4) or more breast bars will wear them in an additional row above the right-side shirt pocket in order of precedence with the highest award at the top and the bottom row with the next highest closest to the heart. Members wearing an American flag or other approved pin will wear them centered ½ inch above the highest awarded breast bar. The Firearms Expert Award will be worn in the same fashion as the award medals but will be considered the lowest award.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**12.13 ANNUAL AWARDS BANQUET**

The Department will conduct an annual awards event at which the above awards will be presented. The event will be generally held in March.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**13.0 LINE OF DUTY DEATH OVERVIEW**

The Department will provide liaison assistance including emotional and tangible support to the immediate survivors of a member who dies in the line of duty. A line of duty death will be considered as an accident or intentional act that causes the death of a member during the performance of their duties. Survivors will include but not be limited to a spouse, children, parents, siblings, fiancée, and/or significant others.

The following procedures will be followed in all cases of line of duty deaths and in cases of critically injured members with the understanding that the wishes of family members take precedence over those of the Department. Members providing assistance and services to family members will take all possible measures to accommodate their desires, needs, and wishes, but should not make promises they are unsure can be met.

Members will use the Concerns of Police Survivors Line of Duty Death manual as a general guideline for managing a line of duty death. A department debriefing will be conducted within ten (10) days following the line of duty death funeral.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **13.1 NOTIFICATION TEAM**

Ideally, the Chief of Police or an Executive Command Staff Officer and the Department Chaplain will inform the immediate family of a member's condition or death in person as soon as possible. If not immediately available, the Chief of Police will designate a commanding officer(s) to make the notification. At least two (2) commanding officers will make the notification in as forthright and empathetic a manner as possible. The health of the person(s) to be notified should be considered and Emergency Medical Services may be staged, if necessary.

The notification team will be responsible for identifying all family members that need to be notified and determining if any family members are living outside the local area that requires notification. If so, the notification team will contact the law enforcement agency in the area where the family member resides and request that personal notification be made as soon as possible. The notification team will submit a written report to the Chief of Police detailing the identity, time, and place of each family member notified.

If an opportunity exists to transport the family to the hospital before a member's death, the notification team will advise the Hospital Liaison Officer that they are in route. The notification team will immediately transport the family members to the hospital to expedite their arrival.

Communications concerning the involved member and incident will be restricted to the telephone whenever possible to avoid interception by the media or others. The name of the member will not be released to the media or other parties before the immediate family members in the local area are notified. Should the media obtain the involved member's name prematurely, the Public Information Officer will request the name be withheld until proper notification of the family members can be made.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **13.2 DEPARTMENT COORDINATORS**

The Chief of Police will assign a commanding officer to each of the following positions as soon as possible following completion of the notification process: Department Liaison Officer, Funeral Liaison Officer, Family Benefits Coordinator, and Family Support Advocate. Assignments will be communicated in writing to each officer assigned and the family will be notified of each member's assignment and their responsibilities.

The Chief of Police will assign a civilian member(s) as needed to answer incoming calls and correspondence offering support to the family. The civilian members will work closely with the Family Benefits Coordinator to document offers of support per the family's wishes.

The Chief of Police will ensure the Employee Assistance Program is implemented to include psychological services and critical incident stress debriefings to assist family members and members to include but will not be limited to the following organizations: Concerns of Police Survivors, Supporting Heroes, and the Kentucky Community Crisis Response Team.

The Chief of Police will work closely with the FOP Lodge 31 to ensure all aspects of benefits and privileges are being communicated to the family.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**13.2.1 HOSPITAL LIAISON OFFICER**

The Chief of Police will meet the family at the hospital as soon as possible to emphasize the Department’s support. The next highest-ranking officer to arrive at the hospital will serve as or designate a Hospital Liaison Officer (HLO).

The HLO will be responsible for coordinating the arrival of family members, department members, the media, and others. The HLO will provide for family members by arranging for waiting facilities separate from other members and the public; ensuring that medical staff provides them frequent updates on the member’s condition before any other parties; assisting them with gaining access to the member, if requested; and ensuring that they receive any other assistance they may need or request while at the hospital, including arranging for transportation upon their departure.

The HLO will establish a media staging area separated from the line of sight and sound to the family waiting area, if possible. The HLO will provide medical staff with all necessary information regarding the member for billing purposes and ensure that all bills are mailed directly to the Support Bureau Commander and not to the member’s home address. To ensure all facets are covered, the HLO will use the Hospital Commander Checklist (SMPD #118).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**13.2.2 DEPARTMENT LIAISON OFFICER**

The Department Liaison Officer (DLO) will serve as a facilitator between the Department and the family and will work closely with the Funeral Liaison Officer to ensure the needs and requests of the family are met.

The DLO will provide oversight of travel and lodging arrangements for out-of-town family members; assist family members in handling general media inquiries and informing them of limitations on what they can say to the media and ensure the security of the survivor’s residence for as long as necessary.

The DLO will identify churches and reception halls that will accommodate the law enforcement funeral for presentation to the family who will make the final determination. The DLO will coordinate all official law enforcement notifications and arrangements to include an Honor Guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies.

The DLO will serve as a media liaison and work closely with the Public Information Officer to coordinate any press conferences and/or statements and make members aware of restrictions regarding the release of any information sensitive to possible future litigation. To ensure all facets are covered, the DLO will use the Department Liaison Officer Checklist (SMPD #119).



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**13.2.3 FUNERAL LIAISON OFFICER**

The Funeral Liaison Officer (FLO) will serve as a facilitator between the Department and the family and will work closely with the Department Liaison Officer to ensure the needs and requests of the family are met during the wake and funeral.

The FLO will meet with the family and explain their responsibilities to them including being available to them before and throughout the wake and funeral, assisting them in working with the funeral director regarding funeral arrangements, and ensuring their needs and wishes come before those of the Department.

The FLO will explain the procedures for a law enforcement funeral to the family and determine the need for travel arrangements and accommodations for out-of-town family members and any other special needs of the family during the funeral and report them to the Department Liaison Officer.

The FLO will also relay information to the family regarding the circumstances of the member’s death and appropriate information regarding any investigation(s). To ensure all facets are covered, the FLO will use the Funeral Liaison Officer Checklist (SMPD #120).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**13.2.4 FAMILY BENEFITS COORDINATOR**

The Family Benefits Coordinator (FBC) will discuss all benefits available to the family and file workers’ compensation claims and related paperwork. The FBC will prepare all documentation of benefits and payments due to the survivors including the nature and amount of benefits to be received by each beneficiary, the schedule of payments, and the name of a contact person or facilitator at each benefit or payment office. The FBC will file all benefits paperwork, maintain contact with the family to ensure benefits are being received, and provide a copy of the documentation to all affected survivors explaining their benefits.

The FBC will work closely with the civilian member(s) assigned to answer incoming calls and correspondence documenting offers of support to the family. The FBC will establish a mechanism for receipt of such contributions, as appropriate, per the family’s wishes.

The FBC will advise the family of the role of law enforcement associations and organizations and the nature of support programs they sponsor for law enforcement survivors including Supporting Heroes and Concerns of Police Survivors.

The Family Support Advocate (FSA) will serve as a long-term liaison for the family and maintain regular contact with them to provide companionship and emotional support to maintain an ongoing relationship between the Department and the family.

The FSA will advise the family, explain and accompany them to any criminal proceedings related to the death of their family member. The FSA will introduce the family to prosecutors and other persons as required during such criminal proceedings.

The FSA will identify support services available to family members and secure any services necessary. The FSA will relay concerns and needs of the family to individuals or organizations that may aid and encourage others to visit and help as necessary.



The FSA will coordinate with the Public Information Officer to ensure the family is notified in advance of any department media releases regarding a line of duty death. The FSA will offer to provide the family with a private screening of all information before its release to the media. To ensure all facets are covered, the FBC will use the Family Benefits Coordinator Checklist (SMPD #121).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **13.3 KENTUCKY BLUE ALERT TEAM**

The Kentucky State Police (KSP), in cooperation with the Justice and Public Safety Cabinet, Transportation Cabinet, the Division of Emergency Management of the Department of Military Affairs, broadcasters, and the news media, administers and operates the Kentucky Blue Alert System to notify the public when an officer has been killed, seriously injured or is missing in the line-of-duty. The Kentucky Blue Alert System is activated when the Department determines that public notification may assist in the apprehension of a suspect or the recovery of the officer.

The resources utilized by the Kentucky Blue Alert System include, but are not limited to, the following: Electronic highway signs; America’s Missing: Broadcast Emergency Response (AMBER) Alert System; Law enforcement communications systems; Electronic media; Local, regional and statewide media providers; and the Emergency Alert System (EAS) (if authorized and approved by the federal government).

The following criteria will be followed when considering the implementation of the Kentucky Blue Alert System:

- No public alert utilizing the Kentucky Blue Alert System will be issued unless requested by a law enforcement agency and, upon consultation with that agency, the KSP determines:
  - That an officer has been killed, seriously injured, or is missing in the line of duty;
  - That public notification is the most appropriate method of locating the officer or identifying and locating a suspected offender who poses an imminent threat to the public or other law enforcement personnel;
  - That there is sufficient information available relating to the officer’s last known location and the physical description of any suspected offender or vehicle involved that could be broadcast to assist in locating the officer or suspected offender; and
  - The geographic area in which the notification will be made.
- The Support Bureau Commander will provide the information required by administrative regulation to the KSP before the activation of the Kentucky Blue Alert System.
- If the KSP determines that public notification will be initiated, the KSP will notify the public and private agencies and organizations that will provide the notification and provide those agencies and organizations with the information that the KSP deems necessary.
- All law enforcement agencies in the state will cooperate with the KSP in the provision and dissemination of information regarding any officer, who has been killed, seriously injured, or is missing in the line of duty.
- No law enforcement agency, other than the KSP, may activate the Kentucky Blue Alert System without the authority of the KSP.
- Once a suspect has been apprehended or the officer has been located, the Support Bureau Commander is responsible for notifying the KSP so the alert can be deactivated.

**St. Matthews Police Department  
Standard Operating Procedures  
Department Community Relations and Crime Prevention**

**DEPARTMENT COMMUNITY RELATIONS AND CRIME PREVENTION**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**14.0 COMMUNITY RELATIONS**

The purpose of community relations is to establish direct contact with the community through the media, school system, community groups, civic and professional organizations. The objective of community relations is, but is not limited to:

- Keeping the community informed of crime trends;
- Making the community aware of crime prevention techniques; and
- Gaining community support for law enforcement activities.

The Support Bureau Commander will have the responsibility for planning, coordinating, and evaluating all community relations programs. The responsibility for achieving the Department's community relations objectives is shared by all members.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 20.1,20.2</b>
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**14.1 PUBLIC INFORMATION OFFICER**

The Chief of Police or their designee will serve as the Public Information Officer (PIO) and will keep media representatives informed through periodic briefings or at an incident where the media is present.

The Public Information Officer (PIO) is responsible for the public information function of the Department which includes:

- Being available for on-call responses to the news media;
- Assisting news personnel who are covering news stories or who are at the scene of an incident for reporting;
- Preparing and distributing department news releases;
- Arranging for, and assisting at, news conferences;
- Coordinating with operations personnel to determine what information may be released concerning victims, witnesses, and suspects; and
- Assisting in crises within the Department and/or City.

At the scene of an incident where the Chief of Police is not available, the Incident Commander, with the approval of the Chief of Police, will speak for the Department.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 20.3</b>
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**14.2 MEDIA ACCESS**

Media personnel have the right of access to any areas open to the public. The shift supervisor will control media access to any crime scene. Direct access to a crime scene by media personnel will be allowed only after all evidence has been processed and the scene investigation has been completed. Owners of private property will

reserve the right to deny media access.

The Department will not issue press credentials but will recognize credentials identifying members of the press unless there is sufficient reason to believe that those credentials are false. Personnel of the news media at the scene of a crime, or other events should obey all city ordinances, state, and federal laws. The media personnel are subject to criminal prosecution if they violate these laws. Officers will file a written complaint to the Chief of Police for any misconduct on the part of persons possessing press credentials.

In all official operations, the on-scene commander will establish an "incident or danger perimeter" and will keep bystanders outside of that perimeter. The Department will extend every courtesy to properly identified news media representatives who are actively covering an incident.

These courtesies should include, but are not limited to:

- Closer access than that granted to the general public (Media Staging Area); and
- Provide for vehicles and equipment to be located closer so long as such courtesy does not interfere with either the mission or with general traffic flow.

The Officer-in-Charge may deny access of the news media, including photographers, to a crime scene, catastrophic event, or police operation when:

- The owner of private property requests they not be allowed access;
- There is a strong possibility that evidence will be damaged, tampered with, or removed from the scene of a crime, or the investigation will be hampered; or
- During a tactical police operation, the media's presence would disrupt operations by placing a citizen or police officer at risk of injury or loss of life.
- When a member of the media is denied access to information or an area according to any of the provisions of this procedure, that representative will be given a courteous explanation of the reason for such denial.
- The media should never be allowed into the crime scene.

In any multijurisdictional event, such as a fire scene, major event, etc., the Incident Commander will establish a staging area for the media and be responsible for releasing information.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 20.2,28.7</b>
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### **14.3 OPEN RECORDS**

Kentucky Revised Statute (KRS) 61.872(5) requires public agencies to make available any non-exempt public records maintained by the Department when presented with an open records request.

Upon receipt of an open records request, the Department must notify the requesting party within five (5) days and advise one of the following:

- Notify the person requesting that their request has been received and provide the records,
- Notify the person making the request that their request has been received and provide an anticipated date that the records will be provided, and
- Notify the person making the request that their request has been received and was denied.

KRS 61.870 describes public records as:

- Books,
- Papers,
- Maps,

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- Photographs,
- Cards,
- Tapes,
- Discs,
- Diskettes,
- Recordings,
- Software, and
- Any other documentation, regardless of the physical form or characteristic, which is prepared, owned, used, in the possession of, or retained by, a public agency.

Specific department records that might be subject to request include, but may not be limited to:

- Investigative files,
- Accident reports,
- Incident reports,
- Arrest records,
- Crime statistics,
- Digital/video images, and
- Computer Aided Dispatch (CAD) records.

Any member who receives a request for open records will immediately notify their commanding officer or supervisor. The commanding officer or supervisor will, immediately, forward the request to the Support Bureau Commander.

The following fees will be assessed to commercial entities when filling open records requests:

- There is no charge for open records requests filled electronically,
- Hardcopy (paper) records cost \$5.00 per report, and
- Records copied to a CD/DVD cost \$5.00 per disk.

Fees for civilians will be as follows:

- There is no charge to victims of crimes or accidents,
- There is no charge for open records requests filled electronically,
- Hardcopy (paper) records cost \$.10 per copy, and
- Records copied to a CD/DVD cost \$.50 per disk.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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#### **14.4 RELEASE OF INFORMATION**

All members of the Department must exercise care, common sense, and discretion to avoid rendering statements or information, which if later quoted, might create a misunderstanding, or compromise the effectiveness of police service. The Department's established procedure for releasing information to the news media clarifies areas of information that can be released and restricts those areas in which the release of information is unlawful or prejudicial to the successful completion of an investigation or prosecution.

From the initial stage of an investigation until the completion, police personnel will direct all requests for news information to the Public Information Officer (PIO).

The Chief of Police will determine the frequency and content of department-generated media releases. In instances

where more than one agency is involved, the agency having primary jurisdiction will be responsible for the release of information, and all inquiries shall be directed to that agency.

Civilian members may release basic information about an incident from department records according to department policy and Open Records laws.

In certain major cases such as a kidnapping, where the safety and welfare of the victim could be jeopardized if the information was released to the news media, information will not be released.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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#### **14.4.1 RELEASE OF INFORMATION – JUVENILE**

At no time will the identity of a juvenile or any record concerning a juvenile be released to the news media. The release of any juvenile information (including all reports, photographs, fingerprints) to any outside agencies, other than news media, will follow SOP Chapter 30 and KRS 610.320.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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#### **14.4.2 RELEASE OF INFORMATION - ONGOING INVESTIGATIONS**

The PIO may release the following investigative information unless otherwise restricted by the lead detective:

- Type or nature of an incident such as a fire, accident, robbery, etc.;
- Location, date, and time the incident(s) occurred;
- Any damage, injuries sustained by victim or assailant, type of force used, and description of how the incident occurred;
- Casualties, including the number of dead or injured, may be released;
- The identity and general address of the victim if the identity is not one of the exceptions listed;
- Number of officers or people involved in an event or investigation and the length of the investigation;
- Amount and type of property taken including value, if known;
- Requests for aid in locating evidence, a victim, or a suspect. A person's race may be released as descriptive information in such cases;
- The name, age, and address of any adult arrested or charged with a crime; and
- The fact that a juvenile has been taken into custody, including age, sex, the general area of residence, and substance of the charge.

After an incident and during an investigation but before an arrest, information that shall not be released except by the Chief of Police to aid another agency's investigation or warn the public includes:

- The identity of:
- The identity of any victim or related information which, if divulged would tend to lead to the victim's identification of a sex crime, abduction, spouse, or child abuse;
- The identity of any suspect who is under the age of eighteen;
- The identity of any critically injured or deceased person before the notification of the next of kin;
- The location of any suspect; the existence of a suspect may be acknowledged without further comment;
- A prospective nonvictim witness;
- A victim/witness, if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in clear personal danger;
- The specific cause of death until determined by the Coroner/Medical Examiner;

- Investigative information of an evidentiary nature;
- Contents of suicide notes;
- Personal opinions;
- Unofficial statements concerning personnel or internal affairs matters;
- Home addresses and telephone numbers of investigating officers;
- Valuables or cash overlooked by crime perpetrators;
- Results of an investigative procedure such as a lineup, polygraph, fingerprinting, lab, or ballistics test. The fact that tests are performed may be acknowledged without further comment;
- Information which, if prematurely disclosed, would significantly interfere with an investigation or apprehension. Including, but not limited to:
  - Leads that have not been checked,
  - Information that has not been verified,
  - Specifics of the modus operandi,
  - Details known only to a suspect or officer, and
  - Information that may cause a suspect to flee or avoid apprehension.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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#### **14.4.3 RELEASE OF INFORMATION – SUSPECT**

Before formal charging or arrest, no suspect information will be released to the news media unless:

- The identity of the suspect and probable cause has been established,
- Such information would assist in the apprehension of the subject, and
- Suspect information serves to warn the public of the potential danger.

After formal charging and arrest, but before adjudication, the following information may, generally, be released:

- A factual statement of the accused name (except juveniles), age, and family status;
- The identity of the investigating and arresting officer or agency, and the length of the investigation;
  - In those instances where covert operations are necessary and a need exists to protect the identity of officers involved, their identity will not be revealed; and
  - Under no circumstances, will the home address or telephone number of an investigating officer be disclosed.
- The charge, including a brief description of the elements necessary in the KRS which constitute the charge.
- The circumstances immediately surrounding an arrest:
  - Time and place of arrest,
  - Method of apprehension,
  - Resistance and injury resulting from arrest (if any)
  - Possession and use of weapons by the suspect,
  - Description of items or contraband seized, and
  - Place of detention, amount of bond, and scheduled court dates.

After formal charging and arrest but before adjudication, the following information will not be released:

- The prior criminal record including arrests, indictments, or other charges of crime, character, or reputation of the accused.
- The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make a statement.
- The performance or results of any examinations or tests, or the refusal of the accused to submit to such examinations or tests.



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- The identity of any victim or witness, or any related information which would tend to lead to the victim's identification of a sex crime, abduction, spouse, or child abuse.
- The identity of any suspect who is under the age of eighteen.
- Statements, prospective testimony, character, or credibility of any victim or witness.
- Normally the motive of the commission of the crime cannot be discussed unless it is an apparent motive such as robbery or murder.
- Any opinion about the guilt or innocence of the accused, or the merits of the case, including arguments and evidence, or whether their use in court is expected.
- Possibility of a guilty plea, plea bargain, or other disposition.
- Reports, transcripts, or summaries of proceedings from which the press and public have been excluded by a court order.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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**14.4.4 RELEASE OF INFORMATION - INCIDENTS INVOLVING OFFICERS**

Department policy authorizes the Chief of Police, or their designee, to release the name(s) of members involved in an incident as soon as practical. Before release, caution will be exercised to ensure the accuracy of the information. The member should be allowed to notify their family, before the release of their name, if the incident is likely to cause concern. No information, concerning an incident, should be released if the information would adversely affect or hamper an investigation in any way.

The timely release of the names of police participants in a major incident can only add to the credibility of the Department and forestall the possibility of the news media adversely commenting on the incident because this information was withheld.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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**14.4.5 RELEASE OF INFORMATION - DEPARTMENT FILES**

The City of St. Matthews City Clerk is the "Official Custodian" (KRS 61.870(3)) of the public records and shall be authorized to release information from records per this procedure and the Open Records Law (KRS 61.870). The Chief of Police is the department designee for department files.

Accredited news media representatives will be allowed limited access to review crime reports, arrest reports, and other public documents. Further, they will be granted access to department representatives authorized to release information.

Reports which are solely the result of investigative efforts shall not be released to anyone other than law enforcement officers. This includes all supplemental reports which list potential witnesses and/or suspects, opinions, suppositions, hearsay, investigative leads, and other nonfactual investigative information.

Any department personnel may release copies of Kentucky Uniform Police Traffic Accident Reports to persons involved in the accident or their insurance companies. A reasonable fee shall be charged for copies of police reports. This fee shall be based on the number of reports and the time involved by records personnel to retrieve, collate, and copy the reports. Copies of police reports may be obtained with the approval of the Chief of Police or their designee through the Administrative Office, Monday through Friday from 8 AM to 4 PM.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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**14.4.6 RELEASE OF PHOTOGRAPHS - POLICE PERSONNEL**

Under normal circumstances, photographs of police personnel may be released to the media for a specific community relations purpose such as:

- Promotion of a police function or program,
- Recognition for a meritorious act, and
- Promotion in rank, etc.

Photographs of police personnel will not be released, without permission of the Chief, when:

- The possibility of disciplinary action exists,
- An arrest of an officer is made,
- Civil action is initiated,
- An officer commits suicide,
- The officer is working in a covert assignment, or
- Any other circumstances exist which may reflect unfavorably on the individual officer or the Department.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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**14.4.7 RELEASE OF PHOTOGRAPHS - ARRESTED PERSONS**

Requests for photographs of arrested persons will be referred to the commanding officer. The commanding officer after reviewing the request may authorize the release of a photograph, to the news media, if the arrested person has been formally charged with a crime. (An arrested person will be considered formally charged when an affidavit has been filed.) All identifying marks or numbers will be removed from the photographs before release.

If the arrested person has not been formally charged, requests for a photograph will be denied.

Department members will not prevent the photographing or televising of a person(s) in custody, in a public area, unless directed by court order. However, department members will not pose or unnecessarily expose a person(s) in custody to the news media for pictures, interviews, or televising.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.8,18.9,20.2,20.4</b>
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**14.4.8 RELEASE OF PHOTOGRAPHS - VICTIMS AND WITNESSES**

Members will not release photographs of victims or witnesses.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**14.5 LIMITED ENGLISH PROFICIENCY**

The Department will take all reasonable steps, and use all its available resources, to provide services to any person with Limited English Proficiency (LEP). Officers who encounter persons of LEP should use the Language Identification Form (SMPD #071) to determine what language the person can speak, understand, and will require for interpretation. Officers should then call the dispatcher, advise what language is needed for translation, and request to be set up on a conference call with Language Line Services.

Once the dispatcher has set up the conference call, the dispatcher will keep the line open until the call is complete, ensuring the conversation is recorded, in its entirety, for documentation and evidentiary purposes.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.8</b>
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**14.6 PERSONS WITH DISABILITIES**

The Department will take all reasonable steps, and use all its available resources, to provide services to any person with a developmental, mental, or physical disability. Members who encounter persons whom they believe may have a disability will attempt to determine the type of disability and what resources may be necessary to assist in communication and interaction with the person.

When dealing with a person who suffers from a recognized ADA disability, officers should consider whether the person’s conduct is a manifestation of the person’s disability or something else. In cases where the conduct is a manifestation of the disability, officers should consider a medical or mental health referral as opposed to arrest. In determining the appropriate level of force to be used to control a situation involving a person with a recognized disability, the officers should consider if the control or restraint tactic is more dangerous or unreasonable considering the person’s disability.

In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability. So long as they can do so without jeopardizing the subject, the officer, or any other person present. When handcuffing or other restraints may cause further injury to an existing disability, and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.

In cases where a person indicates that they have some recognized or other disability, officers shall call for a supervisor so that steps may be taken to verify the disability and determine what steps can be taken to accommodate the disability without jeopardizing the safety of the individual, the officers, or the institutional security of the jail.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.8</b>
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**14.6.1 VISUAL IMPAIRMENT**

When dealing with a person who is visually impaired officers need to identify themselves verbally and state clearly and completely any directions or instructions, including any information that is posted visually, which cannot be seen by the person who is visually impaired. Officers should read out loud, and fully, any document that a visually impaired person is required to sign as the result of a law enforcement action. Before taking photos or fingerprints of a visually impaired person, law enforcement personnel shall describe the activity to be done so that they know what to expect.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.8</b>
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**14.6.2 HEARING IMPAIRED**

Law enforcement is required by the ADA to ensure effective communication with the deaf or hearing impaired. Following recommendations by the United States Department of Justice, members may request dispatch to contact MetroSafe if an American Sign Language interpreter is required for persons who are hard of hearing or deaf.

Members must provide qualified interpreters to people who are deaf or hard of hearing and who are under arrest, before any questioning. If the legality of a conversation will be questioned in court (e.g., where Miranda warnings were issued, witness to a crime, etc.), a sign language interpreter may be necessary. In general, if an individual who can hear would be subject to police action without interrogation, then an interpreter will not be required, unless, one is necessary to explain the action being taken.

Failure to protect the rights of deaf or hard-of-hearing individuals during arrests and interrogations risks the integrity of the investigation. Department personnel must recognize that miscommunication during interrogations or witness interviews, may have a substantial impact on the evidence presented in any related criminal prosecution.

A qualified interpreter will be used for any interrogation or taking of a formal statement where the suspect's or witness' legal rights could be adversely impacted. In other instances, the Deaf or Hard of Hearing card may be used. Hearing-impaired prisoners must have access to a TDD phone in the same manner as other persons in custody have access to telephone privileges.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.8</b>
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#### **14.6.3 MOBILITY IMPAIRED**

Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility devices. The best approach, when possible, is to ask the person what type of transportation they can use, and how to lift or assist them in transferring in or out of the vehicle.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.8</b>
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#### **14.6.4 OTHER DISABILITY**

In any case where an officer becomes aware of an injury, illness, or disability that may render the activity, tactic, or restraint to be used, more dangerous to the individual, the officer shall notify a supervisor and in conjunction with supervisory support take reasonable steps to accommodate the injury or disability.

Officers who are Crisis Intervention Team (CIT) certified will be dispatched, when available, to and be responsible for handling all calls for service with persons exhibiting any developmental or mental disability according to SOP (Sections 35.4 & 35.5).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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#### **14.7 TRANSGENDER/INTERSEX/NON-GENDER**

The purpose of this policy is to establish guidelines for the appropriate treatment of transgender, intersex, and gender non-conforming (TIGN) individuals who encounter the Department. It is the policy of this Department to treat all individuals with the courtesy and dignity inherently due to every human being. Members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property and maintain a courteous, professional attitude in all contacts with the public. Members will not exhibit any bias, prejudice, or discrimination against a TIGN individual or group of TIGN individuals.

Whenever possible, a transgender prisoner will be transported alone. Officers will request additional units to assist

with transporting additional transgender individuals. A transgender suspect will be held in a temporary detention room without other prisoners.

A suspect's gender will be classified, on official documents, as it appears on the individual's government-issued identification card. If documentation is not available, members will refer to the individual per their choice.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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#### **14.8 HOUSE WATCH PROGRAM**

St. Matthews City residents may utilize the Department's House Watch program by completing a House Watch Request form (SMPD #024) or via the website. Residential property that is unoccupied or vacant (e.g., abandoned, for sale, etc.), apartments, and businesses are not eligible for this program. There cannot be anyone staying at the property during the house watch (e.g., a relative, family friend, etc.), however, it will be permissible for emergency contacts or others, designated by the requestor, to periodically check the property.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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#### **14.9 INTERNSHIP PROGRAM**

The Department will liaison with area colleges and universities to facilitate an internship program. The Administrative Sergeant will serve as the Internship Coordinator and be responsible for screening and supervising internship applicants.

Applicants will be interviewed, fingerprinted, and undergo a criminal background check before being accepted as an intern. Applicants with a felony or serious misdemeanor conviction will not be considered. Interns will sign a Covenant Not to Sue Form (SMPD #060) before being allowed to ride with officers.

Interns will be exposed to as wide a variety of law enforcement activities as possible during their internship including, but not limited to:

- Assisting clerical staff with administrative duties and data entry,
- Observing dispatchers in the Dispatch Center,
- Riding with officers and detectives on each shift, and
- Voluntary participation in department training at the discretion of the Training Coordinator.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.4</b>
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#### **14.10 RIDE-ALONG PROGRAM**

The Department will establish guidelines for civilians to participate in the Department's ride-along program. The ride-along program is designed to promote mutual understanding and respect between the police and the community, by providing civilians an opportunity to ride with and observe, officers performing their job.

Persons requesting to ride-along with an on-duty officer must be 18 years of age, or older, and have a valid state-issued identification card. The Chief of Police will approve or deny the request.

Juveniles are prohibited from participating in the Ride-Along Program in any capacity.

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Peace officers from other jurisdictions or law enforcement agencies may accompany an on-duty officer after completing a Covenant Not to Sue Form (SMPD #060).

Before facilitating the ride-along, the Chief of Police or their designee will verify that the Covenant Not to Sue Form (SMPD #060) has been signed and a warrant check has been completed.

The original Covenant Not to Sue Form (SMPD #060) will be kept in the Chief's Office and retained for a minimum of three (3) years. In addition, one (1) copy of the approved Covenant Not to Sue form will be provided to:

- The officer to whom the rider is assigned, and
- The rider will keep their approved copy of the Covenant Not to Sue form (SMPD #060) with them throughout the ride-along.

Riders will only be assigned to a uniformed patrol unit, unless otherwise approved by the Chief, or their designee, in writing. When it is feasible, ride-along participants should accompany officers of the same gender. All riders are required to adhere to the following:

- Riders are prohibited from taking police actions of any kind;
- Are observers only and will not become involved verbally, or physically, with anyone unless an officer's safety is an issue or directed to do so by the officer;
- Are prohibited from using the communications system, except in extreme emergencies;
- Remain in, or return to, the police vehicle during dangerous and sensitive situations (e.g., homicides, sex crimes, deaths, etc.);
- Are not permitted to operate any police vehicle;
- Comply with all directions given by the officer with whom they are riding;
- Dress appropriately as to not reflect negatively on the Department;
- Only one (1) ride-along participant is allowed per police vehicle; and
- Keep all information learned during their ride-along confidential.

When an officer is assigned a civilian rider, they will:

- Make certain that the rider wears their seatbelt throughout the ride-along;
- Be responsible for directing the actions of the rider;
- Remind the rider that they are there for observational purposes only;
- Not identify the rider as a police officer;
- Prohibit the rider from accompanying them during the execution of a search warrant;
- Notify Dispatch at the beginning and end of the ride-along; and
- Be prohibited from engaging in a pursuit while a civilian rider is in the vehicle.

The personal safety of the officer and the civilian rider is the responsibility of the Department. Therefore, officers may:

- Terminate a ride-along at any time;
- Advise the civilian rider to stay in the car during an emergency call for service; and/or
- Take the civilian to a safe location (e.g., fire station, restaurant, etc.), if the ride-along must be terminated for any reason. The officer will contact Dispatch to let them know where the civilian rider is located.

Platoon supervisors have the authority to cancel a request of a rider on a designated date if, in their opinion:

- Police activity may be impeded,
- The rider is inappropriately dressed,
- Staffing levels are not adequate, and

- Other reasons as deemed appropriate by the platoon supervisor (e.g., inappropriate behavior of rider, alcohol consumption, etc.).

If the platoon supervisor deems that it is appropriate for a ride-along to be canceled, the platoon supervisor will notify the Operations Bureau Commander of the reason for the cancellation

<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards:</b>
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#### **14.11 VICTIM’S RIGHTS/VICTIM’S SERVICES**

The purpose of this policy is to outline a department member’s responsibility to provide support, advocacy, information, and guidance to victims/witnesses of criminal offenses and non-criminal incidents.

#### **VICTIM’S BILL OF RIGHTS**

Per the Kentucky Revised Statutes (KRS) 421.500 through 421.576, law enforcement personnel, both sworn and civilian, will provide victims with information on available protective, emergency, social, and medical services upon initial contact and will give information on the following as soon as possible:

- The availability of crime victim compensation, when applicable,
- The criminal justice process as it involves the participation of the victim,
- The date and time that the accused individual was arrested,
- How to register for advanced notification of a defendant’s release from jail,
- Updates on important occurrences and developments with their case, and
- If requested, officers or Victim Services Specialists will assist the victim by informing the victim’s employer of the need for the victim’s cooperation in the prosecution of a case, which may necessitate an absence from work.

#### **MARSY’S LAW**

Under Marsy’s Law, victims of crime in Kentucky have the following rights (rights afforded to crime victims by Marsy’s Law work in conjunction with KRS 421.500):

- A timely notice of all proceedings (upon request);
- To be heard in any proceeding involving release, plea, sentencing, or consideration of pardon, commutation granting of reprieve, or other matter involving the rights of a victim;
- To be present at all proceedings, other than the Grand Jury;
- Proceedings will be free from unreasonable delay;
- Consult with the attorney of the Commonwealth or their designee;
- Reasonable protection from the accused;
- A timely notice of release or escape of the accused;
- Have the safety of the victim and victim’s family considered in setting bail, the defendant’s release, and conditions of release;
- Full restitution to be paid by the convicted defendant;
- Fairness and consideration of the victim’s safety, dignity, and privacy; and
- To be informed of these rights and standing to assert these rights.

The Victim Services Specialist provides crisis intervention services to crime victims during each step of the criminal justice process. The purpose of crisis intervention is to help the victim return to their normal level of functioning. The Victim Services Specialist can provide a variety of services to crime victims to afford them their rights, as outlined by the KRS, and help reduce any secondary trauma that may be experienced after the initial crime has occurred.

These services may include:

- Emergency Aid;
- Crisis intervention services;
- Providing information about victim’s rights and services;
- Providing information and assistance on security options/safety planning;
- Assisting with filing Emergency Protective Orders (EPOs), Domestic Violence Orders (DVOs), and Interpersonal Protective Orders (IPOs);
- Obtaining interpreter services;
- Assisting with employers, academic institutions, creditors, service providers, and landlords;
- Providing regular updates on the status of the investigation;
- Providing basic information on the criminal justice system;
- Aiding with filing crime victims’ compensation claims;
- Obtaining interpreter services;
- Providing resources for protection from intimidation and harassment;
- Accompanying to line-ups, interviews, and other required appearances, as needed, upon the request of the victim and/or a police officer/detective;
- Providing an advanced notification of the suspect’s arrest or released on bond;
- Providing transportation assistance to and from court; and/or
- Providing specialized services to child victims of sex-related crimes.

The Victim’s Services Specialist will establish a system of recordkeeping to address follow-up duties being performed. The following information will be recorded in the Records Management System (RMS):

- The date of the original report,
- The date that the report was received by the Victims Services Specialist,
- Victim information, and
- Notes of action taken.

The following information will be recorded on the Case Management log:

- The dates, times, and methods of attempted contact and
- The contact results (e.g., no contact made, victim updated, additional information provided)

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **14.12 CRIME PREVENTION**

All members of the Department are responsible for assisting the community with crime prevention. Members will coordinate the development of community and department-based prevention programs, as well as work with local businesses, residents, and schools to educate the community about the need for crime prevention.

Members will assist in the organization and implementation of programs such as the Business and Neighborhood Block Watches and Child Identification Programs. At the beginning of each school year, the Operations Bureau Commander will contact local schools to update each school’s Critical Incident Plan that is maintained in the Dispatch Center and ascertain if any assistance is needed with the Student Safety Patrol program.



<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**14.12.1 CRIME PREVENTION EDUCATIONAL MATERIALS**

Educational materials are available to the public in the Department Lobby or from any member. Members are responsible for maintaining liaisons with various community groups and distributing educational materials including but not limited to bicycle and pedestrian safety, domestic violence, Business and Neighborhood Block Watches, and school safety.

**Matthews Police Department  
Standard Operating Procedures  
Department Uniforms and Equipment**

**DEPARTMENT UNIFORMS AND EQUIPMENT**

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.0 OFFICER UNIFORMS**

Officers’ uniforms will conform to the specifications as outlined in this chapter and will not be altered or changed in any manner except tailoring to ensure proper fit. Uniforms will be kept clean and pressed with buttons and other metal accessories clean and shined. Uniforms will be always worn properly. Officers on special assignment or detail will be exempt from this policy at the discretion of the Chief of Police or their designee.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.5,28.5,29.2</b>
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**15.1 INITIAL ISSUE**

The following equipment/uniforms are issued to all officers at the Department’s expense:  
See the Equipment Issue Checklist (Benchmark/SMPD #097).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.5</b>
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**15.2 SUPPLEMENTAL CID ISSUE**

Officers who are assigned to CID will be given a yearly stipend to purchase CID business attire.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.3 UNIFORM OF THE DAY**

The following uniform policy will be adhered to unless otherwise deemed necessary by a Commanding Officer:

- Executive Staff Officers will wear the Class A uniform.
- Patrol Officers and Administrative Officers will wear the Class B uniforms will be worn as the uniform.
- CID Personnel will wear a button-down dress shirt and tie (males) with dress pants. The tie may be removed when working in the office and not interacting with the public. Tactical style pants (511’s, Propper, etc.) are not acceptable as a dress pant. A sport coat or suit jacket will be worn when attending court (Circuit and District) or the Grand Jury.
- Long Sleeves will be worn from November 1<sup>st</sup> through April 30<sup>th</sup>. Short sleeves will be worn from May 1<sup>st</sup> through October 31<sup>st</sup>. Optional periods are April 15<sup>th</sup> through the 30<sup>th</sup> and October 15<sup>th</sup> through the 31<sup>st</sup>.
- Detectives assigned to the Narcotics Unit may wear appropriate plain clothes when necessary for their assignment.
- The Class C uniform may be worn if called out after hours.
- SWAT Personnel will wear the uniform that the SWAT Commander designates for training and SWAT deployments.

- A Class A uniform is mandatory for all funerals or any other formal law enforcement function unless an alternate uniform is approved by the Chief or their designee in advance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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#### **15.4 CLASS A UNIFORM**

Class A short and long sleeve shirts will be navy blue and made of polyester or polyester/wool blend. Shirts will have a convertible collar (short sleeve shirt) or dress collar (long sleeve shirt), stitched military creases with two through the front pockets and three on the back, and pleated pockets with the flaps scalloped. Shirts must accept removable metal buttons with a “P” embossed in the cuffs, front buttonholes over the concealed zipper, front pocket tabs, and shoulder epaulets. Shoulder emblems will be sewn onto each sleeve centered  $\frac{3}{4}$  inch below the shoulder seam. Metal “SMPD” collar or rank insignia will be worn centered on the collar one-half (1/2) inch from the bottom front or leading edge of the collar as shown in Appendix 3. Collar or rank insignia will be chrome for officers and gold for officers holding the rank of Sergeant and above.

Writing instruments worn on the shirt will be the same color as the metal insignia on the shirt (chrome, gold, or black) or may be concealed.

For an example of a Class A shirt and the proper placement of accessories, see Appendix 3.

Class A pants will be navy blue and made of polyester or polyester/wool blend. Pants will have a plain front with two quarter top pockets, two hip pockets with buttons and a tab on the left pocket, a minimum of six belt loops, with a two (2) inch wide attached waistband.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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#### **15.5 CLASS B UNIFORM**

Class B short and long sleeve shirts will be 5.11 brand patrol duty uniform and navy blue. Shirts will be a Matrix-style with a convertible collar, stitched military creases with two through the front pockets and three on the back, shoulder epaulets, and pleated pockets with the flaps scalloped and plastic buttons. Shoulder emblems will be sewn onto each sleeve centered  $\frac{3}{4}$  inch below the shoulder seam. A name strip will be sewn centered at the top edge of the left breast pocket and a cloth badge will be sewn centered  $\frac{1}{4}$  inch above the name strip. Cloth “SMPD” collar or rank insignia will be sewn centered on the collar one-half (1/2) inch from the bottom front or leading edge of the collar. Cloth badges, name strips, and collar insignia will be white lettering for officers and gold lettering for officers holding the rank of Sergeant and above.

Writing instruments worn on the shirt will be the same color as the name strip on the shirt (chrome, gold, or black) or may be concealed. Marksmanship medals and unit insignia will not be worn on the Class B shirt.

Class B pants will be a 5.11 brand patrol duty uniform and navy blue. Pants will be a Matrix/military-style (BDU), have a plain front with two quarter top pockets, two hip pockets with buttons, one side cargo pocket on each leg with buttons, a minimum of six belt loops, and a two (2) inch wide attached waistband.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.6 CLASS C UNIFORM**

Class C uniforms may only be worn when authorized by an Executive Staff Officer. Class C short and long sleeve shirts will be navy blue and be a pullover style with a collar and two (2) or three (3) button placket with plastic buttons. A badge will be sewn on the position normally occupied by the breast badge on the upper left front of the shirt. The officer’s name or code number will be embroidered centered over the left breast opposite the badge in a silver thread or gold thread for commanding officers. St. Matthews Police will be screen-printed centered on the back of the shirt.

Writing instruments (chrome, gold, or black) may be worn on the shirt button placket or may be concealed.

Class C pants will be tan in color and made of a fade, stain, and water-resistant fabric. Class C pants will have pockets, a gusseted crotch, and tapered legs.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.7 BODY ARMOR**

Officers will be issued soft body armor that will be replaced per the manufacturer’s recommendations. The carrier will be worn per the manufacturer’s instructions with both ballistic panels in place. All members will wear the ballistic vest while on-duty or working secondary employment with the following exceptions:

- those in the CID who will have their vests readily available to use in patrol situations or when mandated by their supervisor, and
- The Chief of Police or their designee may authorize not wearing the vest in certain situations.

Body armor will be mandatory for all officers involved in civil disturbances, high-risk tactical situations, and other situations deemed necessary as directed by their shift supervisor.

The use of an outer carrier will only be allowed when responding off-duty in plain clothes while working in CID, or as directed by the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.8 DUTY BELT**

Officers wearing Class A, B, or C uniforms will wear a duty belt as outlined in this chapter. Class A duty belts will be black basketweave leather with a buckle or Velcro enclosure. Class B duty belts may be black basket weave or black nylon material. Class C duty belts may be black basketweave or black nylon belt. Another Class C option is the wearing of a black belt with holster and the combination cuff/spare magazine. Equipment that is authorized to be carried on a duty belt is listed and described below.

The following equipment is **mandatory** to carry on all duty belts:

- Holster – Level II or higher retention and must be pre-approved by the primary Firearms Instructor or Training Sergeant. Officers wearing Class A or B uniforms will carry the same model holster;
- Magazine pouch – Button snap or Velcro closure;
- Baton holder – Must accommodate an open expandable baton;
- Taser holster – Blade tech or newer model;

- Handcuff case – Button snap or Velcro closure;
- Portable radio holder – Black leather or black metal;
- Belt keepers – Button snap or Velcro closure; and
- Emergency medical exam gloves – to be kept on the officer’s person or duty belt.

The following equipment is **optional** to carry on all duty belts:

- OC Spray holder – Button snap or Velcro closure,
- Flashlight holder or ring
- Key strap or ring,
- Glove case – Button snap or Velcro closure,
- Cell phone or pager, and
- In-car camera microphone transmitter

Any deviation from the above lists needs prior approval by the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.9 BADGE/NAMEPLATE**

A metal badge will be worn on the factory badge tab on Class A shirts. Badges will be chrome for all officers and gold for all officers holding the rank of Sergeant and above.

A rectangular nameplate will be worn on all Class A shirts centered on the right breast pocket flap ¼ inch below the top seam of the pocket as shown in Appendix 3. The nameplate will be 2 ½ inches in length and 5/8 inches in height with square corners and be stamped in ¼ inch black letters with the officer’s first initial and last name. Nameplates will be chrome for officers and gold for an officer holding the rank of Sergeant and above.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.10 TIE OR MOCK TURTLENECK**

When wearing a Class A or B uniform shirt, officers will wear either a black mock turtleneck or high neck undershirt. A tie with a long sleeve shirt is optional.

Ties will be navy blue in color, polyester material with a 3-½ inch button width clip-on or four (4) in hand style. Ties will be tucked into the uniform shirt between the top and second buttons as shown in Appendix 3. Officers will maintain and have immediately available a tie for formal or special occasions.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.11 HEADWEAR**

Class A hats may be worn with the Class A uniform. Class A hats will be military style with a detachable navy cover set on a black mesh frame, single eyelet, with a black vinyl 2 ¼ inch visor. A cloth band will be attached with "P" buttons to the outside of the frame and will be gold in color. Class A hats will only be worn with the Class A uniform.

The wearing of Class B uniform headwear is optional unless otherwise directed by a commanding officer for a specific assignment or detail. The Class B hat is a navy-colored baseball style with an adjustable flex fit.

"POLICE" will be embroidered, in all capital letters, on the back center of the hat in white lettering, and the "SMPD" patch embroidered on the front. Class B hats may be worn with any Class B or C uniform.

A toboggan will be the military-style watch cap, navy blue or black. "Police" may be embroidered on the front in white lettering. A toboggan may be worn with any class uniform.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.12 OUTERWEAR**

Department-issued raincoats may be worn with any class uniform. Raincoats will be reversible, black and yellow, high visibility, and made of waterproof material with a hood. Raincoats will be mid-length with a badge screen printed onto the left breast in silver gray reflective material and "St. Matthews Police" printed onto the back center in silver/gray reflective material on the black side, and "Police" screen printed onto the back center in silver /gray reflective material on the yellow side.

A soft-shell jacket may be worn as part of a Class A, B, or C uniform. Jackets will be navy blue and made by Flying Cross brand polyester/spandex blend or its equivalent. The jacket will have an articulated sleeve, gusseted underarms, and mandarin style collar; two (2) upper napoleon pockets and two (2) lower vertical pockets with exposed zippers; and have two (2) side zippers with adjustable snap closures and adjustable drawcord. Shoulder emblems will be sewn on each sleeve centered on the epaulet ¾ inch below the shoulder seam. A cloth badge will be sewn centered over the badge tab and the officer's name will be embroidered on the right breast side. Cloth badges and embroidery will be white lettering for officers and gold lettering for officers holding the rank of Sergeant and above.

Black gloves may be worn with any class uniform if they do not interfere with the officers' ability to draw and manipulate their duty weapon. Officers may wear high-visibility gloves while directing traffic.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.13 FOOTWEAR**

Officers in Class A uniform will wear smooth, round-toed, black leather polishable boots or shoes, or high gloss boots or shoes. Officers in Class B uniform will only wear smooth, round-toed, black leather boots or shoes. Officers in Class C uniform will wear black cross-trainer type shoes or tactical boots. Class C footwear is not authorized for any Class A or B uniform, and sneakers or open-toed shoes are not permitted with any uniform. All footwear will be clean and polished.

Officers will wear black or navy-blue socks, if they show, with all footwear. White socks may be worn if the socks do not show at all. Socks will not have any logos that are visible while being worn with approved footwear.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.14 BADGE MOURNING BANDS**

Officers will wear a black mourning band over the center of their badge as is customary or upon the direction of the Chief of Police. The bands will be worn until the funeral is completed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.15 ATTIRE FOR COURT APPEARANCES**

Male officers will wear their uniform of the day or a coat and tie with collared shirt and dress pants. Female officers will wear their uniform of the day or appropriate business attire. Officers appearing in a trial will wear a Class A uniform or gender-appropriate business attire. Headwear will not be worn inside the courthouse.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.16 SECONDARY/OFF-DUTY EMPLOYMENT**

Officers may wear Class A or B uniforms when working any approved secondary/off-duty employment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.17 OPERATING A POLICE VEHICLE**

At no time will only part of the uniform be worn when operating a department vehicle. When operating a police vehicle in civilian attire, officers will have their badge, identification card, handcuffs, and an approved weapon readily accessible.

Officers operating a police vehicle in civilian attire will wear a shirt, shorts or pants, and shoes. Officers will not wear any civilian attire that would bring discredit upon themselves or the Department such as t-shirts with derogatory or offensive images or slogans, etc. The traffic vest may be worn if wearing civilian attire to help identify the officer or for other safety purposes.

Passengers must follow these same guidelines.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.18 NATIONAL ANTHEM/FLAG SALUTE**

**National Anthem**

During the national anthem, all uniformed officers will stand at attention and place their right hand over their left breast. If wearing cover, officers will salute the flag. If the flag is not visible, the officer will face the direction of the music.

Officers who are not in uniform and are wearing a hat will remove their hat, stand at attention, and hold their hat over their left breast until the end of the national anthem. Officers who are not in uniform and are not wearing a hat will stand at attention until the end of the national anthem placing their right hand over their left breast.

**Flag Salute**

Upon the approach of the national colors, all uniformed officers, wearing cover, will stand at attention and salute when the flag is within six (6) feet of their position. They will hold the salute until the flag is six (6) feet passed their position.

Upon the approach of the national colors, all uniformed officers, not wearing cover, will stand at attention and place their hand over their left breast when the flag is within six (6) feet of their position. They will maintain this



position until the flag is six (6) feet passed their position.

Officers who are not in uniform and are wearing a hat will remove their hat, stand at attention and hold their hat over their left breast until the colors pass their position. Officers who are not in uniform and are not wearing a hat will stand at attention and place their right hand over their left breast until the colors pass their position.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.19 USE OF BADGE AND IDENTIFICATION**

Officers will not allow any other person to use their badge or other means of police identification. Officers who respond to an incident in civilian clothing will display their badge and/or identification on their outermost clothing to clearly identify themselves.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.20 CHALLENGE BY OFFICER**

In circumstances where a uniformed officer confronts a plainclothes officer, the challenged plainclothes officer will comply with the commands of the uniformed officer. At their first opportunity, the plainclothes officer will identify themselves as a police officer. If the plainclothes officer has a weapon, they will not make any movements, unless instructed to do so by the uniformed officer.

If requested by the uniformed officer, or plainclothes officer whose identity has been established, or is otherwise known, the challenged plainclothes officer will show their credentials to the challenging officer, allowing the challenging officer to make a positive identification of the plainclothes officer.

In most cases, the green wristband should be worn on the gun wrist to help identify an undercover/Off-duty/plainclothes officer.

Plainclothes, in reference to this section, applies to off-duty and undercover officers.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.21 HAIRSTYLE**

Male officers will wear their hair neatly trimmed and tapered to the sides of the head and back of the neck so as not to touch the top of the shirt collar. Female officers assigned to the Patrol Division, whose hair is longer than the bottom of their collar, will wear their hair up on their head in a bun, twist, or ponytail.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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### **15.22 FACIAL HAIR**

Male officers may have a mustache; however, it will not extend down over the upper lip or past either side of the mouth and must be kept neatly trimmed. Officers' sideburns will be neatly trimmed and not extend below the lower opening of the ear and not extend forward at their lowest point. Officers will not have beards. This does not apply to special assignments.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.23 FINGERNAILS**

Officers will keep their fingernails neatly trimmed and fingernail polish should be professional in appearance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.24 COLOGNE, PERFUME, AND MAKEUP**

Officers may wear cologne or perfume so long as it does not cause a distraction or irritation to others. Members may wear light makeup for as natural an appearance as possible.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**15.25 BODY ART**

Body art is defined as procedures used to alter the body’s appearance such as branding, piercing (other than earlobe for standard earrings), scarification, tongue splitting, or tattoos.

Body art on the hands, neck, face or any part of the head is prohibited. Members will not have any clearly visible body art while in uniform or while performing official duties in non-uniformed attire unless approved by the Chief of Police or their designee. Members are discouraged from obtaining any new body art.

Members with body art have the following options:

- Cover the body art with clothing/ uniform,
- Cover the body art with a neutral-colored patch or neutral-colored elastic bandage (total covering size limited to one (1) four (4) inch by four (4) inch bandage),
- Have the body art removed at the member’s expense, or
- Use makeup that matches body tone meant for covering body art.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.0 CIVILIAN ATTIRE**

Civilian members will conform to the specifications as outlined in this chapter. Members will be neat, clean, and well-groomed. Clothing will consist of a conservative dress that promotes a professional image.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.1 SHIRTS/BLOUSES**

Shirts must be properly fitted and non-offensive. Blouses and collared shirts are recommended. T-shirts and/or tank tops will not be worn as outer garments. Sweatshirts may be worn as outerwear providing, they promote a professional image. Sweatshirts may be worn without a collared shirt underneath.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.2 PANTS/SKIRTS**

Trousers and skirts will be free of tears and worn spots. Camouflage pants, shorts, mini-skirts, and overalls will not be worn. Denim pants and Capri pants of calf-length are considered slacks and are acceptable.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.3 FOOTWEAR**

Footwear will be clean, in good repair, and have a professional appearance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.4 HAIRSTYLES**

Hair will be kept neat and clean. Facial hair should be trimmed and professional in appearance. Radical hairstyles or extreme coloring are prohibited.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.5 FINGERNAILS**

Civilian members will keep their fingernails neatly trimmed and fingernail polish should be professional in appearance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.6 COLOGNE, PERFUME & MAKEUP**

Civilian members may wear cologne or perfume so long as it does not cause a distraction or irritation to others. Civilian members may wear light makeup for as natural an appearance as possible.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.7 BODY ART**

Body art is defined as procedures used to alter the body’s appearance such as branding, piercing (other than earlobe for standard earrings), scarification, tongue splitting, or tattoos.

Body art on the neck, face, or any part of the head is prohibited. Members are discouraged from obtaining any new body art.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 12.1</b>
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**16.8 JEWELRY**

Members may wear necklaces, bracelets, watches, rings, and decorative pins. Earrings can be worn but not more than two (2) pair per ear. Nose rings, facial, and tongue piercings are prohibited.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**17.0 EQUIPMENT**

This policy provides guidance and standards regarding equipment issued or utilized by members of the Department. Officers will have all their issued equipment readily accessible while on-duty. The care and proper use of all department equipment will be the responsibility of the member to which it is assigned.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.9</b>
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**17.1 HANDGUNS**

On-duty uniformed officers are authorized to carry the Glock 9 mm Model 17. On-duty plainclothes officers are authorized to carry the Glock 9 mm Model 19 handgun. All weapon-mounted lights and holsters will be approved by the Lead Firearms Instructor before being carried.

Off-duty officers are authorized to carry any of the following handguns:

- 9 mm caliber Glock, Sig Sauer, or Smith & Wesson semiautomatic and/or
- .40 caliber Glock, Sig Sauer, or Smith & Wesson semiautomatic.

Any of the listed Off-duty weapons may also be carried on-duty as a backup weapon(s).

If an officer carries any of these weapons, they will qualify with the weapon(s) during (Spring/Fall) qualifications. All handguns must be inspected and approved by the Lead Firearms Instructor before being authorized for duty use. Department-issued weapons will not be modified without prior approval of the Lead Firearms Instructor.

All officers will carry a handgun when operating a department vehicle. Officers are encouraged to always carry a handgun while off-duty and, when doing so, will have their badge and identification card in their possession. Officers will refrain from carrying firearms when contemplating the consumption of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues.

Under Federal Law, sworn officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). However, it does not give officers police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.9</b>
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**17.2 SHOTGUNS AND PATROL RIFLES**

Officers may carry department-issued shotguns upon request. Personal shotguns may be carried if they meet department specifications and are approved by the Lead Firearms Instructor before being carried. Department specifications for shotguns are:

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- Remington, Mossberg, Benelli (12-gauge),
- Pump action,
- Five shot minimum,
- Bead or rifle sights, and
- Must have a safety mechanism.

Officers are authorized to purchase and carry patrol rifles that meet the following specifications:

- AR-15 type rifle, A-1, A-2, or flattop model;
- .223 / 5.56 mm NATO caliber;
- 10.5 to 16-inch barrel equipped with a flash suppressor and/or muzzle brake. Sound suppressors may not be used. If an officer wishes to purchase a barrel shorter than sixteen (16) inches the corresponding ATF paperwork must be on file with the Department Firearms Instructor;
- A-1 or A-2 factory or aftermarket flip-up iron sights and optional night sights;
- Fixed or collapsible aluminum or nylon buttstock; and
- Nylon standard or tactical sling.

Officers carrying a patrol rifle will:

- Complete the required training program and qualification course with no more than a 1% malfunction rate (malfunctions directly related to a bad magazine or faulty ammunition will be excluded).
- Demonstrate proficiency with the patrol rifle by being consistently accurate with the point of aim and capable of six (6) inch groups at one hundred (100) yards. and
- Carry three (3) military specification magazines with twenty (20) or thirty (30) round capacity.

Flashlights and optical sights are optional for patrol rifles. Flashlights will have a minimum output of sixty-five (65) lumens, be operable while maintaining a standard firing grip, and be mounted in a manner that does not prohibit securing in an approved vehicle mount. Optical sights will be approved by the Lead Firearms Instructor. Any sighting system that requires a battery for operation will be mounted so that iron sights are instantly usable.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.9</b>
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### **17.3 FIREARMS SECURITY**

Officers will not leave their weapons unsecured at any time. Officers not in possession of their police vehicles, such as vehicle maintenance or on vacation, will remove all weapons/magazines from their vehicle and place them in a secure location.

Officers will exercise appropriate precautions in the handling, use, and storage of their weapons. Weapons will be kept secure from others, and trigger locks such as those issued by the Department will be utilized to maximize safety. All shotguns and patrol rifles will be secured in an approved vehicle mount or the trunk of the police vehicle when not in use. Officers driving unmarked vehicles will secure shotguns and patrol rifles in the trunk of their vehicle unless circumstances require otherwise. Vehicle trunk release buttons operable with the ignition “off” should be disabled by an approved vendor.

Officers will not carry or handle weapons in any manner that may result in the loss of possession or that could result in injury to others.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.9</b>
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#### **17.4 AMMUNITION**

Officers may only use ammunition that is approved by the Lead Firearms Instructor. This applies to both on and Off-duty weapons.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.9</b>
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#### **17.5 FIREARMS ABOARD COMMERCIAL AIRCRAFT**

Officers will abide by all Federal Aviation Administration (FAA), Transportation Security Administration (TSA), and individual airline regulations regarding weapons on an aircraft.

To carry a department-approved firearm aboard a commercial aircraft, officers must first complete the TSA's Law Enforcement Officer Flying Armed (LEOFA) Training Course. Officers should contact the Training Coordinator to request the LEOFA Training Course.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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#### **17.6 EDGED WEAPONS**

Officers are authorized to carry edged weapons. To minimize the risk of being disarmed, officers who opt to carry edged weapons will carry them in a concealed manner that is not visible on their person.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.8</b>
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#### **17.7 LESS LETHAL WEAPONS**

The baton and Taser will be carried on the officer's person when in Class A or B uniform. OC Spray is optional but should be readily accessible. Detectives will have all three (3) options readily accessible. Executive Command Staff must carry one of the above.

Tasers will be carried on an officer's support side opposite from their firearm. Officers will conduct a daily spark test of their Taser to serve as a function test. Taser instructors will perform a download/time and date synchronization of all Tasers, at least, quarterly.

Pepperball Launchers will be carried by designated officers on each platoon. The Pepperball systems (including the air fill tank) will be inspected by the Department's Pepperball Armorer, at least, quarterly to ensure proper working order.

Other chemical agents will be available to special teams personnel or those properly trained in its use. Department training standards will be met before carrying these less-lethal weapons.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.8</b>
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**17.8 LESS-LETHAL SHOTGUNS**

Less lethal shotguns are available in the sergeant’s office and can be easily identified by orange stocks and fore ends. These shotguns are to be carried by on-duty sergeants or acting sergeants throughout their patrol shift. Ten (10) rounds of 12-gauge less-lethal super sock rounds will be issued with each less lethal shotgun. No other ammunition will be loaded into these weapons. The 12-gauge less-lethal super sock rounds will not be utilized in any shotguns intended for use with conventional 12-gauge ammunition.

All officers will attend department training on 12-gauge less-lethal shotguns before carrying these weapons.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.8</b>
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**17.9 SPECIAL MUNITIONS**

A shift supervisor must authorize the use of these munitions and all officers will be trained in their use before deployment.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 28.5</b>
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**17.10 PORTABLE RADIO**

Officers assigned a portable radio will carry it with them whenever they leave their vehicle while on-duty. While in a police vehicle, officers must carry their portable radios. Officers may carry their portable radio in their personal vehicle but will be kept out of sight and in a secure location.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 22.6</b>
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**17.11 RADAR UNITS & PBTS**

**RADAR/LIDAR:**

The Department uses speed detection devices (radar and/or lidar) as one (1) technique in its traffic law enforcement program. Officers will, always, be aware of potential traffic hazards created by stopping violators and exercise good judgment regarding safe stopping areas.

Officers who utilize radar or lidar units must complete a training course with a certified instructor. Operators of the radar or lidar unit are required to know the function of the radar or lidar unit by setting up the radar or lidar unit and testing the unit to verify that it is working properly.

Officers will be familiar with the manufacturer’s recommendations for the specific radar or lidar unit’s operation. Officers will follow the operational procedures as outlined in the radar or lidar unit’s instruction manual and departmental training. Radar or lidar units will be tested before and after each shift.

**PBTs:**

The Department utilizes a Preliminary Breath Test (PBT) device to assist in alcohol detection. Officers who utilize PBTs must complete a training course with a certified instructor.



Officers will be familiar with the manufacturer’s recommendations for the specific PBT operation. Officers will follow the operational procedures as outlined in the PBT’s instruction manual and departmental training. PBTs must be tested annually.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 29.2</b>
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### **17.12 MANUALS, MAPS AND STREET GUIDES**

Members will have access to the following manuals in the Department’s computer network: Standard Operating Procedure, Kentucky Criminal Law Manual, Hazardous Materials Manual, Kentucky State Police E-Crash and E-NIBRS User Manuals, and the LINK/NCIC User Manual.

Officers will maintain a map or street guide (digital or hard copy) of their assigned area and refer to it as needed. Asking directions from the Dispatch Center is permissible only in exigent situations or when a map fails to have a location listed. Requests for cross streets are permissible at any time.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 8.7</b>
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### **17.13 ISSUANCE/REPLACEMENT AND RETURN**

All equipment given to members will be documented on the Equipment Issue Checklist (SMPD #097).

When any department uniform/equipment becomes unserviceable due to normal wear, the uniform/equipment will be replaced. If a uniform or piece of equipment is damaged during police action, the shift supervisor will inspect the item(s) and determine if it needs to be replaced. If the supervisor deems the item(s) need to be replaced, the member must complete the Requisition/Purchase Order Form (SMPD #043).

If any uniform/equipment is unserviceable due to another’s actions (e.g., physical altercation, bloodborne exposure, officer-involved vehicular accident, etc.), the member will complete a Report of Lost/Stolen/Damaged Form (SMPD #117) in addition to the Requisition/Purchase Order Form (SMPD #043) to order and replace new uniforms/equipment.

If any equipment is lost or stolen, the member must complete a Report of Lost/Stolen/Damaged Form (SMPD #117) and include:

- A description of the lost/stolen item; to include identifiers (e.g.: serial number, model number, etc.),
- The location last seen,
- Circumstances involving the loss, and
- Actions taken to locate the item.

This form will be sent through the officers’ chain of command to the Chief of Police. Members must also complete a Requisition/Purchase Order Form (SMPD #043) to obtain new items. Members may be responsible for reimbursement to the Department.

When a member permanently separates from service, the quartermaster will collect and inventory all department equipment issued or assigned to that member and complete the Checklist for Separated Members Form (SMPD #098).

Department-issued equipment will not be sold, destroyed, used, or converted to personal use, except at the direction of the Chief of Police.

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Standard Operating Procedures  
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**DEPARTMENT VEHICLE OPERATIONS**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.1,21.3</b>
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**18.0 DEPARTMENT TAKE HOME VEHICLE**

For this policy, the term "take-home vehicle" refers to both marked and unmarked police vehicles. Specialty vehicles are not for take-home use unless authorized by the Chief of Police or their designee.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.4</b>
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**18.1 TAKE HOME VEHICLE PROGRAM**

It is the policy of the Department to regulate and maintain a Take Home Vehicle Program, to:

- Promote the security of the citizens of St. Matthews by creating an atmosphere of the ever-presence of police officers resulting from an increased number of police vehicles on the streets of the city;
- Improve police-community relations by increasing off-duty personal contacts and services performed by police members;
- Deter crime by limiting the opportunities of the criminal to commit the act by creating the appearance of police always present in the area;
- Provide quicker response times to all types of calls, thereby increasing the opportunity for the apprehension of criminals;
- Reduce the cost of maintenance on police vehicles;
- Provide quicker response of off-duty members when recalled to duty because of an emergency; and
- Increase incentive and morale of those members assigned take-home vehicles.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.1,21.4</b>
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**18.2 REGULAR OPERATIONS**

Any member using their take-home vehicle will adhere to KRS, departmental policies, procedures, rules, and regulations as they pertain to vehicle and equipment operation, maintenance, and care. Members operating take-home vehicles will exercise good judgment in utilizing them, avoiding any conduct likely to cause unfavorable comments and/or embarrassment to the Department. Only police members will operate police vehicles.

No member will operate a take-home vehicle in violation of provisions of the Kentucky Revised Statutes which pertain to the use, transportation, and storage of alcoholic beverages.

- No alcoholic beverage or liquor may be transported in the take-home vehicle by the member or any person in the vehicle, except when in the performance of official duties.
- No take-home vehicle, except when on official business or secondary employment, will be parked within proximity of any establishment, which serves alcoholic beverages as its main source of income.
- If a member is involved in an accident or other incident while operating a take-home vehicle and it is determined that alcohol was a contributing factor on their part, the member will be subject to the loss of the use of the police vehicle and other disciplinary measures.

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Members who live outside of Jefferson County must get prior approval from the Chief of Police to take their vehicle home. Out-of-state members will not be allowed take-home privileges.

Members will not operate an assigned vehicle outside the confines of Jefferson County, Kentucky. Trips outside of Jefferson County, with the exceptions of those outlined below, require prior written permission from the Chief of Police:

- To and from a member's residence when traveling into Jefferson County, tour of duty, and secondary employment;
- Officially on-duty business to an adjoining Kentucky or Indiana county when permission has been obtained from the shift commander; and
- When in hot pursuit of a suspect and/or vehicle.

Emergency lights and/or hazard warning lights will be used anytime the police vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving and will not interfere with the vision of operators in other vehicles.

Members will also follow these guidelines:

- No member will use the assigned vehicle to further any personal interests relative to any off-duty employment or enterprise unless the Chief of Police grants specific written permission.
- Under no circumstances will a member leave any firearm in a police vehicle without properly securing it in the trunk or by other means.
- Any member on extended sick or injury leave, or suspension will not have take-home vehicle privileges.
- Members may be assigned an unmarked vehicle if on light duty.
- The Chief of Police may approve some cases of limited duty use.

### **ON-DUTY:**

Members will not permit any non-police passengers to accompany them while on their tour of duty with the following exceptions:

- Persons who have obtained permission from the Chief of Police or their designee and have completed a liability waiver, and/or
- Transporting those in the performance of their law enforcement duties.

### **OFF-DUTY:**

Off-duty members coming across any situation requiring police action will take appropriate action. Members should request an on-duty unit to take any report necessary, transport prisoners, or assist citizens, except in emergencies, where immediate police action is required. Upon the arrival of on-duty units, the off-duty member may clear the scene.

If a member takes a report while off-duty, they should take the report to Police Headquarters or pass the report over to an on-duty unit for timely processing.

Members may have non-police passengers in the vehicle when off-duty but incidents or situations that require lights and sirens (Code 3) should be avoided when transporting civilian passengers Off-duty. Members will take whatever steps necessary to ensure the complete safety of any passenger.

### **Part-Time Officer Take Home Program:**

Part-time officers (excluding the Property Officer) will be allowed to use their assigned vehicle in the following manner:

- While on-duty;
- To and from work;
- To and from any court appearance;
- To, from, and at secondary employment (police-related only); and/or
- As directed by the Chief of Police **only**.

Any deviation in this program can **only** be at the direction of the Chief of Police. Violation of this policy will be cause for immediate suspension and recommendation to the Mayor for termination.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **18.3 PATROL VEHICLE EQUIPMENT**

All patrol vehicles will be equipped with the following:

- Emergency lights and siren,
- Mobile radio and portable radio,
- First aid and infectious disease kits,
- Fire extinguisher,
- Flashlight and charger,
- Traffic vest,
- Flares,
- Digital camera, and
- All necessary forms.

Canine Handler vehicles will be equipped with an approved canine insert installed to maximize safety for the canine and Canine Handler.

All persons riding in police vehicles will utilize seatbelts. Child safety and booster seats are available at the Department for transporting juveniles.

Personal items will not be installed on or in any police vehicle without written approval from the Chief of Police or their designee. Personal equipment will not be mounted to any department equipment and care should be exercised to prevent damage to the vehicle. Vehicles will not be used for transporting any item(s) that protrude from the trunk or interior compartment excluding department equipment.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.5</b>
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### **18.4 MAINTENANCE**

Members are responsible for the overall condition of their vehicle, its equipment, and any damage resulting from neglect. The vehicle's interior and exterior will be kept clean and orderly so as not to reflect discredit upon the member or the Department. Supervisors will conduct monthly vehicle inspections.

Members should read their vehicle owner's manual thoroughly and keep it in their vehicle.

The Administrative Sergeant will keep maintenance records on each vehicle. Contract vendors, established by the Administrative Sergeant, will provide maintenance information for each vehicle.

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Members will be responsible for the preventive maintenance of their vehicles per the mileage standards below:  
(Patrol Vehicles) – Every 4,000 miles or four (4) months.  
(Administrative, CID, and Specialty Vehicles) – Every 5,000 miles or five (5) months.

Members are still responsible to:

- Check vehicle tire pressure, vehicle fluids, lighting, and emergency equipment before each tour of duty. Some vehicle equipment and fluids will be available in the Squad Room area;
- Schedule preventive maintenance appointments with an authorized repair facility; and
- Have their vehicle inspected at an authorized repair facility at the first sign of malfunction or indication of a dash warning light. Work will be approved through the Administrative Sergeant.

Members will not attempt to make any mechanical repairs themselves without prior approval from the Chief of Police. Equipment repairs will only be conducted by an authorized repair facility. All warranty work will be coordinated through the Administrative Sergeant.

Flat tires on department vehicles will be changed by a designated repair facility or towing company.

Members will use battery booster packs to jump-start another vehicle whenever possible and the use of jumper cables to jump-start one vehicle from another should only be used as a last resort. Police vehicles will not be used to push or pull another vehicle unless exigent circumstances exist.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**18.5 ALTERATIONS/MODIFICATIONS**

Members will not affix any decal, insignia, ornament, bumper sticker, front license plate, window stickers, or items of a similar nature to departmental vehicles unless approved by the Chief of Police, or their designee. Additionally, members are prohibited from installing trim rings, wheel-covers, fog/driving lights, additional external antennas, trailer hitches, additional lights, window tinting, or other equipment of a similar nature.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**18.6 VEHICLE MILEAGE/GAS USE/FLEET CARD**

It will be the responsibility of:

- Each member to ensure that off-duty mileage and gasoline consumption is not abused,
- Commanding officers will monitor the fuel consumption of those under their command, and
- Members are to refuel their vehicle whenever possible, before reporting for duty.

Members will not permit their police vehicles to idle for extended periods unless necessary for the performance of their official duties or during inclement weather conditions.

Members are required to make appropriate efforts to prevent the loss, theft, or damage of fuel cards. Members will report lost, stolen, or damaged fuel cards to their immediate supervisor by completing a Report of Lost-Stolen-Damaged Form (SMPD #117) describing the circumstances before the end of their tour of duty.

Members must ensure they are entering the correct mileage and utilizing the respective card for each vehicle when purchasing fuel.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **18.7 TAKE HOME VEHICLE VIOLATIONS**

Members may be subject to loss of take-home vehicle and/or other disciplinary action if:

- They violate the rules and regulations regarding take-home fleet vehicles and/or equipment, and/or
- Any member who uses their take-home vehicle in an unauthorized manner or who permits unauthorized use of the vehicle.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **18.8 SPECIALTY VEHICLES**

#### **Emergency Rescue Vehicle:**

The Department maintains an Emergency Rescue Vehicle (ERV) which was appropriated through the Federal Department of Defense 1033 program. The ERV is jointly operated with the Jeffersontown Police Department through an MOU. This vehicle will mainly be utilized with our Special Weapons and Tactics Team and in times of emergency operations.

Only those trained will be allowed to operate this vehicle. The ERV will also need an escort when traveling on roadways going to and from the emergency response area. When possible, a secondary officer will assist in backing the ERV. The ERV will not be involved in pursuits or traffic stops unless specifically stated by the SWAT commander.

The ERV will be kept clean and in good appearance. At the end of each tour of duty, officers will ensure that the ERV is clean and free of any dirt, mud, or vegetation and that the appropriate oil and fluid levels are maintained. Officers will not expose the ERV to unreasonable hazards or abuse, except in situations that pose a threat to the personal safety of any person.

#### **Utility Terrain Vehicle:**

The Department maintains a Utility Terrain Vehicle (UTV) Patrol to patrol off-road areas that are difficult or impossible to reach with other patrol vehicles. UTVs are extremely effective in both urban and rural areas with many varied types of terrain. UTVs are also effective during special events, where other patrol vehicles have limited access. The UTV Patrol not only enforces laws but helps to foster a positive relationship with the community.

UTV officers will have all the duties and responsibilities normally assigned to officers on routine patrol, except for those calls where a response on a UTV is unsafe, impractical, or those as directed by a commanding officer.

Officers shall comply with all applicable laws regarding UTV operations. Officers shall perform their duties with due regard for the safety of people and property and ride in a safe manner consistent with their training.

Officers shall utilize UTV and uniform equipment (e.g., lights, gloves, eye protection, helmet, etc.) and hand signals to promote safety and visibility. The UTV lighting system shall be used after dusk when the rider is in any place open to vehicular or pedestrian traffic, except in situations that require a tactical response. UTV officers shall not use the UTVs for traffic stops, pursuits, or Code 3 responses. This does not prevent operators from using their UTVs to apprehend violators who flee on foot. UTVs shall not be operated on a limited-access highway. For officer safety reasons, no less than two (2) officers shall patrol on UTVs at any time, when in an off-road setting.

When a UTV officer makes an arrest while on patrol, they will request assistance from a patrol officer to transport the suspect to the Louisville Metro Department of Corrections (LMDC). Once this is accomplished, the assisting unit will return to normal patrol. The arresting officer is responsible for completing the arrest citation and/or any applicable paperwork. Officers shall not transport arrestees on UTVs.

UTVs will be kept clean and in good appearance. At the end of each tour of duty, officers will ensure that the UTV is clean and free of any dirt, mud, or vegetation and that the appropriate oil and fluid levels are maintained. Officers will not expose the UTV to unreasonable hazards or abuse, except in situations that pose a threat to the personal safety of any person.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.13</b>
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### **19.0 IN-CAR CAMERAS**

It is the policy of the Department to utilize an in-car camera system with recording capabilities. This policy outlines the use and procedures regarding in-car cameras. The purpose of this system is to capture evidence that can be used by the Department in the prosecution of criminal activity and the defense of its personnel from unfounded citizen complaints and civil litigation.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.13</b>
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### **19.1 IN-CAR CAMERAS KENTUCKY REVISED STATUTES (KRS)**

Kentucky Revised Statute (KRS) 189A.100 addresses the use of in-car video recording equipment and should be reviewed in its entirety. This statute states that:

- Pursuits, Traffic Stops, and Field Sobriety Testing, if recorded, must be recorded in their entirety. (Blood alcohol analysis testing exempt);
- The entire recording is made available to defense counsel;
- Recording will be used for official purposes only;
- Will be destroyed only upon order of the Court; and
- Anyone utilizing or showing the recordings other than as permitted (official purpose) will be guilty of Official Misconduct 1<sup>st</sup> Degree a Class A misdemeanor.

If applicable, the Uniform Citation will note that a videotape recording exists of the situation.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.13</b>
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### **19.2 IN-CAR CAMERA TRAINING**

All members will receive training and familiarize themselves with the manufacturer's suggested operating procedures before the use of the in-car video recording system. This training will pertain to:

- Body microphone,
- System Controls,
- System activation,
- Media replacement, and
- Automatic video upload procedures



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### **19.3 IN-CAR CAMERA INSPECTION**

Members will be responsible for inspecting the in-car video recording system before the start of their shift to ensure the system is working properly. Any damage and/or malfunctions will be immediately brought to the attention of the shift supervisor and a Report of Lost/Stolen/Damaged (SMPD #117) completed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.13</b>
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### **19.4 IN-CAR CAMERA PROCEDURES**

The in-car video recording system can be used for any lawful police purpose including but not limited to:

- Traffic stops,
- Pursuits,
- Collision scenes,
- Crime scenes,
- Arrests,
- Surveillance, and
- Any situation where documentation by video and/or audio may be beneficial to the Department concerning criminal prosecution, civil litigation, and/or administrative investigations

Members will record all traffic stops and other appropriate citizen contacts utilizing video and audio while operating a vehicle equipped with an in-car video recording system. A member will not interrupt the video and audio recordings until the citizen contact has been terminated. Intentionally not recording any part of the above citizen contacts will be considered a violation of this policy and may result in disciplinary action.

No member will intentionally erase, delete, alter, or tamper with any recorded video. Intentionally erasing, deleting, altering, or tampering with any recorded video will be considered a violation of this policy and will result in disciplinary action. Intentionally erasing, deleting, altering, or tampering with any recorded videotape, CD, DVD or other digital media is a violation of Kentucky Revised Statute (KRS) 524.100 (Tampering with physical evidence) a Class D felony.

The video system is designed to upload to the department server automatically, it will be the members' responsibility to ensure this is being done per procedures recommended by the manufacturer of that video system.

Video that may have recorded unusual and/or exceptional events (e.g., pursuits, deadly force applications, collisions involving department vehicles or personnel, incidents resulting in administrative investigations or citizen's complaints, etc.) will immediately be downloaded. The Administrative Sergeant will be notified via email to mark the video for retention.

All recorded media will be stored in a secured location within the Department.

All video recorded by the in-car video recording system will remain the property of the Department. Videos may not be released to anyone outside the Department without the authority of the Chief of Police or their designee except when responding to a discovery request by the Jefferson County Attorney's Office, the Commonwealth Attorney's Office, or the United States Attorney's Office.

Duplicate copies may only be made for official police or court purposes or with the authority of the Chief of Police or their designee. Duplicate copies of videos released to anyone outside the Department will remain the property of the Department and may not be released to a third party without the authority of the Chief of Police or their designee.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.13</b>
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### **19.5 IN-CAR CAMERA VIEWING**

Video recorded on in-car video recording systems may be viewed for official purposes only. This includes:

- Viewing in court,
- Viewing by the prosecution and/or defense for court preparation,
- Viewing for administrative review and/or investigation,
- Viewing for administrative proceedings,
- Viewing by shift supervisors, and
- Viewing for training purposes.

Supervisors will review a video per day of an officer assigned to their platoon. To be equitable, supervisors will perform random checks of each officer (2) two times per month and logged on the In-Car Video Review Form (SMPD #123) which is in the Command Folder on the “X” Drive. The Operations Bureau Commander will perform random checks on each sergeant as needed.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.13</b>
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### **19.6 IN-CAR CAMERA RETENTION**

The retention period for video recorded on in-car video recording systems will be as follows (the longer applicable retention period will apply):

- All videos downloaded into the WatchGuard System will be retained for a minimum of twenty-six (26) months, and
- The conclusion of all criminal, civil, and/or administrative proceedings and/or appeal periods.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **19.7 MOBILE DATA TERMINALS**

Members operating a Mobile Data Terminal (MDT), including tablet-style computers, will comply with all policies, regulations, security, confidentiality, and non-disclosure agreement requirements issued by LINK, NCIC, NLETS, FCC, and any information system applicable to data transmission. Members using MDTs will be subject to the same security measures as a fixed location terminal and all transmissions will be of professional content. Members will adhere to all policies and procedures as outlined in SOP (Chapter 10.0).

The Louisville Metro Police Department will be the system administrator for the MDT system. No external discs, drives, screensavers, or other computer software or hardware will be installed or used with an MDT unless approved by the systems administrator. Unauthorized software or hardware found on MDTs will be removed and the member may be subject to disciplinary action. Members will not disable any anti-virus programs or utilize remote, dial-up, or non-department Wi-Fi hotspots.

MDT screens will only be cleaned with a microfiber cloth or other screen-safe product. MDT keyboards will be

kept clean and free of debris and may be cleaned per instructions in the user manual. Damage to an MDT will be immediately reported to the shift supervisor.

MDTs will be installed within reach and view of the driver and any inquiries must not interfere with the safe operation of the vehicle. Administrative messages will not be made while the vehicle is in motion. Members will request information through the dispatcher instead of using an MDT in any situation that would compromise Member safety or the ability to safely operate the vehicle. MDTs will not be used during emergency response driving or pursuits. If an MDT or tablet is removed from its docking device to be used outside of the vehicle, no NCIC inquiries are permitted to be run through the MDT until it is returned to its docking device, within the secured confines of the vehicle. This is to ensure the security of confidential and sensitive criminal justice information and to comply with FBI and Louisville Metro Police Department regulations.

MDT screens will not be visible, and vehicles will be locked when a member is not in or near their vehicle. Members not in possession of their vehicle during periods such as vehicle maintenance or vacation will remove the MDT from the vehicle and secure it in a safe location. MDTs will not be secured in a vehicle trunk due to equipment sensitivity to temperature extremes. MDTs will be securely mounted in the docking device when returned to the vehicle.

Members identifying a subject with an active warrant or a hit confirmation through the MDT will advise dispatch and request the dispatcher to run all other inquiries, to allow the member to focus their attention on the situation to maximize member safety. Hit confirmations will be verified and completed by the dispatcher. Members will request criminal histories from dispatch and will not make any inquiries via an MDT.

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## **20.0 EMERGENCY OPERATIONS & PURSUITS**

The purpose of this policy is to provide guidelines and directions:

- for the establishment of responsibility for the safe operation of police vehicles during emergency operations;
- pursuits;
- for the initiation or discontinuation of pursuits;
- for the responsibility of participating officers and supervisors; and
- for the necessity of immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury, and/or property damage.

In fulfilling departmental objectives, officers will occasionally encounter dangerous subjects who will attempt to avoid capture by fleeing in motor vehicles. In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated pursuits will be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

The Department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes a responsibility to operate police vehicles with due regard for persons. Officers, operating under pursuit conditions, shall consider the need to pursue and periodically reevaluate the initial decision to pursue throughout its course. In initiating any pursuit, the officer shall consider the facts, driving environment, seriousness of the offense, need for apprehension, consequences, and due regard for persons. An officer operating an authorized law enforcement vehicle to overtake a motorist that is not yet aware that he or she is being overtaken is not a vehicle pursuit.

Finally, officers will be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit, the officer will carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences, and the safety of all persons.

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**20.1 EMERGENCY VEHICLE OPERATIONS**

In emergency response situations, vehicle speeds will not exceed that which is reasonable. All emergency vehicle operations will be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations will utilize both audible and visual emergency warning equipment to warn other motorists and to assist in gaining the right of way. Officers may use discretion in determining when to use emergency warning equipment and do not have to seek prior approval.

All officers operating department vehicles will exercise due regard for the safety of others. When approaching a school bus stopped for loading or unloading, officers operating a vehicle in an emergency capacity will come to a full stop and then proceed only when it is safe to do so. Officers who recklessly disregard the safety of others will be held strictly accountable for their actions.

The Commonwealth of Kentucky outlines the privileges and duties of the operator of an emergency vehicle by state statute in KRS 189.940:

**Exemptions from traffic regulations.**

- a. The speed limitations outlined in the Kentucky Revised Statutes do not apply to emergency vehicles:
  - 1) When responding to emergency calls (KRS 189.940(1)(a)); or
  - 2) To police vehicles when in pursuit of an actual or suspected violator of the law (KRS 189.940(1)(b)); or
  - 3) To ambulances when transporting a patient to medical care facilities (KRS 189.940(1)(c)); and
  - 4) The driver thereof is giving the warning required by subsection (5)(a) and (b) of this section. (KRS 189.940(1)(d)). No portion of this subsection of KRS 189.940 will be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.
- b. The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign will slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.
- c. The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or an ambulance transporting a patient to a medical care facility and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.
- d. The driver of an emergency or public safety vehicle may stop or park their vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is always in operation.
- e. The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section will give a warning in the following manner:
  - 1) By illuminating the vehicle's warning lights continuously during the period of the emergency; and

2) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless

3) The vehicle is an ambulance, and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In

the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he will not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance.

The driver will not extinguish the warning lights during the period of the emergency.

f. No driver or operator of any emergency or public safety or other vehicle will use the warning lights or siren, bell, or exhaust whistle of their vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.

g. **KRS 189.910** to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 21.2</b>
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## 20.2 VEHICLE PURSUIT DEFINITIONS

### **Definitions:**

- Aerial support: the use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- Boxing-in surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- Channelization: a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- Caravanning: operating emergency vehicles in a line or alongside each other in a pursuit.
- Deadly physical force: force which is used to cause death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.
- Interjurisdictional pursuit: any pursuit that crosses into a neighboring jurisdiction, such as across municipal, county, or state lines.
- Paralleling: operating an emergency vehicle on streets or a route parallel to the pursuit route.
- Primary unit: the authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- Secondary unit(s): any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- Precision immobilization technique (PIT) maneuver: a controlled deliberate contact with the rear of a fleeing vehicle by a marked law enforcement vehicle to spin the vehicle in a predetermined direction to bring it to a stop.
- Ramming: deliberate contact with a violator's vehicle by a marked law enforcement vehicle to force the violator's vehicle off the roadway.
- Roadblock: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- Stop stick/spike strip: a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of the roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- Terminate the pursuit: the law enforcement officer ends their involvement in the pursuit by slowing down to the posted speed limit and immediately turning off their emergency lights and siren.
- Vehicle pursuit: an active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

- Video recording (MVR): a recording device that records video and/or audio of a police event from a camera.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.9,21.2,24.3</b>
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### **20.3 VEHICLE PURSUIT INITIATION**

#### **Initiating the Pursuit**

Officers will only initiate a pursuit: When there is reasonable suspicion that the driver or an occupant of the vehicle has committed a serious felony. For this policy, a “serious felony” is defined as:

- Offenses where a suspect has killed a person,
- Assault in the First, Second or Third Degree,
- Wanton Endangerment in the First Degree,
- Unlawful Imprisonment in the First Degree,
- Kidnapping,
- Rape in the First Degree,
- Sodomy in the First Degree,
- Sexual Abuse in the First Degree,
- Arson in the First Degree,
- Robbery in the First Degree,
- Escape in the First Degree, or
- Before initiating the pursuit, the officer has reasonable suspicion that the driver is engaged in outrageous, reckless driving such that the necessity of immediate apprehension outweighs the level of danger created by the pursuit, excluding serious traffic offenses such as DUI, unless there are extenuating circumstances.

Officers, if vehicles are equipped, will record pursuits utilizing video recordings. These recordings are for law enforcement purposes only and must be held and disseminated per K.R.S. 189A.100.

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### **20.4 PURSUIT OPERATIONS**

#### **The following will pertain to pursuit operations:**

- Only two (2) properly equipped [emergency lights and siren] vehicles, a primary vehicle and a secondary vehicle, will engage in a pursuit, unless additional vehicles are authorized specifically by the commanding officer.
- Officers will not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the commanding officer if one is on-duty.
- Officers will not set up roadblocks or deploy tire deflation devices without the approval of the supervisor.
- Officers will not engage in ramming, caravanning, or driving immediately alongside a fleeing vehicle unless deadly force is justified.
- Boxing-In: Officers will not box a vehicle in without supervisory authorization.
  - Low-Speed Box-In: is a seizure and therefore may only be utilized per the Department’s response to active resistance policy.
  - High-Speed Box-In: is a seizure using force that may cause serious bodily harm or death and thus constitutes a use of deadly force. Before a supervisor may authorize the use of a “high-speed Box-In” deadly force must be justified.



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- If a pursuit is terminated by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers will terminate the pursuit.
- Only properly equipped vehicles with emergency lights and sirens will initiate a pursuit.
- In the event that an unmarked vehicle with emergency lights and siren initiates a pursuit, the unmarked vehicle will give way and terminate the pursuit as soon as a primary and secondary marked vehicle is available to take over the pursuit authorized to remain in the pursuit by a supervisor.
- Officers engaged in pursuit will not drive vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, expressway, or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code.
- When a fleeing vehicle goes the wrong way against traffic, the primary officer will, if possible:
  - Parallel the vehicle in the correct lane of traffic
  - Notify dispatch of a wrong-way driver
  - Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction
  - Have communications notify the Department of Transportation to activate reader boards to advise motorists of a wrong-way driver
- Officers will not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants, or any person who is not a member of this Department, including civilian ride alongs.

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**20.5 PRIMARY DRIVER RESPONSIBILITIES**

**Responsibilities of the Primary Vehicle Driver:**

- Immediately activate emergency lights and siren;
- Immediately notify communications of:
  - Their unit number,
  - The location,
  - The direction of travel,
  - Speed,
  - Reasons for the pursuit,
  - The description of the vehicle being pursued,
  - The number of occupants,
  - The presence of other law enforcement agencies, and
  - Location at the time the pursuit is terminated
- Provide updated information regarding the direction of travel, speed, and other pertinent details until the secondary vehicle is available to take over the radio broadcast;
- Allow the secondary vehicle driver to assume all communications;
- Abandon the pursuit if any mechanical problems develop in the primary vehicle; and
- Terminate the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

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**20.6 SECONDARY DRIVER RESPONSIBILITIES**

**Responsibilities of the Secondary Vehicle Driver:**

- The first officer arriving to assist the primary vehicle driver will notify communications and becomes the secondary vehicle driver;



- This officer will receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit;
- This officer will activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and will assume the radio communications for the primary vehicle driver; and
- This officer will become the primary vehicle driver if it abandons the pursuit or will abandon the pursuit if any mechanical problems develop in the secondary vehicle.

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## **20.7 SUPERVISOR RESPONSIBILITIES**

### **Responsibilities of the Supervisor:**

- Immediately assert control over the pursuit;
- Control the number of authorized vehicles in the pursuit;
- Immediately authorize continuation or discontinuation of the pursuit depending on the hazardous circumstances and environmental factors present as communicated by the officer;
- Order units to clear intersections in the likely path of the pursuit where appropriate;
- Ensure that not more than two (2) vehicles engage in the pursuit unless additional vehicles are required based on the following circumstances:
  - the severity of the offense,
  - the number of occupants in the suspect vehicle, and
  - the likelihood of the suspects being armed.
- Direct and approve necessary tactics in the pursuit including authorizing the termination of the pursuit through approved use of force tactics;
- Continuously evaluate the pursuit;
- Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
- Notify other affected agencies, if necessary; and
- Respond to the scene of the termination of a pursuit.

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## **20.8 ENVIRONMENTAL CONDITIONS**

### **Environmental Conditions:**

Officers will consider the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:

- Time of day and day of the week,
- Lighting conditions,
- Vehicular and pedestrian traffic,
- Type of roadway,
- Condition of the roadway (e.g., dry, wet, paved, gravel, icy),
- Weather conditions (e.g., clear, overcast, rain, fog),
- Condition of the emergency vehicle and the condition and type of the fleeing vehicle,
- Driving ability of the officer, and
- Speeds of the emergency vehicle and the fleeing vehicle

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**20.9 DISPATCH RESPONSIBILITIES**

**It is the responsibility of the Dispatch Center to:**

- Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate, continue, or terminate the pursuit is broadcast;
- Assure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the officers involved and relayed to other units;
- Keep the supervisor apprised of all relevant traffic problems and other actions that might impact the conduct of the pursuit;
- Record all information received from the pursuing officer;
- Clear the radio channel;
- Conduct an inquiry of the license plate through NCIC;
- Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction; and
- Continue monitoring the pursuit.

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**20.10 PURSUIT ACROSS JURISDICTIONS**

**Regarding pursuits from this jurisdiction into another jurisdiction, the officer will:**

- Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested;
- Under Kentucky law, a peace officer in actual pursuit may continue a pursuit across corporate or county lines to make an arrest; and
- When pursuits enter an adjoining state, officers are required to follow that state’s laws.

**Regarding pursuits from another jurisdiction into this jurisdiction:**

- Dispatch should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description, and if assistance is requested;
- Supervisors will only approve assistance from this jurisdiction if the pursuit is justified under department policy, and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit is not justified under department policy, an officer may assist in a support capacity alone;
- If the pursuit does not conform to this policy, officers will not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity;
- Stop sticks/spike strips may be used with the on-duty supervisor’s authorization on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged to promote the safety of innocent persons in the vicinity;
- A supervisor from this jurisdiction may proceed to the point of completion of the pursuit as quickly as possible;
- The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit unless requested otherwise. This provision only applies when the initiating agency has jurisdiction within the Commonwealth of Kentucky to pursue within this state; and
- Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

**Effective:**  
**09/01/2018**

**Revised:**  
**04/15/2022**

**KACP Standards: 1.9,21.2,24.3**

## **20.11 TERMINATION OF PURSUIT**

**The following are specific ways a pursuit may be terminated:**

- Roadblocks, the PIT maneuver, and tire deflation devices as well as the firearm, constitute seizures, i.e., a stopping of movement by a means intentionally applied. Officers should recognize that the use of a tactic that is likely to result in a serious crash, constitutes deadly force and will not be used unless deadly force is justified.
- Use of firearms:
  - The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
  - Officers will not shoot at or from a moving vehicle unless:
    - The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person; or
    - The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- Roadblocks: Only as a case of last resort where there is an imminent threat to public safety, and where authorized by a supervisor, may a roadblock be established. This decision to establish a roadblock will consider:
  - The safety of the officers.
  - The risk of physical injury to the occupants of the pursued vehicle.
  - The protection of citizens and their property.
  - Stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock will notify communications of the exact location.
- PIT maneuver: Only officers trained in this particular maneuver will attempt to employ this procedure and will not use this maneuver at speeds over 40 mph unless deadly force would be justified.
- Stop sticks/spike strips:
  - Only officers trained in the use of stop sticks/spike strips will deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer will advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic will be diverted from the site if possible.
  - Stop sticks/spike strips may be used with the on-duty supervisor's authorization on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged to promote the safety of innocent persons in the vicinity.
  - Stop sticks/spike strips/tire deflation devices could, under certain circumstances, constitute the use of deadly force. As with any use of force tactic, before the deployment of such a tactic, officers must be trained with respect to the tactic.
  - Officers will not use tire deflation devices on motorcycles or ATVs unless deadly force would be justified.
- In all cases, officers should employ high-risk traffic stop techniques at the end of pursuits.

### **Reasons for Termination of the Pursuit:**

Any officer involved in a pursuit will terminate the pursuit, and immediately notify communications of their point of discontinuation under any of the following conditions:

- An officer whose emergency lights/siren malfunction during a pursuit will terminate their involvement in the pursuit;

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- When ordered by a supervisor, or any other higher-ranking member of the Department;
- When any officer involved in the pursuit believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;
- When the risk conditions have increased, and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension.
- When the location of the pursued vehicle is no longer known; and
- When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance will be given. If there is only the marked primary police vehicle, then this vehicle must stop to provide assistance.

Termination of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) will turn off all emergency equipment. An officer will not be disciplined when, in the officer's opinion, circumstances warrant discontinuing the pursuit.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.9,21.2,24.3</b>
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### **20.12 PURSUIT REVIEW/REPORTING**

The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and will submit an Administrative Incident Form (Benchmark/SMPD # 057). In addition to providing the required information on the form, the supervisor will indicate in the form the following:

- The reasonable suspicion articulated for engaging in the pursuit;
- An account of all violations committed during the pursuit;
- A summary of tactics employed to apprehend the subject;
- The exact point of the apprehension or termination of any pursuit;
- If the subject is apprehended, there should be an account of the officer's involvement in that arrest.
- The supervisor's report will include the following:
  - Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
  - A summary of any collisions or other incidents arising from or related to the pursuit;
  - A complete evaluation on the adherence of the pursuit's conduct to the Department's pursuit policy; and
  - If terminated, the time and location that the pursuit was terminated.
- Collect copies of reports and police vehicle video from all officers involved in the pursuit;
  - Order and include a copy of the communications/dispatch tapes;
  - Review each report to ensure that all required information is present;
  - Conduct an analysis of the pursuit and complete the appropriate section of the pursuit report; and
  - Attach copies of the officers' reports, including their report and forward the packet to Patrol Bureau Commander.

The Patrol Bureau Commander or designee of the Chief of Police will determine compliance with the statutes and policies and make a recommendation for further action (various forms of commendation, discipline, suspension, letter, verbal reprimand, and/or retraining).

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Department Support Functions**

**DEPARTMENT SUPPORT FUNCTIONS**

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**21.0 COMMUNICATIONS SUPPORT FUNCTIONS**

The Department understands the need for Communications as this is a vital unit for officer safety and operations. This policy provides guidance in reference to procedures in Communications relating to calls for service, dispatch codes, NCIC and other integral parts of radio communications.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 28.2,28.8</b>
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**21.1 COMMUNICATIONS: ACCESS AND SECURITY**

Access to the Dispatch Center is restricted to authorized members only. Loitering in or around the Dispatch Center by other members is not permitted. Dispatchers will not leave the Dispatch Center unattended and must be relieved by an authorized member.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8,28.1,28.2,28.3,28.4</b>
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**21.2 COMMUNICATIONS: CALLS/DISPATCH PROCEDURES**

Requests for assistance will be prioritized in the following order:

- Radio transmissions,
- 911 calls, and
- Business line calls.

Prioritization may be changed due to exigent circumstances.

When a call is received, the call taker will identify themselves and the Department by name. The call taker will determine the type of response necessary, if needed. Call takers should remain calm and keep a steady voice in emergency situations.

Call takers will obtain pertinent information on all calls for service and a dispatch record will be initiated in the Computer Aided Dispatch (CAD) system. Call takers may remain on the line with the caller at the caller's request, or if the caller is in danger, until officers arrive at the scene. Additional information may be added to the dispatch record and relayed to responding officers as it becomes available.

Emergency calls received through 911 intended for another jurisdiction may be transferred to that jurisdiction; however, the call taker will remain on the line until the other jurisdiction's operator accepts the call, and any pertinent information has been relayed. Emergency calls received through the Department's business telephone number for another jurisdiction will not be transferred. The call taker will gather all necessary information, advise the caller the information will be relayed to the appropriate jurisdiction, and then contact the other jurisdiction. All non-emergency calls for another jurisdiction may be provided with the appropriate jurisdiction phone number and advised to contact that agency.

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Member telephone numbers will not be provided to anyone other than department members without approval from a commanding officer.

Members will comply with radio procedures of the Federal Communications Commission and this Department. Members will utilize military twenty-four (24) hour time.

All dispatch records including officer-initiated activity are entered into the CAD system and are a permanent record. If a manual record must be initiated, it will be entered into the CAD system as soon as practical. All radio transmissions will be clear and concise. Information of a sensitive nature related to a run will be relayed to responding officers by telephone unless a delay would compromise officer safety. Dispatchers will update the dispatch record with the appropriate clearance code and any additional information provided by the officer.

The CAD system assigns an officer safety time check to all runs with intervals based on the nature and urgency of the run. When an officer's safety time check is indicated or if there has been no recent contact with the officer, the dispatcher will check an officer's status using the 10-86 (10-code). If the officer fails to respond to the safety check with 10-86 or fails to answer at all, the dispatcher will alert the tones and attempt to make contact again. If the officer fails to answer at that point, a 10-30 will be issued. Units will be dispatched to the last known location of the officer and the shift supervisor will be notified.

Street names and numbers are maintained in the CAD system. If the dispatcher believes there is an error, a note of the possible error will be forwarded to the Administrative Sergeant for verification. A wall map with the city boundaries is maintained in the Dispatch Center for reference.

Dispatchers will be knowledgeable of available resources and members' emergency contact information.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.8</b>
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### **21.3 COMMUNICATIONS: RADIO CODES**

10-1 Unable to Copy	10-2 Signal is Good
10-4 Message Received	10-5 Out of Service, Eating
10-6 Busy, Stand-by	10-7 Out of Service
10-8 In-service	10-9 Repeat Information
10-10 On detail, Available for Runs	10-11 School/House/Directed Patrols
10-12 Are You Alone?	10-15 Prisoner
10-16 Shoplifter	10-20 Location
10-21 Call by Phone	10-22 Report in Person
10-23 Arrived at Scene	10-24 Request Report Number, 10-8
10-25 No Report Taken, 10-8	10-27 Request Report Number, 10-7
10-28 Vehicle Registration Information	10-29 Stolen/Warrant Check
10-30 Officer in Trouble	10-31 Domestic Trouble
10-32 Trouble	10-33 Break-in in Progress
10-34 Hold Up/Alarm	10-35 Burglar Alarm
10-36 Suspicious Person/Vehicle	10-37 Fight
10-38 Subject with Weapon	10-39 Shooting/Stabbing
10-40 Shots Fired	10-41 Report
10-42 See the Subject	10-43 Strong Arm Robbery
10-46 Disorderly person	10-47 Intoxicated Person

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10-47 Intoxicated Person	10-48 Collision, Hit & Run
10-49 Collision, No Injury	10-50 Collision, Injury
10-52 Direct Traffic	10-53 Wire(s) Down
10-54 Investigation	10-55 Intoxicated Driver
10-56 Exposure of Person	10-58 Children Left Alone
10-59 Meet the Officer	10-61 Stranded Motorist
10-62 Loud Party/Music	10-70 Assist Fire
10-72 Reckless Driver	10-75 Bomb threat
10-77 Plane crash	10-80 Corpse
10-81 Heart attack	10-83 Assist EMS
10-84 Person Down	10-85 Wanted person
10-86 Situation under Control	10-90 Missing Person
10-95 Officer Taken Hostage	10-96 Hostage
10-97 Rape/Sexual Assault	10-98 Request Back-up, Code 1
10-99 Traffic Stop	

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8</b>
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#### **21.4 COMMUNICATIONS: PHONETIC ALPHABET**

A Adam	B Baker	B Baker	C Charlie
D David	E Edward	F Frank	G George
H Henry	I Ida	J John	K King
L Lincoln	M Mary	N Nora	O Ocean
P Paul	Q Queen	R Robert	S Sam
T Tom	U Union	V Victor	W William
X X-ray	Y Young	Z Zebra	

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.2</b>
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#### **21.5 COMMUNICATIONS: BEAT ASSIGNMENTS**

Dispatchers assign officers to calls for service based upon beat assignments. Beat assignments are provided to the dispatcher by the shift supervisor at the beginning of the shift for entry into the Computer Aided Dispatch system. When no units are available, the dispatcher will notify the shift supervisor if a run is being held. Supervisors are responsible for emailing rundowns to Dispatch.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8</b>
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#### **21.6 COMMUNICATIONS: ALERT TONE**

The radio console is equipped with an alert tone that is sounded in emergency situations to advise officers of emergency events. The alert tone will be sounded immediately in all holdup and panic/duress alarms, foot and vehicle pursuits, shootings/stabbings and 10-30 transmissions. The shift supervisor or any officer on the scene will determine when it is safe to resume normal radio traffic and advise dispatch.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8,21.1</b>
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**21.7 COMMUNICATIONS: RESPONSE CODE**

The officer will determine the response code for any dispatched run based upon the information given. Nothing in this section precludes the shift supervisor from modifying the response code based on known or other perceived factors.

A code one (1) run is one in which the officer should respond as quickly as time permits, but there is no immediate urgency. All traffic laws will be observed.

A code three (3) run is one of a life threatening/emergency nature to which the officer must proceed immediately and safely. Emergency lights and siren will be used, and the officer may exceed traffic laws if they can do so safely and with due regard for the safety of all persons and property upon the roadway.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8,19.2,27.2</b>
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**21.8 COMMUNICATIONS: NOTIFICATIONS**

Dispatchers will contact the on-call detective at the request of a shift supervisor when no detectives are on-duty. If the on-call detective cannot be reached, the dispatcher will notify the CID Sergeant. If the CID Sergeant cannot be reached, the dispatcher will notify the Support Bureau Commander.

The on-call detective will write a memorandum to the Chief of Police as to the circumstances of failure to respond while on-call.

Dispatchers will notify the Executive Command Staff as soon as possible of the following situations:

- When an officer sustains or causes serious physical injury or death to another person or is involved in an incident that attracts media interest;
- Collisions involving officers or department vehicles;
- Major crime scenes;
- Arrests involving the recovery of a large quantity of property, narcotics, etc.;
- Bomb threats;
- Large scale fires;
- Emergency operations such as natural disasters, hazardous materials situations, etc.;
- Death investigations;
- Incidents of a highly sensitive nature; and
- All other incidents which common sense would dictate.

Dispatchers will notify:

- The Chaplain at the request of a shift supervisor;
- The Medical Director/Advisor at the request of an Executive Commanding Officer; and
- The Mayor at the request of the Chief of Police or their designee.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 28.6,28.7</b>
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**21.9 COMMUNICATIONS: TELEPHONE & RADIO TRANSMISSIONS**

All telephone and radio transmissions in the Dispatch Center are recorded. Recent telephone and radio

transmissions may be reviewed and saved in the Dispatch Center via the NICE system. Requests to review transmissions should be directed to the Telecommunications Supervisor or their designee. All radio transmissions are subject to inspection by the Federal Communications Commission.

No member will intentionally cut out, or interfere with, the radio transmissions of another Unit, nor transmit anonymous or unnecessary messages.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.3,26.4,28.9</b>
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**21.10 COMMUNICATIONS: TERMINAL AGENCY COORDINATOR**

The Terminal Agency Coordinator (TAC) is appointed by the Telecommunications supervisor and will be the Department's representative at training seminars, updates and/or general meetings as deemed necessary by LINK/NCIC.

The TAC will report to the Telecommunications Supervisor the information that is gained from these meetings, seminars, etc. The TAC will act as liaison between the Kentucky State Police Terminal Control Officer and be responsible for all terminal management of the Department.

The TAC is responsible for validating all entries, maintaining all written agreements between the Kentucky State Police, and other agencies. The TAC is also responsible for coordinating the training of members with all aspects of the Dispatch Center that includes the LINK/NCIC terminal.

The TAC will appoint the assistant TAC with the approval of the Telecommunications supervisor. The Assistant TAC is responsible for assisting the TAC in their duties or serving in the absence of the TAC.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.3,26.4</b>
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**21.11 COMMUNICATIONS: LINK/NCIC PROCEDURES**

Unauthorized persons will not have access to the Dispatch Center. Members will keep all information transmitted or received via LINK/NCIC strictly confidential. Members will not disseminate any LINK/NCIC information to the public or to any other agency without LINK/NCIC authorization.

Criminal history information obtained through LINK/NCIC is strictly confidential. Criminal history printouts will be destroyed at the end of the dispatcher's shift if not picked up by the requesting officer. It will be the officer's responsibility to maintain security of and properly destroy a criminal history. **Only the personal identifier section of a criminal history may be retained in the case file.**

Due to the sensitive nature of the information, members are prohibited from copying, pasting, or otherwise entering NCIC information from a NCIC Terminal, Mobile Data Terminal (MDT) or any other device into any other document, computer program, or other electronic system. Members are also prohibited from taking photographs/screen shots of criminal histories. The NCIC will not be left visible on the screen when the computer is not in use.

LINK/NCIC entries will not be entered into the system until the dispatcher has the original report, except for Missing Persons and Stolen Vehicles/Plates, which need to be entered immediately. Officers need to complete the report as soon as possible and deliver or email it to dispatch. Dispatchers will make sure that all information is complete and accurate. Upon completion of the entry, dispatchers will perform a test inquiry to verify the information is in the system. All LINK/NCIC documentation will be retained with the original report. The

entering dispatcher will bring the entry to the attention of another dispatcher, as soon as possible, for a second party check to be completed. Second party checks are required on all entries, modifications, clears and cancellations.

A purged record report will be received from the State Control Terminal annually. This report will be given to the TAC who will then forward the entry reports to the Criminal Investigations Sergeant for review.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.0 TRAINING SUPPORT FUNCTIONS**

The Department will provide for recruit and in-service training through the Kentucky Department of Criminal Justice Training or other Kentucky Law Enforcement Council approved agency or organization. The Training Unit will provide member’s training consistent with the goals of the Department. The Training Unit will provide training in department policy and procedure, application of laws and court decisions that apply to criminal prosecutions, national and state standards and community needs.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.1 TRAINING: TRAINING UNIT**

The Training Unit will be staffed by a KLEC certified instructor training coordinator assigned to the Operations Bureau. Other department members may be called upon to assist with training in their areas of interest/expertise.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.2 TRAINING: TRAINING COMMITTEE**

The Training Committee will be composed of the Operations Bureau Commander, the Support Bureau Commander, and the Training Coordinator, with a Sergeant and an Officer appointed by the Chief of Police. The Operations Bureau Commander will serve as chairman.

The committee will meet annually, no later than October 15<sup>th</sup>, to determine department training needs, recommend programs to be implemented and evaluate current training programs. The committee will prepare a report to be submitted to the Chief of Police detailing the training programs recommended and the evaluation of current programs. The Chief of Police will make a determination of programs to implement, change or retain based on this report and other available information. The Training Unit will carry out this determination.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.3 TRAINING: ATTENDANCE REQUIREMENTS**

Advance notice of training will be provided to include the members assigned, date, time and location and any required equipment. All training will be mandatory; however, the appropriate Bureau Commander may allow exceptions based on previously approved vacation requests and reasonable excuses of a conflicting nature. Other agencies or law enforcement officers may participate in department training at the discretion of the Chief of Police.

Members attending training for less than eight (8) hours will return to work to complete their shift unless approved

for a schedule adjustment by the Training Coordinator or their immediate supervisor.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.4 TRAINING: LESSON PLAN & PERFORMANCE OBJECTIVES**

Lesson plans and performance objectives will be developed for all training to focus on the elements of the job, what is to be learned, evaluation of the participants, and the effectiveness of the training. Lesson plans must be submitted to and approved by the Chief of Police at least two (2) weeks prior to training.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.5 TRAINING: TESTING**

Testing will be conducted on all participants in department training. Evaluation may be in the form of written and/or practical examinations according to the scoring criteria listed in each lesson plan. Testing will be based on the performance objectives listed in each lesson plan and performance of job-related skills. In-house, roll call or refresher training may not need a testing component. This will be determined by the Training Coordinator.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.3,1.10,29.8</b>
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**22.6 TRAINING: FIREARMS QUALIFICATIONS**

All officers will qualify with their on-duty, Off-duty, backup weapons, shotgun and/or rifle prior to carrying these weapons. Officers who purchase a weapon of the same type, make and model already authorized may carry these firearms prior to the next normally scheduled training session. Training will include the legal, moral and ethical aspects of weapons use, department policy on use of deadly force, safety, and proficiency. Firearms training will reflect circumstances and conditions most likely to be encountered by officers in real life deadly force situations. Firearms training should be conducted at least twice annually with one of the training sessions conducted during low-light conditions. Qualifications should also include moving targets. Officers will be provided with and required to wear eye and hearing protection during firearms qualification.

Firearms qualification will be required using duty ammunition at the discretion of the Lead Firearms Instructor. Officers responsible for any unintentional discharge will be required to attend remedial training and re-qualification prior to returning to duty.

Officers who fail to meet qualification standards will have their authority to carry the weapon revoked and written notification from the certified Lead Firearms Instructor will be forwarded to the officer’s shift supervisor and the Chief of Police. Officers who fail to meet qualification standards with their on-duty weapon will be reassigned to non-uniformed administrative duty for a period of up to five (5) days. During this period the officer will report to the Lead Firearms Instructor for remedial training and qualification. Officers who fail to achieve qualification after attending remedial firearms training will be suspended with pay. If after ten (10) days on suspension the officer has still failed to qualify, charges will be brought for failing to maintain standards. During the suspension, the Lead Firearms Instructor will continue to train the officer in an effort to qualify them.

A Firearms Instructor will inspect all weapons prior to firing during training and any weapon found unsafe will be removed from service. A letter will be forwarded to the Chief of Police noting the problem(s) and any repairs needed. Once repaired, the Lead Firearms Instructor will re-inspect the weapon and a letter will be forwarded to the Chief of Police detailing the repairs and request authorization for the weapon to be placed back into service.

Officers will abide by all safety rules which are covered at the start of each range day and follow the direction of the Lead Firearms Instructor and safety officers. At no time will officers eat, drink or smoke on the range. Eye and ear protection will always be worn on the range.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.10</b>
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**22.7 TRAINING: FIREARMS REGISTRATION & INSPECTION**

All weapons will be registered with the Equipment Issue Checklist (SMPD #097) and the department firearm’s database. This form will be signed by the Lead Firearms Instructor and maintained in the training digital files after the weapon is inspected and authorized. A Weapons Armorer will conduct a detailed mechanical inspection of all weapons annually.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.1</b>
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**22.8 TRAINING: RECORDS**

The Training Coordinator will maintain training records for all courses attended by members. These records will only be released by authority of the Chief of Police or their designee. Training records will include: name of member, lesson plan, date and hours attended, agency or instructor providing training, test results and certification.

Firearms certification records will be maintained for all officers and will consist of the on-duty, Off-duty, backup weapons, shotgun and / or rifle including the make, model, caliber, and serial number. Weather conditions to include temperature and type of precipitation (if any) at the time of the qualification will also be noted.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.9 TRAINING: INSTRUCTORS**

Department instructors will be knowledgeable of teaching theories, methods and practices and subject matter. Instructors who do not satisfy these requirements, but possess specialized knowledge in a training area, must be supervised by the Training Coordinator. Training courses that require outside instructors will be coordinated by the Training Coordinator and adhere to department policy as outlined in this chapter.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.10 TRAINING: PAY & BENEFITS**

Members attending training will be on-duty, will receive their normal pay and benefits and are covered under workman's compensation.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 14.1</b>
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**22.11 TRAINING: BASIC TRAINING**

All recruits will attend the Police Basic Training Academy accredited by the Kentucky Department of Criminal Justice Training prior to being sworn in. Officers who laterally transfer without Kentucky Law Enforcement Council (KLEC) certification must successfully meet the training requirements of the KLEC within one (1) year of their date of hire.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 14.5</b>
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**22.12 TRAINING: FIELD TRAINING & EVALUATION PROGRAM**

Members will complete the Field Training and Evaluation Program before being assigned to routine patrol duties. Officers serving as FTO’s will have attended a certified FTO/PTO course. FTO’s report through their sergeant to the Training Coordinator.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 14.2,14.3</b>
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**22.13 TRAINING: SUPERVISORY TRAINING**

Officers promoted to a first-line or mid-management supervisor position will complete at least forty (40) hours of Kentucky Law Enforcement Council approved supervisory training within one (1) year of their promotion. First-line supervisors will attend the Academy of Police Supervision as soon as possible after promotion, unless they have previously attended the course.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**22.14 TRAINING: REMEDIAL TRAINING**

Remedial training is personalized to correct a specific deficiency usually identified by testing or other evaluation during training or by a supervisor evaluating a member during routine job performance. The goal of remedial training is to ensure that members do not suffer deficiencies in basic skills, knowledge and abilities required to perform their assigned tasks. Once the need for remedial training is recognized, action will be taken as soon as possible to correct the deficiency. The Chief or their designee will send a memorandum to the affected member instructing them when to report for training.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**22.15 TRAINING: ROLL CALL**

The Department will utilize roll call training to provide a means to inform members of important changes that directly affect their job. The Training Coordinator will be responsible for coordinating roll call training. Shift supervisors will be responsible for disseminating memorandums and updating officers of changes in policy and procedure.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 14.4</b>
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**22.16 TRAINING: IN-SERVICE**

All officers will attend at least forty (40) hours of in-service training annually conducted by the Kentucky Department of Criminal Justice Training or other Kentucky Law Enforcement Council approved agency or organization. Officers will be assigned to specific courses based upon individual and department needs. Departmental in-house training will include a component on ethics in all training and will conduct ethics training on an annual basis.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.17 TRAINING: ADDITIONAL TRAINING**

In addition to classes presented by the Kentucky Department of Criminal Justice Training, members may also attend training presented by other agencies. Requests for additional training should be forwarded to the Training Coordinator for consideration. Advanced training may count as credit toward the member’s annual in-service training requirement upon verification by the Training Coordinator. These requests will be considered based on the need for training, benefits to the Department, manpower and cost.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 14.2,14.3</b>
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**22.18 TRAINING: SPECIAL TEAMS**

The Special Response Team is authorized to conduct sixteen (16) hours per month. Snipers are authorized to attend an additional four (4) per month. Negotiators are authorized to attend eight (8) hours training per month. If at all possible, SWAT and HNT joint training should occur quarterly. Hazardous Incident Response Team members are authorized to attend their required authorized training.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 14.2,14.3</b>
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**22.19 TRAINING: SPECIALIZED ASSIGNMENTS**

Members assigned to specialized positions or units will receive priority for training that should be initiated as soon as practical. Specialized positions or units may include but are not limited to: supervisors, detectives, Training Coordinator, Field Training Officers, SWAT, HIRT and Accident Reconstruction Team (SMART) members.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.20 TRAINING: TELECOMMUNICATIONS MEMBERS**

All telecommunicators will attend the Telecommunications Academy administered by the Kentucky Department of Criminal Justice Training (DOCJT) within six (6) months of their date of hire. Telecommunicators who laterally transfer must successfully meet the training requirements of the Kentucky Law Enforcement Council (KLEC) within six (6) months of their date of hire. Each member will be furnished with and is required to follow all policies and procedures as set out by the Academy. All new telecommunicators will receive orientation and training to department policies and procedures.

All telecommunicators will attend at least eight (8) hours of telecommunications annually and eight (8) hours of Criminal Justice Information Systems in-service training bi-ennially conducted by the DOCJT or other KLEC approved agency or organization.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.21 TRAINING: LODGING/REASONABLE EXPENSES/DRIVE TIME**

For the purposes of determining eligibility for lodging and expenses, point of origin mileage computations for members who reside within Jefferson County, Kentucky, will be measured from the department address to the



training site address. For members who reside outside Jefferson County, Kentucky, point of origin mileage computations will be measured beginning from the member’s home address to the training site address.

Members attending a mandatory/required training class more than one (1) day, which is more than sixty (60) miles from their point of origin, may request lodging accommodations and reasonable expenses at department expense. Members attending a one (1) day mandatory/required training class, which is more than a hundred (100) miles from their point of origin, may request lodging accommodations and reasonable expenses at department expense. Members may check into their hotel the night prior to the start of their training class and must check out no later than the last day of their training class. Reasonable expenses for food, parking, etc., will be reimbursed at the current rates as established by the State of Kentucky upon presentation of paid, dated receipts. No per diem will be allowed.

Lodging and reasonable expenses for additional training beyond mandated/required training will be considered on a case-by-case basis based on department needs and budgetary considerations.

Members may sign out a gas card from the Support Bureau Commander or their designee to take with them during their training class for fuel purchases and will turn in all receipts. The Support Bureau Commander will determine if members may receive compensation for drive time to attend any training class located more than a hundred (100) miles from their point of origin.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 13.2,15.4</b>
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**22.22 TRAINING CAREER DEVELOPMENT: EQUAL EMPLOYMENT**

The Department will ensure equitable treatment of all members along with equal employment opportunities regardless of Race, Color, Religion, Sex, Age 40 and over, National Origin, familial status, gender identity, sexual orientation, or disability.

The Department will comply with all Federal standards with respect to job classification, recruitment, selection, certification, and compensation.

The Department will make continual efforts to recruit members that represent an equitable distribution of protected classes, including female representation in non-traditional positions, to facilitate a strong recruitment policy providing feasible equal employment opportunities to all citizens.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.23 TRAINING CAREER DEVELOPMENT: OFFICER**

The Training Coordinator will be the Career Development Officer and provide guidance and career counseling to members. Career counseling is a vital component of selecting training courses commensurate with a member’s ability and the needs of the Department.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**22.24 TRAINING CAREER DEVELOPMENT: COLLEGE EDUCATION**

All members are encouraged to pursue at least a bachelor’s degree from an accredited college or university. The Department will assist members attending classes by allowing flexible scheduling when it does not interfere with the efficient operation of the Department and the course is not offered at any other time.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**23.0 CRIMINAL INVESTIGATIONS: SUPPORT FUNCTIONS**

This policy provides guidelines in reference to criminal investigations and procedures to include but not limited to: case investigations, pawn procedures, informants, intelligence files, sex crimes, and forensic examinations.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.6</b>
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**23.1 CRIMINAL INVESTIGATIONS: CASE ASSIGNMENT**

Patrol officers may conduct the preliminary investigation in most cases; however, detectives should investigate serious or complex cases.

The CID Sergeant will review all offense reports and assign cases requiring further investigation to detectives in CID. Open cases, with leads or suspect information, will be assigned to a detective who will be responsible for the management of the case. Open cases with no leads or suspect information, will be supplemented as open/inactive. At a minimum, contact with the complainant and/or victim(s) will be done on all assigned cases. Closed cases, or cases not requiring further investigation, may be reviewed by a detective for information purposes.

Case files will be generated by detectives on all felony cases, misdemeanor cases where evidence is collected, and for all cases submitted to the Jefferson County Grand Jury. Case files will contain all pertinent and investigative information and documentation; and will be maintained by the assigned detective. All other cases will be maintained in KYOPS.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**23.2 CRIMINAL INVESTIGATIONS: VICTIM NOTIFICATION**

Detectives will make and maintain contact with victims within a reasonable amount of time after case assignment in order to gather information and inform them of the case status. Notification to victims may be made in person, by telephone or by letter and will be conducted with any change in case status including when an arrest is made or charges are filed. Victims will be informed about and how to register with the Victim Information and Notification Everyday (VINE) system.

**Detective Follow-Up Duties**

- Within ten (10) days of receiving a copy of an incident report with viable investigative information, the investigating officer/detective will attempt to contact the victim, either verbally or in writing, and will:
  - Provide him/her with the investigating officer’s name, assignment, and phone number;
  - Convey the importance of the Department to solve their case;

- Reference the report number;
- Provide an update on the status of the case (e.g., status of stolen, recovered or removed property, arrests made, suspect leads, continued efforts to resolve the case);
- Obtain additional information regarding the offense (e.g., serial numbers, descriptions, leads);
- Explain the procedures required for a successful prosecution of the case;
- Schedule interviews or required appearances; and
- Integrate the victim with the Victims Service Specialist.

Detectives will notify victims in advance of any scheduled photo-pack, interview or other purpose requiring their appearance or cooperation. A victim's schedule should be taken into consideration and transportation will be provided if necessary.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.6</b>
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### **23.3 CRIMINAL INVESTIGATIONS: INTERVIEW & INTERROGATION**

When conducting interviews, officers will attempt to adhere to the following:

- Interviews will be conducted as soon as possible after the crime has been committed;
- Witnesses will be located, identified, separated and subsequently interviewed separately, in order to protect the integrity of their statements;
- Officers will properly address the security of witnesses, suspects and victims during interviews conducted at departmental facilities; and
- When appropriate, the officer will document interviews on an Investigative Letter form (SMPD #025).

The recording of witness interviews, via video and/or audio, is encouraged.

When interrogating a suspect/arrestee in custody, officers will adhere to the following:

- Video will be started upon entering the interview room. Officers/Detectives will bookmark the interview after the custodial suspects/arrestees has left the room to preserve the interview forensically.
- Officers will properly address the security of custodial suspects/arrestees during interrogations.
- Custodial suspects/arrestees will not be left unmonitored in an interview room. An officer will remain inside of the interview room with the custodial suspect/arrestee, or an officer will have visual contact with the custodial suspect/arrestee through a window or via electronic monitoring equipment.
- Custodial suspects/arrestees will be searched prior to interview or interrogation.
- The interview room/temporary detention room will be searched before and after each interrogation.
- Officers will either maintain their weapon secured in a holster or secure their firearms or any other such item(s) that may be used as a weapon (e.g., batons, chemical sprays, etc.) in designated areas before entering an occupied interview room/temporary detention room.
- Officers will not interrogate a suspect/arrestee of the opposite sex alone in the interview room/temporary detention room unless another officer is in the room, there is visibility into the room through a window or open door or the interrogation is being videotaped.
- Miranda warnings will be read by officers from the Miranda Statement of Rights form (SMPD #081). For persons with a mental illness/developmental disability, after the initial Miranda warning is read, members may use simple words to modify the Miranda warning to verify that the suspect/arrestee understands their rights.
- If the suspect/arrestee has received a Conducted Electrical Weapon (CEW) application, officers must wait at least sixty (60) minutes before reading the suspect/arrestee their Miranda warning and starting an interrogation.
- Officers will verify that custodial suspects/arrestees understand their right to remain silent and their right

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to an attorney.

- Custodial suspects/arrestees may be interrogated only when they knowingly and intelligently waive their rights. Oral waivers are often sufficient, but written waivers, particularly for felony charges, are preferred and should be obtained, whenever possible.
- When a custodial suspect/arrestee clearly invokes their right to remain silent, the interrogation will terminate immediately. Simply remaining silent is not considered a notice the suspect intends to exercise their right to remain silent (see *Berghuis v Thompkins*). An interrogation may resume under the following circumstances:
  - After a reasonable amount of time, the officer may re-administer the Miranda warnings. If the custodial suspect/arrestee then waives their rights, the officer may resume interrogation.
  - Whenever the custodial suspect/arrestee initiates communication with the officers. However, Miranda warnings must be re-administered and a waiver obtained before questioning.
- Officers will not delay a custodial suspect's/arrestee's arraignment solely to re-initiate interrogation after a custodial suspect/arrestee has invoked their right to silence.
- If a suspect/arrestee waives their right to counsel, a waiver will be obtained prior to questioning. If a suspect makes reference to counsel, but their intentions are unclear, members will specifically determine whether the suspect wishes to have counsel present.
- When a suspect invokes their right to counsel, the interrogation will cease immediately. The suspect will not be interrogated again by any officer about the crime for which they are charged, or any other crime, unless:
  - The suspect's attorney is present at the questioning; or
  - The suspect initiates new contact with the police; or
  - A minimum of a fourteen (14) daybreak in interrogation custody has passed since the suspect initially invoked their right to counsel (see *Maryland v Shatzer*).
- Under any of the above exceptions, Miranda warnings must be re-administered and a new Miranda Rights Waiver form (SMPD #081) obtained.
- Threats, false promises and/or coercion to induce a custodial suspect's/arrestee's confession are prohibited.
- Normally, no more than two (2) officers should simultaneously actively participate in an interview or interrogation. Exceptions must be approved by a commanding officer and documented to Support Bureau Commander.
- The time duration of continuous interrogations should be based on the seriousness of the crime, the suspect's age and maturity level and the suspect's previous experience with law enforcement.
- Custodial suspects/arrestees will have access to a restroom, water, breaks or other such amenities as needed.

Forensic interviews will be scheduled with and conducted by the Child Advocacy Center (CAC) at Family Children's Place at (502) 882-6153. If exigent circumstances exist, detectives may conduct the forensic interview in accordance with Kentucky Revised Statute 620.050. If an officer/detective conducts the forensic interview, all recordings of the interview will be turned over to the CAC upon completion of the interview.

Any detective/officer will use an audio and/or video recording system to record any criminal interview and/or interrogation of a suspect or potential suspect that the officer has reason to believe has committed, or is wanted on a warrant for committing, a violent felony.

If the situation dictates, the recording may be done on Mobile Video System (MVS) equipment or other electronic devices. If the case involves felony charges, interviews will be documented on an Investigative Letter form (SMPD #025) or transcribed if they have been audio or video recorded. Other witness and victim interviews/statements may be recorded at the discretion of the supervisor and/or investigator.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.6
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**23.4 CRIMINAL INVESTIGATIONS: SKETCHES, PHOTOS & VIDEO**

Officers/Detectives conducting a sketch of a crime scene will include the following information: specific address; scene dimensions; relation of other geographical features to the scene; location of evidence; officer’s name, date and time of the sketch; and any other pertinent information.

Officers/Detectives photographing a crime scene will attempt to photograph all evidence prior to it being disturbed or removed in an effort to portray the crime scene in its natural state. Evidence should be photographed with and without scale from approximately the same angle and distance to accurately portray its dimensions and location within the crime scene. Officers/Detectives are encouraged to take as many photographs as they deem necessary to accurately portray the crime scene and should ensure they vary their angles, distances, or any other adjustable features of the camera to maximize the photographic documentation of the scene. Photos will be considered evidence and processed in accordance with SOP (Chapter 24).

Officers/Detectives may videotape a crime scene in addition to but not in place of taking photographs. Video documentation will be considered evidence and processed in accordance with SOP (Chapter 24).

The CID Sergeant should request the assistance of the Louisville Metro Department’s Crime Scene Unit to process large or complex scenes.

<b>Effective:</b> 09/01/2018	<b>Revised:</b>	<b>KACP Standards:</b>
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**23.5 CRIMINAL INVESTIGATIONS: PAWN SHOP PROCEDURES**

Louisville Metro Police Department’s (LMPD) Investigative Resources Squad (Pawn Squad) serves as the custodian of all pawn records for Jefferson County, Kentucky. The LMPD Pawn Squad will review any items of investigative interest per their established policies and procedures. Any items suspected as stolen will be placed on a hold and the originating agency will be contacted.

Officers who identify suspected stolen property at a pawnshop or secondhand store will contact a detective who will verify the property as stolen and then coordinate with the LMPD Pawn Squad to place a hold on the property. If a detective is not immediately available or cannot be contacted, the officer may place a temporary hold on the property with the pawnshop and then will notify the CID Sergeant of the action taken. CID Sergeant will contact the LMPD Pawn Squad and request either a ninety (90) day investigative or permanent hold of the property at the earliest opportunity secondary to the placement of the temporary hold by an officer.

Property verified stolen with a serial number, owner applied number or any other marking that would positively identify the property at a pawnshop or secondhand store, may be released to the victim only by a detective completing a Property/Pawn Receipt Form (SMPD #082), detailing the name of the pawn shop or secondhand store, ticket number if applicable and description of the property. In these cases, the detective will prosecute the suspect on behalf of the victim. A copy of the receipt will be given to the pawn shop or secondhand store and the original copy will be placed in the investigative file.

No property that is on a hold by a detective will be removed or released from a pawn shop or secondhand store without a court order, search warrant and/or authorization of the lead detective.

When a search warrant, order of replevin or other court order is executed at a pawn shop or secondhand store for items previously placed on hold, a copy of the search warrant, order of replevin or other court order, along with

a list of property removed, will be given to the pawn shop or secondhand store and a copy forwarded to the lead detective. Detectives will retain a copy of all search warrants and court orders for inclusion in case files. Restitution for pawn shops and secondhand stores may be sought after in the defendant’s adjudication procedures at the discretion of the Jefferson County Attorney or Commonwealth Attorney’s Offices.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 8.6,17.7</b>
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### **23.6 CRIMINAL INVESTIGATIONS: INFORMANTS**

Officers/Detectives are encouraged to develop and utilize informants to collect information on criminal offenses and offenders. Officers will advise CID detectives of information gathered to coordinate investigative activities. The CID Sergeant will be responsible for the coordination and management of, and payment to informants. The Support Bureau Commander will provide oversight and checks and balances of informant funds and disbursements.

#### **Definitions:**

- Anonymous Informant: an informant who provides information through any medium (i.e., phone, letter, email, etc.) but who does not provide their identity and therefore is unknown to law enforcement.
- Confidential Informant (“CI”): an informant who provides information to law enforcement based upon some motivation (i.e., paid informant or informant who has agreed to provide law enforcement with information upon an agreement with law enforcement and prosecutors for more lenient treatment related to the informant’s criminal charges).
- Established Confidential Informant: A CI who has been approved by the Chief of Police or their designee following completion of the procedure for establishment set forth in this policy.
- Confidential Informant File: A file maintained by the Department, at the direction of the Chief of Police, for purposes of documenting all activity related to each confidential informant used by this Department.
- Good Citizen Informant: Citizens, witnesses, and victims of crime whose identities are known to law enforcement and who have no motivation with respect to the information they provide to law enforcement.
- Stale Information: Information which is not timely such that it can no longer be considered useful for purposes of the seizure of contraband or evidence (i.e., the evidence or contraband is not likely to be found at the location where it had initially been observed).
- Material Witness: A witness who has significant information about the crime in question such that this information effects the outcome of the trial.

#### **Procedure:**

- Members of this Department are directed that no law enforcement action will be taken based upon information provided by anonymous informants until and unless sufficiently detailed information has been provided by the informant and an officer from this Department has corroborated the information provided (information which predicts future conduct of a subject which is then corroborated by law enforcement may sufficiently establish that the informant has intimate knowledge of the subject and thereby establish reasonable suspicion).
- Anonymous Information which merely provides an allegation: the description and location of a suspect is insufficient to justify law enforcement action even when such information is corroborated. One exception to this provision would be anonymous information of this type indicating that a person has a weapon in a school.
- Anonymous information regarding allegations of law enforcement officer misconduct will be forwarded through the chain of command for review and/or investigation.
- Good Citizen Informants are generally considered reliable; however, officers should always investigate the possibility of a motivation with respect to information received. As with any form of information

provided, officers should always take investigative steps in an attempt to corroborate information provided by informants where practicable and feasible.

### **Confidential Informers:**

Due to the nature of confidential informants, members of this Department should be vigilant in the investigation of every person who is used as a CI. There are certain factors to be considered with all CI's:

- Reliability: Has the CI provided information in the past which was documented in the Department's CI file and did the information provided prove reliable?
- Veracity: Is the CI providing sufficiently detailed information which establishes that the CI has a sufficient basis of knowledge with respect to the information such that the integrity of the information is established?
- Stale: Is the information provided by the informant with respect to the location of evidence or contraband stale such that it is unlikely that the evidence or contraband will be found at the location where the informant believes it is located?

### **Establishing a CI:**

An officer seeking to establish a CI will follow the department chain of command and provide documentation for the CI to be approved by the Chief of Police or their designee. Initiating the establishment process requires the officer to document the following information:

- Full set of fingerprints;
- Photograph;
- Current criminal history; (NCIC print out cannot be kept in file)
- Biographical Information to include:
  - Date of birth
  - Descriptive Factors: Height, weight, eye and hair color, race, tattoos, etc.
  - Vehicles owned
  - FBI number if applicable
  - Addresses for previous three years;
- Known associates;
- Prior contacts with this Department including any prior information provided;
- Prior or current status with any other law enforcement department as a CI;
- Narrative outlining the CI motivation for becoming a CI (i.e., paid for information or criminal suspect/defendant seeking leniency on criminal charges);
- Narrative outlining information that the CI is expected to provide and any indicators known to the officer offering the informant as an established CI which would indicate the subject is reliable;
- If the CI is currently on probation or parole, that fact will be detailed in the file. Additionally, the Support Bureau Commander will seek the input and approval of the parole/probation officer with respect to the subject's establishment as a CI;
- The Support Bureau Commander is required to visually confirm the existence of each CI;
- The Support Bureau Commander will review the documentation and cause the informant file to be reviewed so that a determination can be made as to whether the informant has ever been used in the past or whether the informant has ever been rejected or terminated as unreliable or other negative issue;
- Law enforcement action will not be taken solely on information provided by a CI prior to the establishment of the CI by this Department. With all information provided by informants of any type, officers of this Department will take investigative steps to corroborate the information to the extent practicable and feasible; and
- A CI will not be considered established until such time as the establishment process has been completed and approved by the Chief of Police or their designee.

Once established, the CI will be identified in reports by a code name and "N" number, who, by direction, seeks



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out and furnishes criminal investigative or criminal intelligence information for a member of the Department under any of the following conditions:

- For payment or compensation of any nature;
- For anonymous inclusion in affidavits;
- For assistance in any criminal justice investigation, trial, judicial hearing, or probation/parole matter for themselves or another;
- When equipped with an electronic recording device by a criminal justice agency to gather evidence or monitor criminal activity for anonymous inclusion in criminal or intelligence reports; and
- When a person is documented as a confidential informant for any other criminal justice agency or who has been documented as such by a criminal justice agency during the preceding five (5) years.

After an officer has developed an informant who they intend to use for investigative purposes, they will meet with their commanding officer and the informant to complete the forms outlined below:

- Informant Information Sheet (SMPD #084): This will record the informant's assumed name, biographical, and background information and notes regarding the subject's arrest record and warrant status. A current photograph, legal picture identification and a criminal history of the informant should also be attached to the form. The "N" number should be left blank and will be assigned by the Support Bureau Commander. The form must be completed in full and signed by the officer, their commanding officer and the informant in blue ink. The informant is required to sign their assumed name three (3) times.
- Informant Cooperation Agreement (SMPD #085): This form outlines what is expected of the confidential informant and what actions are prohibited while under the direction of departmental members. The form must be completed in blue ink only and signed by the officer, their commanding officer, and the informant.
- Consent to Monitor (SMPD #086): This form will be completed by the informant if an operation or situation may require the use of monitoring devices. The form must be completed in blue ink only and signed by the officer, their commanding officer, and the informant.

The officer will seal the forms and attachments in the envelope and initial the seal. They will then take the envelope and give it to the Support Bureau Commander for filing and processing. The responsibilities of the Support Bureau Commander include:

- Reviewing the submitted forms for accuracy and completeness;
- Verifying that the selected code name has not been previously assigned/duplicated;
- Assigning an "N" number to the informant;
- Performing background checks on the informant. After reviewing the enclosed criminal history, the Major will shred the criminal history document;
- Determining if the informant has been, or is currently being, used by other members of the Department and whether the informant has ever been deactivated (e.g., declared unsafe for use);
- Contacting the officer and inform them whether the use of the informant is approved or denied and providing the officer with the informant's "N" number, when applicable; and
- Maintaining and securing all informant files in a master file.

If an informant selects a code name that has already been chosen, the Support Bureau Commander will contact the officer and instruct them to complete new forms with their commanding officer and the informant using a different code name. Once approved by the Support Bureau Commander, the informant may be used as many times as needed by the officer for a three (3) year period from the date that the informant was originally signed up or until notified of an informant's deactivation. At the end of the three (3) year period, all informant forms must be resubmitted to the Support Bureau Commander before an officer may reuse the informant.

The initiating officer should attempt to establish the credibility and reliability of the informant. Such attempts

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may include, but are not limited to, the following:

- Assessing and/or corroborating any information previously provided,
- Checking with other agencies/members for whom the informant provided information,
- Keeping the informant under surveillance, and
- Using controlled situations.

If an informant becomes unsafe for use, the officer will notify the Support Bureau Commander as soon as possible. He will verify that all officers who use the informant are notified that the individual has been deactivated. If for any reason an informant no longer wishes to participate or is being removed from the program, the detective should get the informant to complete the Confidential Informant Release Form (SMPD #089).

Informants may be paid for information provided to officers/detectives that leads to an arrest and/or seizure of illegal drugs and narcotics or stolen property, clearance of multiple cases, or apprehension of a fugitive. A ledger and receipts will be maintained in the Support Bureau Commander's office to document all transactions involving informant payments and undercover investigations involving the purchase of drugs and/or weapons.

When a payment, controlled buy or related investigative expense is incurred, the paying officer will verify that they, another officer and a commanding officer, preferably the Support Bureau Commander, witness the payment and sign the Informant Activity/Payment form (SMPD #087), along with the informant. Witness signatures and the informant's signature are required on every Informant Activity/Payment form (SMPD #087). Commanding officers should also monitor and encourage the paying officer to use officers with whom they are not usually partnered as witnesses to the other payments. The Informant Activity/Payment form (SMPD #087) must be completed in full, signed in blue ink and is required in the following situations:

- Any controlled buy to qualify an informant,
- Any buy with later prosecution,
- Any controlled buy where the informant receives a monetary payment,
- Any buy with an arrest,
- After the execution of a search warrant,
- Any controlled buy with no payment,
- When payments are given to the informant by a departmental member,
- When the informant provides information resulting in arrests and/or seizures,
- When the informant is working with an officer in anticipation of obtaining favorable court review of pending charges, and
- When the informant incurs incidental expenses while acting under the direction of an officer.

If an informant provides information or services at no cost, the officer must still complete and sign the Informant Activity/Payment form (SMPD #087) and notate that no payment was provided. An Undercover Buy Report (SMPD #088) must be completed on all activity concerning undercover narcotics purchases.

Assistance, financial or otherwise, is only granted after the informant provides the requested information or services and their information or service substantially benefits the Department by initiating, or clearing, cases against other individuals. Informants working with officers for the purpose of favorable judicial review are not to receive other forms of payment until their current case has been adjudicated. During a drug or controlled buy, informants will commonly attempt to cut out a portion of the drugs purchased for their own use. This practice is strictly prohibited as is the payment of drugs to informants by officers for their services.

The Support Bureau Commander and Chief of Police will conduct a monthly audit of the ledger. The Support Bureau Commander will approve payments up to \$300. The Chief of Police and Support Bureau Commander will approve payments of more than \$300. The informant payment and evidence buy money contained in the Support Bureau Commander's office will be replenished by request of the CID Sergeant.

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Funds to be used for these operations will be withdrawn from the Department's Asset Forfeiture account by request of the Support Bureau Commander. The reason for payment and informants name will be listed on the receipt to be maintained in the ledger.

The Support Bureau Commander will be responsible for maintaining files on all informants being used for undercover operations and/or receiving payment for information. The Support Bureau Commander will monitor the credibility and reliability of all informants and note any discrepancies in their file. Informant files will be secured in the Support Bureau Commander's office and will only be accessible to the Chief of Police, Support Bureau Commander, CID Sergeant and Detectives. A Confidential Informant Ledger (SMPD #083) will be maintained by the Support Bureau Commander listing all informants by code number.

### **Juveniles:**

The use of a juvenile as a CI is discouraged. No juvenile will be used as an informant unless a parent or guardian has signed the Informant Cooperation Agreement (SMPD #085). No juvenile will be used as a CI without the express consent of the Chief of Police or their designee or used as a CI in a manner which is contrary to state law.

### **Maintaining Confidentiality:**

It is recognized that a CI whose identity has been discovered may be at risk for retribution. As such this Department will take all steps which are legal to maintain the confidentiality of any Established CI. Department personnel who become aware of the identity of a department CI will not reveal any information related to the CI that may reveal their identity. The following exceptions apply to this provision and disclosure is appropriate under the following circumstances:

- Disclosure to other department personnel who have a need to know in order to perform official duties of this Department. The control officer for the informant will notify their supervisor that such disclosure has been sought and get authorization for this disclosure.
- Disclosure to other law enforcement agencies or governmental entities that have a need to know in order to perform their governmental function. The control officer will, through the chain of command, get approval from the Chief of Police or their designee before this type of disclosure.
- The CI has agreed or is required to testify in a grand jury or judicial proceeding. It is noted that where appearance is required, the control officer will notify the Chief of Police or their designee to determine the proper course of action in conjunction with the prosecutor.
- If the CI's identity is required to be disclosed due to a decision of a court, prosecutor, or other governmental agency with the authority to require disclosure, the Department will notify the established CI of the disclosure.
- Note: The use of a CI in a manner which makes the CI a material witness will lead to a required disclosure if a prosecution goes forward on the crime for which the CI is a material witness.

### **General Provisions:**

- Officers will work within the boundaries of State and Federal Constitutional Law as well as being in compliance with all departmental policies. It is noted however, that one of the basic functions in using a CI often requires the CI to commit an unlawful act and to report same to members of the Department. Recognizing this, under no circumstance will a CI be authorized to commit a crime which could foreseeably lead to the injury of any person. Rather, the CI's actions will be limited to crimes such as the purchase of contraband.
- Officers will seek the assistance of the prosecutor in cases where the officer is considering using a CI to obtain information from a defendant who has been formally charged or who has been formally charged and represented by counsel (i.e., Jailhouse CI). In cases where the 6<sup>th</sup> Amendment to the U.S. Constitution has attached, questioning of a defendant at the direction of law enforcement by a CI may violate the Constitution.

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- Officers will not interfere with the arrest or attempt to influence the prosecution of a CI by this Department or another agency in a matter unrelated to an investigation the CI is working on at the behest of this Department. Any action taken on behalf of a CI will only be taken with the express authorization of the Chief of Police or their designee.
- Officers will not reveal department information to a CI which involves an independent investigation of the CI.
- Officers will maintain an ethical relationship with a CI at all times. Officers will not:
  - Engage in any personal or business financial deals with a CI;
  - Become romantically involved with a CI;
  - Give or receive gifts, gratuities, or loans from or to a CI;
  - Interact on a social website when not duty related; or
  - Engage in off-duty or social interaction with a CI.
- During all meetings/debriefings of a CI, at least two officers will be present unless some exigent circumstance exists in which case the officer will notify their supervisor of the meeting as soon as practicable.
- Two officers must be present at any meeting where the CI is of the opposite sex of the controlling officer or in the case where the CI is a juvenile.
- Payments to CI will never be made unless two officers are present to witness the payment.
- Officers will not make prosecution recommendations on behalf of any informant without the express consent of the Chief of Police or their designee.
- Officers will not make appearances on behalf of any informant in an official proceeding without the express authorization of the Chief of Police or their designee.
- Officers may not utilize current Drug Court participants as informants.
- Since emails are considered public records, officers are prohibited from sending email correspondence that includes an informant's actual information (e.g., name, address, background details).

### **Information in Exchange for Leniency on Criminal Charges:**

- Officers are not authorized by this policy or law to unilaterally offer leniency or immunity to any person.
- Any offer of leniency or immunity must be approved by the prosecutor(s) having jurisdiction over the crimes at issue, and the Chief of Police.
- There is an absolute obligation to inform prosecutors who may be using the CI or information from a CI of any agreement, leniency, offer, or any type of reward that that the CI received for their cooperation.

### **Informant Rules:**

All CI's will be informed of the following and will sign an Informant Agreement acknowledging:

- A CI is not a member of this Department and has no legal authority as a result of their position as a CI including no law enforcement powers;
- Status as a CI may be dangerous. This Department does not in any way assure the CI's safety from harm caused as a result of their status as a CI;
- CI's are not authorized by this Department to carry firearms;
- Any paid CI is an independent contractor to this Department and thus not entitled to Workman's Compensation or Unemployment Compensation;
- The Department is not responsible for any injury or death suffered by the CI during their association with this Department;
- The CI is responsible for reporting and paying taxes related to any payments made to the CI by this Department;
- The CI may be arrested for any crime committed not related to their function as a CI and while under the direct control of the control officer;

- The CI will maintain the confidentiality of any law enforcement information which comes into their basis of knowledge due to their association with this Department; and
- Any violation of these rules may lead to the termination of any association between this Department and the CI.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **23.7 CRIMINAL INVESTIGATIONS: ORGANIZED CRIME & VICE**

CID will be responsible for all organized crime and vice enforcement. CID, at the direction of the CID Sergeant and Support Bureau Commander, will review and attempt to verify all complaints or organized crime and vice activities, and investigate if needed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **23.8 CRIMINAL INVESTIGATIONS: INTELLIGENCE FILES**

CID detectives will review all field interview forms and field information reports submitted by officers. Intelligence files will be maintained and secured in the CID office with access limited to Executive Command Staff Officers and detectives.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **23.9 CRIMINAL INVESTIGATIONS: FLYERS / BOLOS**

The following should be met prior to distributing a Wanted flyer (SMPD #115): Probable cause must exist for a felony arrest or the suspect has an outstanding arrest/bench warrant.

If the criteria for a Wanted flyer (SMPD #115) are met and supervisory approval has been obtained, the member will internally disseminate a Wanted flyer. No other forms are permitted. Information contained in Wanted flyers (SMPD #115) is privileged, confidential and intended for OFFICIAL USE ONLY. Wanted flyers (SMPD #115) may be distributed to other law enforcement individuals/agencies for official law enforcement purposes.

Wanted flyers (SMPD #115) that are distributed to non-law enforcement individuals/agencies or for public viewing will have approval from the Support Bureau Commander or Chief of Police.

If a member is seeking a subject or a vehicle for questioning or an investigation, they will internally disseminate an ATL flyer (SMPD #116), after supervisory approval. After locating a subject from an ATL flyer (SMPD #116), a member can only ask the subject to remain at the location. They cannot detain the subject if the subject refuses to remain at the location. If the subject refuses to remain at that location, the member will seek basic personal information (e.g., address, DOB, phone number, etc.) regarding the subject. An ATL flyer (SMPD #116) is used in situations where there is no warrant or probable cause to arrest the subject. Information contained in ATL flyers (SMPD #116) is privileged, confidential and intended for OFFICIAL USE ONLY. ATL flyers (SMPD #116) will not be distributed to non-law enforcement individuals/agencies.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**23.10 CRIMINAL INVESTIGATIONS: RECUSAL**

Members will recuse themselves from investigations when a conflict of interest exists. Any of the following conditions existing between the involved party and the investigating party that could lead to a perception of bias may be a conflict of interest; family relationship, close personal relationship, romantic relationship and close business relationship/business interest. Members recusing themselves from a criminal investigation will forward a memorandum outlining the conflict of interest, through the appropriate chain of command, to the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.4,17.5</b>
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**23.11 CRIMINAL INVESTIGATIONS: HATE CRIMES**

This policy is designed to assist members in identifying crimes motivated by bias toward an individual’s actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics, or other similar personal characteristics attributed to an individual as a member of such a group and to outline the appropriate steps for aiding victims and apprehending perpetrators.

It is the policy of the Department to protect the rights of all individuals regardless of their actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics, or other similar personal characteristics. Any crimes designed to infringe upon these rights are viewed seriously and given high priority.

**DEFINITIONS:**

**Bias:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics or other similar personal characteristics.

**Hate Crime:** A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against an actual or perceived race, ethnicity/national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, religion, socio-economic status, housing status, occupation, disability, age, politics or other similar personal characteristics; also known as a bias crime.

Even if the offender was mistaken in their perception that the victim was a member, or the property belonged to a member, of the group that they were acting against, the offense is still a hate crime as long as the offender’s actions were motivated by bias against the group.

Before an incident can be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias.

Officers should consider the following factors when determining whether a hate crime has occurred: Information received from the victim; Evidence observed or collected at the scene; Knowledge of existing criminal patterns in the area; Information received from the perpetrator.

Obscene or threatening phone calls that contain racial, religious, homophobic, or ethnic slurs are considered hate crimes. The following procedures should be followed at the scene of a hate crime:

- Identify the injured parties and provide medical assistance, if needed;
- Determine whether any perpetrators are present and take appropriate enforcement action;
- Identify any witnesses or others who have knowledge of the crime;
- Protect the crime scene;
- Notify a supervisor; and
- Complete an incident report.

When graffiti is the basis of a hate crime, the responding or investigating officer will secure video or photographic evidence of the graffiti. The responding or investigating officer will contact City Works to remove the graffiti immediately. Officers will document a hate crime as an incident report in KYOPS in the "bias motivation" section. These cases will be forwarded to the detective sergeant before the end of the officer's tour of duty.

Supervisors will confer with the initial responding officer to verify the following:

- All necessary preliminary actions have been taken,
- The victim has been provided immediate assistance, and
- All relevant facts have been documented appropriately.

After assessing the situation, supervisors will determine if a detective should be notified and have one respond to the scene, if necessary.

If a follow-up investigation reveals information affecting the categorization of a hate crime, investigators should complete a supplement to the original report for any of the following circumstances:

- If a previously reported crime was motivated by bias and it was not categorized as a hate crime, the supplemental report should indicate that the crime was a hate crime.
- If a previously reported crime was categorized as a hate crime and the follow-up investigation reveals the crime was not motivated by bias, the supplemental report should indicate that the crime was not a hate crime.
- If a previously reported crime was categorized as a specific type of hate crime and the follow-up investigation reveals the crime as another type of hate crime, the supplemental report should indicate the corrected type of hate crime (e.g., racial bias changed to religious bias).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 27.1</b>
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### **23.12 CRIMINAL INVESTIGATIONS: FORENSIC EXAMINATIONS**

**Forensic Medical Examination:** A medical examination concerning special medical and biological situations that arise during a judicial investigation. A forensic medical examination is performed at the request of either members of an investigation or the court in order to establish certain information pertaining to a case (e.g., to identify a person or to determine cause of death, nature of bodily injuries, state of health, age or degree of intoxication). A forensic medical examination should only be performed by a health professional who has the appropriate forensic training and the appropriate facilities available to conduct the examination.

Forensic medical examinations are an important part of an investigation. They serve to help identify medical evidence to help prosecute offenders, document injuries, screen for injuries, identify a person, determine the degree of intoxication or identify medical conditions to determine if the injuries are consistent with the statements of the victim, witness or suspect. Even when there is no visible trauma, a forensic physician or nurse on the medical team can provide expert testimony to explain the lack of injury or evidence interpretation to judges and



juries. Any officer may request that a forensic medical examination be performed for an investigation to gather evidence and document injuries.

The use of a forensic medical examination is approved for the investigations of violent crime offenses and some traffic accident investigations (e.g., shootings, cuttings, physical assaults, injured persons, serious vehicle collisions, suspect examinations, officer-involved shootings, in-custody deaths, etc.). Officers are encouraged to have victims go to University Hospital for all forensic examinations. Once approved, the officer will collect all applicable documentation needed for the examination. This documentation includes reports, photographs, medical records and other required items. Officers will not request that the service provider obtain these items for them. Officers requesting a forensic medical examination of a juvenile (any person under the age of eighteen (18), must first receive permission from the juvenile’s parent or legal guardian. It is important that evidence be collected as soon as possible. Once the approval is secured, the officer will notify the designated point-of-contact for the service provider. The designee will make arrangements with the requesting officer for a meeting location to deliver all the necessary investigative items. The designee may also ask the officer to provide additional information, as needed, for each individual examination. Officers will contact the on-call forensic medical examiner to schedule an examination. The on-call forensic medical examiner can be contacted directly at (502) 817-0938.

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**23.13 CRIMINAL INVESTIGATIONS: SEX CRIMES**

The purpose of this policy is to establish procedures for the investigation of sexual assaults, including the collection of sexual assault evidence and Sexual Assault Evidence Kits (SAEKs), which includes deoxyribonucleic acid (DNA) evidence, by Sexual Assault Nurse Examiners (SANEs) and/or emergency room (ER) personnel. Collecting and entering DNA evidence increases the likelihood of successful prosecution. DNA evidence may also connect the perpetrator to other past or future crimes. This policy provides officers with procedures for responding to reports of sexual assault, assisting victims, collaborating with local health and public service agencies, conducting interviews with victims, witnesses, and suspects, and the proper collection, documentation, transportation, and storage of SAEKs.

In the aftermath of a sexual assault, a victim may not have the emotional or physical capacity to commit to a full investigation and a court trial. This Department will allow victims to take the investigative process one step at a time. This will also allow time for the victim to establish trust with a detective and become comfortable with the investigative process. Any evidence collected will be handled and stored in accordance with applicable law, policy, and best practices. The initial responding officers should be aware that the victim is the primary crime scene. Victims should be advised, but cannot be compelled, to not do any of the following:

- Eat, drink, or smoke,
- Wash or clean-up,
- Change clothes, and/or
- Use the restroom.

The initial responding officer(s) will:

- Contact the victim as soon as possible to address safety concerns and summon emergency medical assistance, if needed; and
- Secure the crime scene to prevent evidence from being lost, changed, or contaminated.

The investigating detective will:

- Show understanding, patience and respect for the victim’s dignity and attempt to establish trust and rapport;

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- Conduct a thorough investigation and gather evidence, as appropriate;
- Conduct a thorough follow-up on the case;
- Complete appropriate forms and transfer the SAEK and any other items of evidence to the KSP lab;
- Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process. If the victim declines assistance from an advocate, the detective will provide the victim with written referrals for community resources specifically designed to help victims of sexual assault; and
- Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline (1-800-656-HOPE). Operators at this hotline will connect the caller with the rape crisis center closest to the victim's location.

Detectives are prohibited from requiring victims of sexual offenses to submit to a polygraph examination as a requirement for pursuing the investigation or prosecution of the offense. Detectives will respect a victim's inability or their decision to not be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals. Throughout the investigation of the case, detectives will protect the confidentiality of the victim's personal information. In addition, victims should be provided information regarding:

- The Kentucky Crime Victim's Bill of Rights;
- How to contact the Department if they are harassed or intimidated by the suspect(s);
- Which information is part of the public record and which information will remain confidential; and
- The possibility of media coverage and information to which the media has access regarding sexual assault crimes.

In the immediate aftermath of a sexual assault, a victim will not be expected or encouraged to make decisions regarding the investigation or charges related to the offense. Detectives will not present any forms for a victim to sign to decline an investigation. Delayed reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Detectives will inquire about any delayed reporting and document the reasons for the delay, while avoiding questions that could be perceived as judgmental or accusatory. The investigating detective will, in conjunction with the KSP Forensic Laboratory, prosecutor and/or the victim advocate, provide the victim with notification on the progress of the testing and whether the testing resulted in a match to other DNA samples. The investigating detective is not required to disclose the identity of any DNA matches. Victims will be notified when any of the evidence is going to be destroyed.

A timely and professional SAFE increases the likelihood that injuries will be documented, and evidence will be collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to ninety-two (92) hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain. When it is determined that a SAFE will be conducted, a victim advocate or a support person of the victim's choosing will be allowed to be present in the room during the interview, unless it would be harmful to the investigation. The investigating detective will brief the examining nurse or physician about the details of the sexual assault, as they are known at that time. The investigating detective will pick up the SAEK from the collecting facility after it has been properly sealed and labeled, within five (5) days of notification. Upon receiving a SAEK from a collecting facility, the detective will sign that they received the SAEK and maintain proper chain of custody by documenting the date, time, and name of the person who turned over the SAEK to them. The Evidence Officer will deliver the kit to the KSP lab within thirty (30) days, to have the kit tested. All evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the Department will be transmitted to an agency with jurisdiction within ten (10) days of its receipt by the Department. Once the SAEK has been tested and returned to the Department, it will be stored in the Property Room. The Evidence Officer is responsible for verifying that the evidence is stored in such a manner to preserve the integrity of the evidence. The Support Bureau Commander may conduct audits

of stored SAEKs to verify compliance with the Department’s SOPs and applicable laws. Along with the SAEK, the suspect’s samples and victim’s and/or suspect’s clothes may also be submitted to the KSP Forensic Laboratory for testing. If the suspect’s samples are not available at the time of evidence submission, they will be submitted as soon as practical after collection. When an investigating detective suspects that a sexual assault may have been facilitated with drugs or alcohol, he/she should determine the time of the incident as soon as possible to make decisions regarding the collection of urine and/or blood samples.

Collecting facilities must notify law enforcement that a SAEK has been collected within twenty-four (24) hours of collection. When the Department receives notification that a SAFE has been conducted by a collecting facility performed pursuant to KRS 216B.400 and a SAEK has been completed and is ready for pickup, a detective must retrieve the SAEK from the collecting facility within five (5) days of this notification. In cases where a collecting facility notifies the Department that a SAEK has been collected, and no criminal report has yet been generated, the receiving detective will generate a departmental case number. The SAEK will be documented, transported, and stored in accordance with the SOP (Chapter 24).

Immediately after the preliminary suspect interview, the investigating detective will determine whether a SAFE should be obtained for the suspect. A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, the documentation of voluntary consent will be notated in the police report. The investigator should clearly document the suspect’s freedom to decline any part of the examination and to leave at any time.

Supervisors will verify that a thorough and complete investigation of all felony sexual assault cases, including SAEK analysis, form completion and victim updates, is conducted. Supervisors will respond to assist detectives investigating felony sexual assaults, as needed.

Prior to the disposal of sexual assault evidence, the Evidence Officer will consult with the Office of the Commonwealth’s Attorney. The disposal of sexual assault evidence will be in accordance with KRS 524.140.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.1,27.2</b>
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## **24.0 EVIDENCE & PROPERTY SUPPORT FUNCTIONS**

The policies and procedures set forth in this chapter pertain to the proper collection, identification, preservation, documentation and transfer of evidence or property obtained by members of the Department.

Any real property or evidence obtained as a result of an arrest, investigation or any other circumstance that results in police action, on or Off-duty, will be properly dispensed within this policy to ensure adequate processing and handling of chain of custody issues.

Members are prohibited from converting to their own use, concealing, falsifying, destroying, removing, or tampering with any property or evidence in connection with an investigation or other police action except in accordance with the law.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.1</b>
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## **24.1 EVIDENCE & PROPERTY: TIME LIMITATIONS**

All evidence or property seized in the course of official duties by a member of the Department will be placed into the Property Room before the end of that officers' tour of duty, except as follows:

- Officer releases the evidence/property to the rightful owner,

- Officer obtains permission from their commanding officer to retain custody of the item(s) as long as there is just cause to do so, and
- Officer transfers custody of items to another authorized agency for just cause.

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#### **24.2 EVIDENCE & PROPERTY: COMPLETION OF FORMS**

Officers placing evidence or property into the Property Room will:

- Enter evidence into the Department’s Evidence Tracker System (PMI). If the system is down, members will complete an Evidence – Property Submission Form (SMPD #013) in lieu of entering the data. If additional space is needed, Evidence – Property Submission Form Additional (SMPD #014) should be completed as well; and
- All evidence must include a detailed description such as make, model, serial number, etc.

Officers placing evidence into the Property Room that requires Kentucky State Police Laboratory testing will:

- Complete Kentucky State Police Laboratory Examination Request (KSP-026) Form; and
- Place completed KSP-026 form in the temporary bin with the Evidence/Property

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#### **24.3 EVIDENCE & PROPERTY: EVIDENCE LIST**

When evidence has been collected and logged, any related offense or collision reports should include a list of items that were placed into property. It is the responsibility of the depositing officer to maintain property receipts in the case file. These receipts are located on the “N” Drive in the department case file folder under the year and case number.

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#### **24.4 EVIDENCE & PROPERTY: CHAIN OF CUSTODY**

Transfer and disposition of evidence and property will be recorded on the Evidence/Property Disposition Form (SMPD #038). Members will be responsible to ensure evidence and property is safeguarded while in their possession. The evidence/property obtained by an officer or detective from the Evidence/Property Unit for court or investigative purposes will note when evidence and property is transferred from one location to another. Members will attempt to preserve the integrity of evidence in its original state by minimizing the number of transfers and limiting the number of persons handling the evidence. Any transfer of evidence not tracked by the PMI software must be documented on an Investigative Letter (SMPD # 025).

Officers will use Kentucky State Police Lab results for court appearances in lieu of actual evidence or property. Officers will notify the Evidence Officer in advance and provide a court order or subpoena when the court requests the actual evidence or property. Evidence or property retained or released by the court will be documented by a receipt or order from the court.

Detectives, who are assigned a case where an officer has collected evidence, will notify the Evidence Officer via an Evidence/Property Disposition Form (SMPD #038) of the transfer of evidence.

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**24.5 EVIDENCE & PROPERTY: PACKAGING OF EVIDENCE/PROPERTY**

Officers will package and seal all evidence/property in appropriate size evidence envelope. The officer should then seal the envelope and place their initials on the seal.

The following are guidelines for the way most items are to be packaged:

- Any precautions (biohazard, sharps, etc.) will be clearly marked on the tracking form and envelope or tag;
- Biohazard evidence will be packaged separately from other items in an appropriate evidence container and labeled BIOHAZARD;
- Currency, counterfeit currency or securities will be packaged separately in a sealed bag and the receipt with the control number given to the individual;
- Drug paraphernalia should be packaged separately from the drugs;
- Drugs or suspected drugs will be packaged separately, suspected substances such as cocaine or marijuana will be weighed;
- Evidence requiring lab testing will be packaged separately;
- Handguns and the magazines will be packaged separately in the gun box. Put the zip tie through the box with the connector inside the box. Lock the slide back, put the zip tie through the trigger guard and around the open slide. Place the unloaded magazines and envelope or baggie with rounds in the same box with the gun;
- Jewelry will be packaged separately;
- Large items will be packaged separately;
- Long guns will be tagged, serial numbers must be put in PMI;
- Photographs/Film will be packaged separately (6' x 9' photo envelope);
- Sexual Assault kits will be packaged separately and have the case number written on the end of the kit; and
- Sharp objects will be packaged in a sharps container and placed in an evidence envelope to protect from accidental injury.

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**24.6 EVIDENCE & PROPERTY: DEPOSITING EVIDENCE/PROPERTY**

Evidence/Property will be deposited into a temporary bin after all required forms have been completed, locked in the bin and the key dropped in the secured key box.

Any item that will not fit into a temporary bin and is not of evidentiary value should be put in the evidence processing area and a tag should be attached to the item.

Any item that will not fit into a temporary bin and has been collected as evidence of a crime will need to be placed into the Evidence Garage. The officer must have their commanding officer contact the Evidence Officer for access. Dispatch Center personnel have the proper numbers to reach the Evidence Officer or their designee.

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**24.7 EVIDENCE & PROPERTY: FOUND PROPERTY/PERSONAL PROPERTY**

Any officer accepting found property must attempt to identify the owner and return the item(s). It is the responsibility of the officer to return the items during their shift to the owner. If the owner is located, the officer will complete a Property/Pawn Release Form (SMPD #082) and forward it to the Evidence Officer.

If an item(s) cannot be returned to the owner by the end of tour of duty, an e-Call report should be completed and entered into the PMI system as found property where it can then be placed into the Property Room in a clear found property bag where it will be kept for ninety (90) days. If the owner still cannot be determined, the property will be disposed of per the Kentucky Revised Statutes.

When personal property is taken from an individual, the officer will complete the Personal Property Form (SMPD #135). The property owner will get the bottom portion of the form. The top of the form should be turned in with the property to the property room.

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**24.8 EVIDENCE & PROPERTY: COMBUSTIBLES & EXPLOSIVES**

Officers who come into contact with combustible or explosive evidence or property will contact the shift supervisor who will determine if the Louisville Metro Police Department Bomb Squad should be contacted to arrange for transportation, storage or destruction. Combustible or explosive evidence or property should not be transported in a department vehicle or stored on department property.

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**24.9 EVIDENCE & PROPERTY: HAZARDOUS MATERIALS**

When it becomes necessary to seize hazardous materials as evidence or property, officers will proceed with due regard to the potential hazards posed by these materials.

- The St. Matthews Fire Department will be notified upon the discovery of hazardous materials to provide instruction or recommendation on the collection, handling and storage of hazardous materials.
- **CHEMTREC** can be contacted at **1 (800) 262-8200** for assistance on the identification and handling instructions for hazardous materials.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.1,.7.4</b>
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**24.10 EVIDENCE & PROPERTY: STORAGE**

Evidence/Property deposited for storage will be removed from the temporary bins by the Evidence Officer and logged into the Property Room. All evidence/property will be securely stored in the Property Room or Property Garage and maintained by the Evidence Officer.



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**24.11 EVIDENCE & PROPERTY: EVIDENCE TRACKING**

The information entered into the PMI Evidence Tracker system by the Officer/Detective will be given a property room location and a bar code label will be printed and affixed to the package. The Evidence Officer will place the evidence/property receipt and any other attached documents into a digital case file on the “N” drive of the network computer. All officers have the ability to view and print copies of any document contained within the digital case file.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.4,27.5
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**24.12 EVIDENCE & PROPERTY: REMOVAL OF EVIDENCE/PROPERTY**

Below are situational guidelines for removing evidence or property from the Property Room. In any situation, proper documentation of the chain of custody must be applied.

- Evidence may be removed by the Evidence Officer for transportation to the Kentucky State Police Laboratory for examination if a request has been properly completed.
- Evidence may be removed by the Evidence Officer for transportation to authorized agencies for examination or analysis.
- Evidence may be removed by the Evidence Officer and signed out to an authorized officer for required court room presentation or further investigative purposes.
- Evidence/Property may be removed for the purposes of depositing US Currency into approved bank accounts.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1
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**24.13 EVIDENCE & PROPERTY: RELEASE OF EVIDENCE/PROPERTY**

It will be the responsibility of the originating officer to make a good faith attempt to contact the owner of evidence/property seized and if applicable to release evidence or property to the rightful owner in lieu of depositing the item(s) into the Property Room. The Property/Pawn Receipt Form (SMPD # 082) should be completed upon return of the property.

It will be the responsibility of the Investigating Officer/Detective to notify the Evidence Officer when evidence is no longer needed and by what means it is to be released.

Any court orders for the seizure, release or destruction of evidence or property will be documented in the case file folder located on the “N” Drive.

For the release of any firearm from evidence/property, a criminal history check will be completed on any person who is seeking the return of a firearm.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.7
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**24.14 EVIDENCE & PROPERTY: DISPOSAL OF EVIDENCE/PROPERTY**

Evidence/Property that is no longer needed by the Department for which the items are being held and is not subject to any court orders will be disposed of as follows:



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- The Kentucky State Police will destroy/auction off firearms or weapons per court order;
- Unclaimed Evidence/Property, with the exception of weapons and narcotics may be disposed of in the following manner only after it has been retained for more than 90 days and reasonable efforts have been made to ascertain the name of any true or lawful claimants (pursuant to KRS 67.597(4));
- Remove any non-drug related items from evidence envelopes, remove any tags and shred, and then deposit evidence or property into garbage receptacle. Any controlled substances and drug paraphernalia will remain in the evidence envelope and destroyed per court order;
- Sell items at a public auction or on-line government surplus with proceeds going to the Department;
- Make special arrangements for the proper disposal of hazardous material (biohazard, etc.); and
- Returned to the rightful owner and a Property/Pawn Receipt Form (SMPD #082) completed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.1,27.2</b>
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**24.15 EVIDENCE & PROPERTY: FINAL DISPOSITION**

At the conclusion of a case, officers will;

- Complete an Evidence/Property Disposition Form (SMPD #038) of any court case involving evidence or property being held in the Property Room;
- The Evidence/Property Disposition Form (SMPD #038) and/or Court/Forfeiture Order will be attached to the court pay slip; and
- The Chief of Police or their designee will forward the forms to the Evidence Officer.

Evidence or property will be designated for final disposition by signature of the officer who collected or logged the property, or a Detective assigned the case in one of the following manners:

- Release to owner and complete a Property/Pawn Receipt Form (SMPD #082) when there is no hold placed on it or it is not of evidentiary value;
- Release by court order/forfeiture order for auction, destruction or department use; and
- The Evidence/Property Disposition Form (SMPD #038) and/or Court/Forfeiture Order will be included in the case folder.

Members will follow these guidelines for releasing evidence/property:

- Property owners will be required to show photo identification and sign a Property/Pawn Receipt Form (SMPD #082) to receive their property.
- The Evidence Officer will verify there are no warrants, EPOs/DVOs and/or felony convictions prior to releasing any weapon to its owner.

For any evidence/property not covered by a court/forfeiture order, the Evidence Officer will obtain a court order for all evidence or property to be auctioned, destroyed or designated for department use.

- Unclaimed property stored for more than ninety (90) days will be auctioned (Propertyroom.com) and all proceeds turned over to the Department.
- Unclaimed currency stored for more than ninety (90) days will be turned over to the Department pursuant to court order.
- Unclaimed weapons not retained for Department use will be turned over to the Kentucky State Police per court order as required by Kentucky Revised Statutes.
- The Evidence Officer, Support Bureau Major and the Chief of Police will witness and sign all destruction orders.

To assist with better management and control of the Property Room, the Evidence Officer will send quarterly

reports to members regarding evidence/property under their control. Members will review these quarterly reports and note the current status of the case and return to the Evidence Officer.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.4
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**24.16 EVIDENCE & PROPERTY: SECURITY**

All Evidence/Property in the custody of the Department will be stored in a secured area with access limited by key and/or combination locks. Only persons authorized by the Chief of Police will have access to the keys and or combinations.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.7
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**24.17 EVIDENCE & PROPERTY: SHARPS ITEMS**

The Kentucky State Police Forensic Laboratory will process syringes or their contents if properly packaged. Therefore, the following guidelines should be adhered to:

- Syringes should only be deposited as evidence when needed for a criminal investigation and/or criminal proceedings.
- Syringes that are found property should be properly disposed of at an authorized medical waste facility or service. (Baptist East Hospital) The sharps should not be turned in as found property.
- Extreme caution should be used when dealing with syringes and any sharp objects. Use the appropriate barrier device.
- Syringes and any sharp object should be packaged in a designated sharps protective container and placed in the envelope before being deposited as evidence.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**24.18 EVIDENCE & PROPERTY: INVENTORIES/AUDITS**

At the discretion of the Chief of Police, personnel other than the Evidence Officer will take an inventory and audit of the Evidence/Property Unit. During the inventories and audits, property control officers will be present to witness the process in order to maintain proper chain of custody and security.

The following inventory/audits will be completed:

- At least once a year a random audit and inventory will be conducted,
- Every two (2) years, a complete audit and inventory will be conducted, and
- Following any audit, a report will be filed with the results of the audit sent to the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**24.19 EVIDENCE & PROPERTY: APPOINTMENT**

The Chief of Police will appoint an officer(s) to assume the responsibilities of the Evidence/Property Unit. The Evidence Officer will have complete control over matters concerning evidence and property and furthermore will report directly to the Support Bureau Commander.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.8</b>
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**24.20 EVIDENCE & PROPERTY: PRESCRIPTION DRUG BOX**

This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems which may later negatively affect the environment. It encourages citizens to remove their unneeded medications from their homes, which reduces access to addictive medications for accidental or intentional misuse by children or adults in the home.

It will be the policy of the Department to comply with all applicable state and federal laws regarding the collection and disposal of prescription medication.

**Procedures: Operational Guidelines:**

- The Department will provide a secure collection box in which citizens may deposit unwanted medications. The collection box will be clearly marked for this purpose.
- The collection box will be locked and securely mounted to prohibit removal of the collection box or retrieval of medications from within the collection box without a key system.
- Citizens may place their unused medication/drugs into the collection box anonymously with the assistance of the Executive Assistant or any sworn member.
- Only pharmaceutical drugs may be collected and stored in the collection box. Signage will be posted to assist citizens in the disposal procedures.
- Sharps, other bio-hazard items such as syringes, or liquids that are improperly sealed are prohibited from being placed into the collection box. NOTE: See SOP (Section 24.17) on Sharps Collection.
- The Evidence Officer and the Chief’s designee will both be responsible for collection of the deposited medications. The Evidence and the Chief’s designee will possess keys to the collection box.
- At a predetermined day and time (not to exceed one-week), or as necessary, the Property Room Officer and the Chief’s designee will schedule a collection. A regular collection box schedule will be developed for a consistent disposal practice. During the collection process, the Chief’s designee, and the Evidence Officer will open the collection box together to retain the unwanted medication. Both the Chief’s designee, and the Evidence Officer will take custody of the contents of the collection box and secure the contents into the Property Room. (The collection procedure should be videotaped if the process is not done with a two-person system).
- All collected drugs will be inspected and inventoried to ensure that no restricted materials are present; and, to provide the Department with an accurate account of the amount of drugs taken in by this program. This inventory (weight of bulk collection) will be performed by at least one member of the property room staff and one sworn member of the Department to be assigned by the Chief of Police.
- A log of the disposal will be kept in the Property Room.
- All policy and procedures will be followed for submission of abandoned/found/unclaimed property; as contents of the collection box will be considered as such. The Evidence Officer will document each collection. This allows for tracking of data to monitor the program’s benefits.
- The Chief’s designee will document each collection on a property receipt, one report number will be generated for each collection effort. The following will be required:
  - The Evidence Officer will package and seal the deposited drugs, document a general description on the property receipt, and place the packaged drugs into evidence pending destruction.
  - The Property Receipt will include the approximate weight of the drugs and should contain an appropriate description of the items, “Miscellaneous medications to be destroyed as abandoned property”.
- The Evidence Officer and at least one other sworn person assigned by the Chief will destroy the collected medications by way of a manner that complies with all State and Federal regulations and laws.

**Personal Protection Equipment (PPE)**

Any personnel handling the collected medications will follow all departmental best practices as to evidence processing and PPE. A department-provided sharps container may be utilized as part of this protection equipment. Collected sharps are to be disposed of according to OSHA standards.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.2
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**24.21 EVIDENCE & PROPERTY: DIGITAL IMAGING**

Department-issued cameras may be used to visually document any law enforcement activity that includes but is not limited to: collision and crimes scenes, evidence, historical documentation, department training, and public relations events. Digital photographs/images taken for historical documentation, department training, and public relations events are not subject to the requirements in SOP (Chapter 24). Department-issued cameras may not be used for personal photography outside the scope of law enforcement. Officers should not use personal cameras unless exigent circumstances exist as the phone and its images become available to open records requests and discovery. The use of any personal camera will be documented in the report narrative.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.2
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**24.22 EVIDENCE & PROPERTY: DIGITAL IMAGING CHAIN OF CUSTODY**

Digital images that record collisions or crime scenes will be treated as evidence and members will safeguard their integrity. Members will not alter or delete any digital images that document collisions or crime scenes. Images may be deleted as part of the record retention purging process when required by Kentucky Revised Statutes or by court order.

Digital images will be uploaded to the Department’s secured network located on the N drive as soon as practical after being recorded. Digital images will be stored in individual case folders on the Department’s secure network server.

Detectives uploading images that require a case file will copy those images to a disc and maintain a copy for their case files.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 26.1,27.1,27.2
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**24.23 EVIDENCE & PROPERTY: DIGITAL IMAGING DISTRIBUTION**

Images will not be released to any individual, agency or organization without proper authorization and documentation. Members will not make copies of any digital images for any reason other than those related to an investigation or other law enforcement purpose.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 27.1,27.2
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**24.24 EVIDENCE & PROPERTY: DIGITAL IMAGING ENHANCEMENTS**

Alterations will not be made to an original digital image. However, certain enhancements to digital images, which have been uploaded to the Department’s secure server, are permissible when used to improve image visibility. The following guidelines outline the procedure for performing image enhancements:

- The original digital image will be maintained without any enhancement. Enhancements will only be performed on a copy of the original image.
- Image enhancements will be documented and labeled.
- Image enhancements include but are not limited to: contrast and brightness; color balance; cropping; sharpness enhancement; and adding digital marks or labels to identify important areas of the image.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.8</b>
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#### **24.25 EVIDENCE & PROPERTY: DIGITAL IMAGING JUVENILES**

Digital images of juveniles will be identified as such, when entering them into the N Drive, by labeling the folder as “juvenile”. If a case involves both juveniles and adults, the user will still label the folder as “juvenile” for proper flagging.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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#### **24.26 EVIDENCE & PROPERTY: ASSET FORFEITURE – SEIZURE OF ASSETS**

Officers may seize property for forfeiture under the Kentucky Controlled Substance Act if they determine one (1) of the following:

- the seizure is incident to arrest or a search under a search warrant;
- the property subject to seizure has been the subject of a prior final order of forfeiture;
- there is probable cause to believe the property is directly or indirectly dangerous to health and safety; or
- there is probable cause to believe the property is subject to forfeiture pursuant to Kentucky Revised Statute 218A.410.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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#### **24.27 EVIDENCE & PROPERTY: ASSET FORFEITURE PROCESS**

There are occasions in which officers may seize personal property, including money and vehicles. In these instances, officers will complete and email a Request for Forfeiture form (SMPD #090) prior to the end of their tour of duty according to the procedures outlined below. The officer must articulate probable cause for the seizure, including facts connecting the seized assets to the offense.

If a seizing officer intends to seek forfeiture of property, excluding motor vehicles and other conveyances, which are covered in SOP (Sections 24.26 – 24.36), the officer will complete and email a Request for Forfeiture Form (SMPD #090) to the Executive Command Staff, their immediate supervisor and the Evidence Officer by the end of their tour of duty. For currency, a Currency Seizure Form (SMPD #122) must also be completed.

The Department may seize real property such as real estate only with a court order. If there is probable cause to believe real property is subject to forfeiture, the investigating officer will consult with the Commonwealth Attorney to draft a lien against the property. A lien is preferred over seizure of real property.

As soon as possible following the seizure of any property taken from an individual other than the property owner, or if ownership of the property seized is unknown, Asset/Forfeiture officers will attempt to determine ownership of the seized property including the registered owner, title holder and bona fide lien holder, if any.

If the forfeiture is approved by the Support Bureau Commander, the investigating officer will proceed with the

process as described in this chapter and forward the original form for submission to the appropriate prosecutor. If the forfeiture is not approved, the Request for Forfeiture Form (SMPD #090) is returned to the investigating officer who will have seven (7) days to articulate any additional information to supplement the probable cause statement for the forfeiture and resubmit the form to the Support Bureau Commander.

The Support Bureau Commander will address any questions from the investigating officer concerning the information needed for supplementing the probable cause statement. If the seizing officer is unable to adequately supplement the statement, or the Support Bureau Commander determines that the property is not subject to forfeiture, the investigating officer will immediately dispose of the property in accordance with SOP 30, if it is no longer needed for evidentiary purposes.

The Evidence/Property Unit is responsible for notifying the rightful owner of the property that is being released. If the rightful owner of the property is deceased, the property will only be released pursuant to a court order and a Property/Pawn Receipt (SMPD #082) being completed.

At the conclusion of a case where seized property is approved for forfeiture, the officer will request that the prosecutor obtain a written court order specifying that the forfeited property is to be delivered to the Department. If the forfeiture is approved, the officer will send or deliver the signed court order to the Support Bureau Commander. The Support Bureau Commander is responsible for forwarding a copy of the signed court order to the Evidence Officer. If the forfeited property is currency, the Evidence Officer will then contact the City Clerk to coordinate the execution of the court order. The City Clerk is responsible for the appropriate distribution of the forfeited funds to the Jefferson County Attorney’s Office, the Office of the Commonwealth’s Attorney or any third party named in a court order, pursuant to statute. The funds will be placed in the appropriate asset forfeiture fund on City’s accounting books. In cases where there is sufficient evidence to determine that property is subject to forfeiture, but for technical or unusual reasons the criminal case is dismissed or the defendant is acquitted, a civil action for the forfeiture of the property may be considered.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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**24.28 EVIDENCE & PROPERTY: ASSET FORFEITURE - CURRENCY**

The following procedures will be followed when an officer seizes currency for forfeiture:

- When an officer locates currency, they will immediately request another officer to act as a witness to the discovery. At a minimum, the officer and a commanding officer must be present when processing seized currency.
- If officers believe the amount of currency to be seized is more than \$5,000, officers will contact their supervisor and request that an Asset Forfeiture Detective respond. The Asset Forfeiture Detective will respond to the scene of the seizure and process the seizure.
- If the currency is being seized during the execution of a search warrant, the seizure will be listed on the search warrant inventory and a Currency Seizure Form (SMPD #122) completed.
- If currency is found on, or in the area of, a subject who is in custody, the person will be read their Miranda warning. The officer will then inquire as to whether any person present claims the currency. If a person claims ownership of the currency, the person will be allowed to witness the packaging of the currency, unless their presence is a threat to the officer or others. If the currency is not claimed by anyone, or if currency is seized in an unoccupied area, this information will be documented on the Request for Forfeiture form (SMPD #090) and, if applicable, the Disclaimer of Ownership form (SMPD #091).
- When seizing money, the officer/detective will in the presence of another officer/detective, preferably a supervisor, bag the money and seal it in front of the subject. This will be done in the presence of each other, and an in-car video used to capture the process, if possible. The bag receipt, along with the Currency



Seizure Form (SMPD #122) will be given to the subject.

- The seizing officer will explain to them that the Control Number tag on the currency evidence bag acts as a receipt for the seizure and that the bag will remain sealed until it is opened and counted by evidence personnel. Nothing other than currency will be sealed inside of the currency evidence bag (e.g., wallets, ID cards, Social Security cards, etc.). All additional items should be logged in separately into evidence. Generally, coins will not be collected unless it is a significant amount. Special care should be taken when packaging coins so that the currency evidence bag can withstand the weight.
- If currency is seized from the possession of a known individual, that individual should remain on-site until the currency has been photographed and sealed in a currency evidence bag, unless the individual's presence presents a threat to the seizing officer(s) or others.
- If the currency being seized is from an individual who is not at the scene, or if an individual refuses to sign the Currency Seizure form, a commanding officer will sign the form and note the circumstances.
- All currency seized for forfeiture should be photographed in the same location and in the same position that it was discovered, unless photography is impractical or unsafe. The photographs will be downloaded into the "N" Drive.
- Officers will complete the Request for Forfeiture form (SMPD #090) prior to placing the currency in the processing area.
- The seizing officer and/or commanding officer will transport the evidence bag to the evidence processing area.
- The Evidence Officer will inspect the currency evidence bag to see that it has not been tampered with or compromised when retrieving the evidence bag from the processing area. If the currency evidence bag has been compromised in any way, the Evidence Officer will reject the acceptance of the currency evidence bag and the officer will then contact the Support Bureau Commander. The Support Bureau Commander will inspect the currency evidence bag and determine why the bag has been compromised. The Support Bureau Commander and the seizing officer will then place the compromised currency evidence bag into another currency evidence bag. The commanding officer will note on the Currency Seizure Form (SMPD #122) the reason why the original currency evidence bag was compromised and placed into a new bag.
- If the evidence bag has not been tampered with, the Evidence Officer and a commanding officer will open the envelope and count the money. The money will then be transported to the bank by the Evidence Officer and a designee and counted by bank personnel for verification. The evidence bag will be kept as evidence and a deposit slip returned to the City Clerk.
- The remaining process will be the same as described in Chapter 32.01 regarding documentation and review.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.3</b>
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## **24.29 EVIDENCE & PROPERTY: ASSET FORFEITURE – DEADLY WEAPONS**

Whenever a deadly weapon is used in the commission of a crime, it will be seized and placed in the Evidence/Property Unit according to procedures described in SOP (Chapter 24). Upon conviction of a person for the violation of any KRS in which a deadly weapon was used, displayed or unlawfully possessed, the court will order the weapon forfeited to the state and sold, destroyed, or otherwise disposed of, in accordance with KRS 500.090. It is the responsibility of the officer investigating the case to advise the prosecutor of the Department's intention to seek forfeiture of the weapon.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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**24.30 EVIDENCE & PROPERTY: ASSET FORFEITURE – MOTOR VEHICLES & OTHER CONVEYANCES**

All seized vehicles that are used in violation of applicable statutes will be impounded at the Vehicle Impoundment Lot, located at 310A Ten Pin Lane. Upon vehicle impoundment, if the seizing officer intends to seek forfeiture of a vehicle or other conveyance, they will:

- Note “Vehicle seized for forfeiture” in the block for “Reason for vehicle hold” on the Tow Form (SMPD #072); and
- Complete and email a Request for Forfeiture Form (SMPD #090) to the Executive Command Staff, their supervisor and the Evidence Officer by the end of their tour of duty.

The process will be the same regarding documentation and review.

If the vehicle is approved for forfeiture, the seizing officer is responsible for pursuing the vehicle’s forfeiture along with the prosecution of the criminal offense. Any court documents necessary for forfeiture will be prepared by the prosecutor, who will supply the seizing officer with a court order to be signed by the court and returned, by the officer, to the Support Bureau Commander following case disposition. The Support Bureau Commander or their designee will provide a copy of the order to the City Clerk. The Administrative Sergeant, in conjunction with the Asset/Forfeiture officers, will be provided a copy to assess its mechanical condition and determine whether the vehicle should be retained for use in the fleet, disposed of at auction, or have the seizure/forfeiture terminated due to its unacceptable condition, excessive lien or other circumstances. The City Clerk will prepare and process the required title transfer documents and will notify the Support Bureau Commander when the vehicle is ready for service, if it is to be retained as a fleet vehicle. The assignment of the vehicle is at the discretion of the Chief of Police and will be based on the needs of the Department.

If the vehicle is not approved for forfeiture, unless the vehicle is being held for some other lawful reason, the investigating officer will immediately remove the hold on the vehicle and complete Evidence/Property Disposition Form (SMPD #038) and forward it to the Evidence Officer.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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**24.31 EVIDENCE & PROPERTY: ASSET FORFEITURE – COMPUTER EQUIPMENT**

Whenever computers or computer-related equipment are used in the commission of a crime, the items may be seized and placed in the Evidence Property Unit. If the investigating officer is seeking the forfeiture of such items, they will follow normal forfeiture procedures outlined in SOP (Sections 24.26-24.36).

Officers seizing computers and computer-related equipment requiring forensic examination will complete the Kentucky Regional Computer Forensics Laboratory (KRCFL) Service Request form (RCFL-101) and forward it to the KRCFL. If the forfeiture of the computer or computer-related equipment is granted, the officer will confer with the Department IT representative to determine the usability of the computer and/or equipment. If the forfeited computer or computer-related equipment does not meet the established IT standards, it will be sold at auction or properly destroyed. If the computers or computer-related equipment are not forfeited, the items will be released according to the procedures outlined in SOP (Section 24.13).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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**24.32 EVIDENCE & PROPERTY: ASSET FORFEITURE – DISCLAIMER OF OWNERSHIP**

In cases where property, including currency, has been lawfully seized, and the person who was in physical control of the property at the time of the seizure denies ownership, the seizing officer will request that the subject sign a Disclaimer of Ownership Form (SMPD #091). If the property was in the joint possession of more than one (1) person at the time of the seizure, each person will be asked to sign a separate form. Completing the form may prevent an individual from later making a legal claim of ownership of the seized property and will serve as an acknowledgment the property was in their possession at the time that it was seized.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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**24.33 EVIDENCE & PROPERTY: ASSET FORFEITURE – DISPOSITION OF FORFEITED PROPERTY**

Forfeited property awarded to the Department will be considered property for official use and will be used at the discretion of the Chief of Police. Forfeited property that is deemed inappropriate for official use will be sold at auction (Propertyroom.com) or properly destroyed.

Vehicles seized and forfeited to the department may be retained for official use and/or sale. Proceeds from the sale of retained vehicles will be expended on a specific law enforcement purpose and will not be distributed.

Property seized and forfeited to the Department may be sold during advertised, public sales. Following deduction of any direct expenses related to the sale of forfeited assets, the Department will retain 85% of the sale of assets itemized in any final order of forfeiture and 15% of the sale of assets will be paid to the Commonwealth Attorney or County Attorney that handled the forfeiture action.

When currency or property is seized in a joint operation involving the Department and another agency, the apportionment of funds will be made among the involved agencies. Apportionment will be in such a manner to reflect the degree of participation of each agency in the forfeiture, considering the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based. The trial court will determine the proper division and include the determination in the final order of forfeiture.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.3</b>
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**24.34 EVIDENCE & PROPERTY: ASSET FORFEITURE – MAINTENANCE OF ASSETS**

Officers will have seized aircraft, vehicles and vessels transported or towed to a secure storage facility or other authorized storage location. A complete inventory of the seized property and all containers, open or closed, found therein will be conducted. As soon as possible after seizure the Department will make a good faith attempt to release all personal property not being retained as evidence or for forfeiture to its owner(s). If the owner is unknown, incarcerated or is otherwise unavailable to take possession of the property, the property will be placed in a secure location to be released to the owner at a later date. All property seized as evidence will be processed in accordance with SOP (Chapter 24).

Reasonable attempts will be made to maintain property in time-of-seizure conditions. Seized property will not be used until a final order of forfeiture is issued however, property may be operated or used as necessary for reasonable maintenance of the property. The Evidence Officer will make periodic inspections of all seized property to ensure time-of-seizure conditions are being maintained.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.3</b>
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**24.35 EVIDENCE & PROPERTY: ASSET FORFEITURE – RELEASE OF SEIZED PROPERTY**

Seized property will be released to its owner at the discretion of the Department or when the claimant prevails in court. If the claimant prevails, all seized property will be immediately released to its owner and no towing charges, storage fees, administrative or maintenance costs will be assessed unless authorized by court order. In all other cases when seized property is released to its owner, the Department may assess the actual costs of towing, storage and maintenance of the property against the owner. Absent settlement, administrative costs that do not reflect actual expenses will not be assessed.

Property seized as having evidentiary value will not be released until final disposition in court or by court order.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.3</b>
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**24.36 EVIDENCE & PROPERTY: ASSET FORFEITURE – REPORTING REQUIREMENTS**

The Support Bureau Commander will submit an annual report of all property seized and awarded to the Department to the U.S. Department of Justice and the Kentucky Justice and Public Safety Cabinet on forms provided by those agencies.

**St. Matthews Police Department  
Standard Operating Procedures  
Department Field Operations**

**DEPARTMENT FIELD OPERATIONS**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**25.0 ADMINISTRATIVE FIELD OPERATIONS**

This policy provides guidelines and procedures for administrative field patrol operations dealing with the day-to-day operations of the Department.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 12.1,22.5,30.2,30.4</b>
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**25.1 ADMINISTRATIVE: PROMOTING PUBLIC RELATIONS**

Members will be professional in every contact with the public, provide unbiased enforcement of the law, and respect the Constitutional rights of all citizens. Officers will only stop or detain citizens when they have reasonable suspicion to believe a crime has, was, or is about to be committed.

Officers will not stop, detain, or search any person solely because race, color, ethnicity, gender, sexual orientation, physical handicap, religion, or other belief system. Nor will an officer take any other action that would constitute a violation of a person's civil rights. All stops, detentions, or searches will comply with accepted Constitutional and legal provisions, and with the Code of Ethics adopted by the Kentucky Law Enforcement Council (KLEC) through the Peace Officer Professional Standards. Officers will complete KLEC approved training related to racial profiling.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**25.2 ADMINISTRATIVE: LAWFUL RECORDING**

Members will not prohibit the recording of a law enforcement activity or take enforcement action under circumstances where the person making the recording is in an area, they have a legal right to be (e.g., a public area).

Recording law enforcement activities from an area where the subject is lawfully allowed to be does not constitute an offense; therefore, members will not:

- Demand the individual's identification and/or have them state a reason why they are taking photographs or recording;
- Take enforcement action by using intimidation or coercion to end the recording;
- Block or obstruct the individual's ability to record from an area of lawful presence;
- Discourage the individual from continuing the recording, including the use of threats, intimidation, or coercion; and/or
- Erase, delete, tamper with, or otherwise corrupt a recording held by an individual.

Every individual has a First Amendment right to observe and record law enforcement members in the performance of their public duties. Recording members engaged in public duties is a form of speech through which individuals may gather and disseminate information of public concern, including the conduct of members.

The First Amendment does not give any additional protection to members of the press; therefore, members of the public have the same rights to recording as a member of the press would.

Individuals also have a First Amendment right to verbally challenge and criticize an officer who is making an arrest if the expression does not violate the law or incite others to violate the law. Such a challenge includes the right to document the member’s actions through audio and/or video recording.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 20.2</b>
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**25.3 ADMINISTRATIVE: OFFICIAL COMMENTS**

Members acting as a spokesperson for the Department will limit their comments to reflect the views of the Department, not their personal beliefs or opinions. Members who are uncertain of the appropriate response will refer to a supervisor for guidance.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 22.5</b>
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**25.4 ADMINISTRATIVE: IDENTIFICATION AS A POLICE OFFICER**

Officers who are not in uniform should identify themselves by displaying their badge and/or identification card prior to taking police action when practical.

When possible, the green wrist identifier should also be used. See SOP (Section 15.20) for further identification process.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.1,17.2,17.3,17.10</b>
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**25.5 ADMINISTRATIVE: SHIFT ASSIGNMENTS & ROLL CALL**

Shift schedules for patrol officers and first line supervisors will ensure 24-hour coverage and be posted on the department computer network. Off days will be staggered ensuring the best coverage with minimal overtime. The minimums are established at 4 officers for each non-overlap portion of the shift. If scheduling below minimums, other than unscheduled sick time, the supervisor must get approval from the Operations Bureau Commander.

Officers will report to roll call at the beginning of their assigned shift in proper uniform and with all equipment. Officers will be attentive, avoid unnecessary talking or movement, and are expected to take notes during roll call. Officers delayed in route to roll call due to calls for service or initiating police action will notify the shift supervisor.

Officers will be secured by the shift supervisor at the end of their shift on the radio. Officers will acknowledge being secured by giving their unit number and location.

Shift supervisors will assign officers to patrol specific beats to provide for accountability and ensure efficient delivery of police services. Although an officer’s primary responsibility is to their assigned beats, officers may be dispatched to other areas as needed. This will be denoted on the Daily Rundown Form (SMPD #037).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8,19.2</b>
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**25.6 ADMINISTRATIVE: AVAILABILITY & LOCATION**

On-duty officers will not conceal themselves except for an authorized police activity and will be immediately available to the public. On-duty officers will notify the dispatcher of their location and reason anytime they will be unavailable for runs or will not be monitoring radio traffic and again when are back in service.

Any officer who will be delayed in response to a run will notify the dispatcher. Officers will respond with their car number and location including cross street or block number when called by radio. Exceptions are supervisors or when disclosure of a location will interfere with an assignment. Officers will not fail to answer any radio call unless exigent circumstances exist.

Off-duty officers confronted with a situation that warrants police action will consider themselves as being on-duty and respond appropriately. Off-duty officers should be aware that some situations do not require an immediate response and may be more appropriately handled by an on-duty officer. Off-duty officers driving department vehicles will always monitor radio traffic.

All members must understand that due to the nature of their profession that they are subject to emergency recall at any time at the discretion of the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8</b>
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**25.7 ADMINISTRATIVE: MULTI-OFFICER RESPONSE**

Two (2) officers will be dispatched on the following runs:

10-30	Officer in Trouble	10-31	Domestic Trouble
10-32	Trouble	10-33	Break-in in Progress
10-34	Hold Up	10-35	Burglar alarm
10-36	Suspicious Person/Vehicle	10-37	Fight
10-38	Subject with a Weapon	10-39	Shooting/Stabbing
10-40	Shots fired	10-43	Strong Arm Robbery
10-46	Disorderly Person	10-47	Intoxicated Person
10-50	Collision, injury	10-56	Exposure of Person
10-62	Loud Party/Music	10-75	Bomb Threat
10-77	Plane Crash	10-83	Assist EMS
10-84	Person Down	10-85	Wanted Person
10-90	Missing Person	10-95	Officer Hostage
10-96	Hostage	10-97	Rape/Sexual Assault

Any run may require multiple officers. The number of units dispatched and the response code should be based on but not limited to the following:

- Arrest for a felony or violent misdemeanor,
- Resisting arrest or an assault on an officer,
- A crime in progress or any incident requiring use of force,
- A fleeing and/or armed suspect; and
- Threat of immediate violence or serious physical injury.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.8</b>
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**25.8 ADMINISTRATIVE: 10-30 CODE / OFFICER IN TROUBLE**

Officers needing immediate assistance due to a situation they cannot control and/or in which they believe to be in danger, will request assistance advising "10-30" or activate the alarm button on their portable radio which initiates the 10-30 alarm. The first two (2) units responding should notify radio of their intent to respond when practical. Other responding units should call off "10-23" when on scene.

Upon receipt of a 10-30, the dispatcher will immediately activate the radio system's momentary alert tone to broadcast the 10-30 and establish a need to clear the channel to allow emergency radio traffic. The dispatcher will notify outside agencies as needed.

Upon receipt of a 10-30 broadcast, officers will respond code three (3). The first arriving unit(s) will evaluate the need for additional assistance and should advise other responding units to slow down or cancel as soon as possible.

Officers will also follow these procedures when responding to a 10-30 broadcast from an outside agency. Officers may switch to that agency's radio channel if necessary.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.4</b>
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**25.9 ADMINISTRATIVE: SUPERVISORY RESPONSE**

A supervisor will be required to respond to any of the following incidents:

- Felonies in progress or crimes involving serious physical injury or death;
- Bomb threats or any threat to public safety;
- Collisions with serious physical injury or any collision involving a department vehicle;
- At the request of a citizen;
- Complaints against the Department or its members; and
- Any other incident that would require a supervisor or when requested by officers at the scene.

Officers will notify their shift supervisor of any incident involving a law enforcement officer or public official. The shift supervisor will make the scene and notify the Operations Bureau Commander who will decide about additional notifications including outside agencies.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.5,22.2,22.4,26.4,26.5</b>
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**25.10 ADMINISTRATIVE: REPORT TAKING**

Dispatchers will document all needed information on the dispatch record for all calls for service and officer-initiated activity. Dispatchers will issue report numbers at the request of the officer. Officers will complete all reports as required by current state reporting requirements and advise radio of their disposition upon completion. If officers change locations prior to completion of a run, they will notify dispatch of their new location.

Members will take an incident report for criminal complaints on all actual, or suspected, crimes occurring within the jurisdictional boundaries of the Department. Offenses may be criminal and/or civil in nature. If an offense has a civil component, it does not relieve an officer from taking a criminal report. Whether the complainant knows



the suspect is irrelevant and does not relieve the member from the responsibility of taking the report.

Members will not tell the complainant to take out a warrant on the known suspect without first completing an incident report. Members are not required to take a report from a complainant who is manifestly under the influence of alcohol or drugs. Members should advise the complainant to contact the Department when they are no longer intoxicated. This exception does not apply to incidents of domestic/dating violence and abuse or felony assault.

At the end of their shift, officers will turn in all paperwork to their supervisor for review. The supervisor will review reports and ensure they are complete, thorough, and conform to department guidelines. Shift supervisors will complete a Significant Activity Report (SAR) of any incident involving significant activity which could jeopardize officer safety, affect patrol activities, or may result in media inquiries. Reports requiring LINK/NCIC entry will be given to the dispatcher as soon as possible.

If the offense/incident did not happen in the city, the complainant(s) will be referred to the appropriate agency where the offense occurred.

When a police department of another government within Louisville Metro refuses (jurisdictional dispute) or cannot respond to a law enforcement related matter in an area near St. Matthews, this Department will respond, take appropriate action, and forward any documentation to the appropriate agency.

The Executive Assistant will forward a copy of the report to the refusing agency via certified mail.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**25.11 ADMINISTRATIVE: PROVIDING REPORT NUMBERS**

Law enforcement personnel shall ensure that victims receive information on available protective, emergency, social, and medical services upon initial contact with the victim and are given information on the following as soon as possible:

- Availability of crime victim compensation where applicable;
- Community based treatment programs;
- The criminal justice process as it involves the participation of the victim or witness;
- The arrest of the accused; and
- How to register to be notified when a person has been released from prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A.

**Victim Defined:**

As used in KRS 421.500 to 421.575, "victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime classified as stalking, unlawful imprisonment, use of a minor in a sexual performance, unlawful transaction with a minor in the first degree, terroristic threatening, menacing, harassing communications, intimidating a witness, criminal homicide, robbery, rape, assault, sodomy, kidnapping, burglary in the first or second degree, sexual abuse, wanton endangerment, criminal abuse, or incest. If the victim is a minor or legally incapacitated, "victim" means a parent, guardian, custodian or court-appointed special advocate. If the victim is deceased and the relation is not the defendant, the following relations shall be designated as "victim" for the purpose of exercising those rights contained in KRS 421.500 to 421.575.

Law enforcement officers and attorneys for the Commonwealth shall provide information to victims and witnesses on how they may be protected from intimidation, harassment, and retaliation as defined in KRS 524.040, 524.045, or 524.055.

To ensure victims receive the above statutory information, the Victim Services Specialist developed a rights and services information sheet, which is to be disseminated by patrol officers when they respond to a call for service involving a victim of a crime. If the individual cannot read English or speaks another language, the officer will contact dispatch to have an interpreter read the rights statement to them. This information sheet has a space for officers to provide pertinent information such as the report number and officer name.

If the individual does not fit the criteria above as defined as a “victim”, the officer is not required to give out the information sheet. The report number business card is appropriate.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 26.3,26.4</b>
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### **25.12 ADMINISTRATIVE: NCIC ENTRIES**

The following types of reports will be reported to NCIC, prior to the officer clearing from the call for service:

- Missing persons,
- Stolen vehicles (including construction equipment and trailers) (Must verify Plate and VIN),
- Stolen/lost guns with known serial numbers,
- Stolen boats,
- Stolen securities,
- Stolen license plates,
- Vehicle/boat parts with unique serial numbers, and
- Stolen articles not listed above, with known serial numbers or unique owner-applied numbers, which have a value of \$500 or more.

Before clearing from the run, a member taking a report for the applicable stolen items listed above will call NCIC to obtain the name and code number of the NCIC operator to whom they spoke and will enter this information in the narrative section of the report.

The same procedures will be followed when recovering a stolen vehicle, applicable stolen property, or locating a missing person. All identifiable stolen property, including stolen vehicles, recovered because of an RMS or NCIC “hit,” must be verified through the NCIC operator before it can be seized/recovered. The RMS will not automatically send this information to the NCIC Unit. It is the responsibility of the reporting member to verify that the NCIC Unit is notified.

In cases where the original stolen/lost report/missing was taken by the Department, the recovering member is responsible for completing a supplemental report through KYOPS. The member will look up the case number in the KYOPS and add a supplement to the report documenting pertinent details of the recovery.

At a minimum, the officer should change the status of the property to “recovered” or “found,” listing the date, time, and location of the recovery and a brief narrative surrounding the recovery. The supplement is then approved through the appropriate channels. The officer will immediately call NCIC to verify that the supplement was received.

In cases where members recover stolen property that was originally reported stolen in another jurisdiction, and

confirmed as stolen by NCIC, an e-Call response will be generated, and the member will obtain a new report number. When no arrest is made in connection with the recovery of stolen property, the report should be completed using the offense of either “Recovery of Stolen Property” or “Recovery of Stolen Vehicle-Out of Jurisdiction.”

In cases where an arrest is made in relation to the recovery of stolen property, a NIBRS report will be completed with the appropriate receiving stolen property charge. The report should include the date, time, and location of the recovery, as well as any suspects who were arrested in relation to the recovery. It should also include the other agency’s Originating Agency Identifier (ORI), report number, and contact information. The member should then list the recovered property in the property module and mark the status as “recovered” or “found.”

It is the responsibility of the reporting officer to immediately contact NCIC, by phone, to verify that the supplement was received. It will be the responsibility of the member who recovers stolen property to obtain the rightful property owner’s information (e.g., name, address, telephone number) and placed on the report. Dispatch will notify the owner of the recovered item. The member may request assistance from NCIC with obtaining stolen property reports from outside originating agencies.

In cases where a missing person is recovered, the member will immediately contact NCIC, by phone, to cancel the missing person report and complete an e-Call response (Outside Agency) or supplemental (Department Report). The member will only need to provide the necessary details to NCIC by phone. The NCIC Unit operator will remove the missing person report from NCIC.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**25.13 ADMINISTRATIVE: HOUSE WATCH PROGRAM**

House Watches will be conducted at least once per shift for a total of at least three (3) times per day. If high run volume makes these checks impractical, the shift supervisor may suspend the House Watch program for that shift.

Members will not broadcast the address of any house watch unless exigent circumstances exist requiring an emergency response. Officers will physically check doors and windows by walking around all areas accessible. Officers will not be required to enter any area that is locked or secured such a fenced back yard.

Officers will notify dispatch of the house watch location number each time they conduct a house watch by using the 10-11 code. Dispatch will document in CAD each time a house watch is conducted at a location and/or any relevant information provided by the officer. No other documentation will be required by the officers conducting a house watch.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.9</b>
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**26.0 INCIDENT RESPONSE FIELD OPERATIONS**

This policy provides guidelines and procedures for responding to the various types of incidents officers encounter in the field.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.9</b>
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## **26.1 INCIDENT RESPONSE: FOOT PURSUITS**

The purpose of this policy is to provide for the safety of law enforcement personnel while at the same time facilitating the safe apprehension of suspects. Whenever an officer decides to engage or continue a foot pursuit, a quick and continuous risk assessment must take place. The officer must evaluate the risk involved to themselves, the suspect and the community versus the benefit of continuing the foot pursuit.

### **Definitions:**

**Foot Pursuit:** A situation in which an officer, on foot chases a suspect to detain or arrest that individual who the officer has a reasonable suspicion to believe is about to commit, is committing, or has committed a crime and who is resisting apprehension by fleeing from the officer.

**Contact/Cover:** A tactical practice of having two or more officers working together during a foot pursuit. The officers work as a team utilizing direct or indirect communication methods to coordinate their efforts, remain aware of the locations of officers and suspects, and keep abreast of the status of the pursuit.

### **Procedure:**

**Alternatives to Foot Pursuit:** To the extent that resources are available, officers should consider the following alternatives to a foot pursuit:

- Area Containment,
- Additional officers, and
- Surveillance until additional resources become available.

### **Factors to Consider in Conducting the Risk Assessment:**

- Whether the suspect is armed;
- How serious is the suspect's offense i.e., do they pose a serious threat to the community if allowed to escape;
- Officer acting alone;
- Backup is not available in a timely manner;
- Officer pursuing more than one suspect;
- Officer is not in physical condition to pursue a subject on foot;
- Location:
  - Nature of area- (i.e., residential, commercial, freeway) which impacts the safety of all those who may be affected by the foot pursuit.
  - Conditions of structures: abandoned and condemned.
  - Environmental factors: weather conditions or darkness.
  - Area of pursuit is hostile to law enforcement personnel
- Ability to apprehend the subject later. i.e., identity is known; and
- Communications Issues:
  - Officer familiarity with location-able to identify subject's location with accuracy during pursuit.
  - Radio frequency and coverage- Is officer in area where radio coverage may fail.

**Effective:**  
**09/01/2018**

**Revised:**  
**04/15/2022**

**KACP Standards: 30.9**

## **26.2 INCIDENT RESPONSE: FOOT PURSUITS: RESPONSIBILITIES**

### **Pursuing Officer Responsibilities:**

- The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer and others are exposed to as a result of the pursuit;
- Once an officer decides to engage in a foot pursuit, the officer must immediately relay the following information to Dispatch:
  - Officer identifier (car number),
  - Location (continuing responsibility),
  - Direction of travel,
  - Description of suspect,
  - Whether suspect is armed,
  - Reason for foot pursuit, and
  - Coordinating with other officers to establish perimeter for containment.
- The primary officer should maintain sufficient tactical gap between them and the suspect to allow time for maintaining cover and allow for the arrival of backup officers before engagement;
- An officer should not enter a building, structure or area of limited or no cover without a backup officer present;
- An officer should not continue a foot pursuit if the officer has lost their firearm;
- Officers should note that residents may mistake pursuing officers as prowlers; to the extent possible efforts should be made to notify area residents of the police presence. Officers or supervisors might consider notification to area residents:
  - Reverse 911,
  - Backup officers use of vehicle's P.A.,
  - Use of vehicle siren, and
  - LMPD Air Unit's P.A.

### **Supervisor's responsibility:**

If a supervisor is on-duty, the supervisor shall:

- Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the suspect;
- Terminate any foot pursuit where the risk to the officer, the public, or suspects outweighs the need for the foot pursuit;
- Consider the use of specialized units/personnel to aid in the apprehension i.e., canine, SWAT following containment etc. In the absence of a supervisor, this consideration should be undertaken by involved officers; and
- The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and will submit an Administrative Incident Form (Benchmark/SMPD # 057).

### **Communications Responsibility:**

- Maintain open communications with involved officer, and
- Notify a supervisor and provide relevant information (without compromising ability of involved officer in communicating ongoing information).

### **Termination of Foot Pursuits:**

Officers shall terminate a foot pursuit:

- If ordered by a supervisor;

- If the officer believes the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the suspect;
- If the suspect’s identity is known and he or she is not an imminent threat to the safety of the public or other officers, consider terminating the pursuit and apprehend at a later date; and
- After termination of a foot pursuit, the involved officer will notify communications of the last known location of the suspect or in cases of apprehension, the location of apprehension.

**Review of Foot Pursuits:**

At the conclusion of a foot pursuit as defined by this policy, officers shall compile a foot pursuit review form. The pursuit shall be reviewed by:

- First line supervisor,
- Training officer, and
- The form shall then be forwarded up the chain of command to an executive officer designated by the chief for final review.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.3 INCIDENT RESPONSE: DEATH INVESTIGATIONS**

Officers dispatched to a death investigation will standby at the scene and contact the dispatcher to ensure EMS has notified the coroner. Officers will treat the area as a crime scene until the coroner arrives and determines if foul play may be involved. Officers will notify their shift supervisor who will advise dispatch to make notifications to the Executive Command Staff and detectives. The Department Chaplain may be contacted if the officer believes he can be of assistance or at the request of the victim’s family. The body of the deceased should not be moved or tampered with until released by the coroner. The officer will clear the scene only after the body is released. The coroner will be responsible for the transportation of the deceased.

Officers will complete an incident report documenting any apparent contributing factors and the name of the deceased's physician. Officers should refrain from making any statements as to their opinion of the cause of death and refer all inquiries to the coroner.

Death or emergency notifications to next of kin will be coordinated with the coroner. The notification will be conducted promptly and considerately with assistance from the Department Chaplain, a relative or a close friend.

Outside agencies requesting death or emergency notifications in our jurisdiction must send a teletype message as verification for their request.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.4 INCIDENT RESPONSE: SHOOTINGS & STABBINGS**

In the event of a shooting or stabbing at least two (2) units and EMS will be dispatched code three (3). The officer's first responsibility is to gain control of the scene and then render aid to the victim(s).

Scene security is vital, and all means should be taken to designate a crime scene with the use of crime scene tape and establishing a crime scene log as soon as practical. The shift supervisor will respond to the scene and request Executive Command Staff and detectives to be notified.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.5 INCIDENT RESPONSE: DYING DECLARATION**

Officers may attempt to obtain a dying declaration from any critically injured person. For the declaration to be admissible as evidence, the person must state to the officer that they believe they are dying or about to die. Such belief must be established prior to any questioning or statement is taken. If at all possible, the statement should be in writing and signed by the victim and all witnesses present.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.6 INCIDENT RESPONSE: BOMBING & BOMB THREATS**

An offense report will be completed for all bomb threats whether, or not, there has been an explosion and all Executive Staff Officers will be notified. In the event of an actual explosion, the Bureau of Alcohol, Tobacco and Firearms will be notified.

The dispatcher will obtain as much detailed information as possible; notify the shift supervisor, and dispatch two (2) officers to the scene. The shift supervisor will respond and establish a security perimeter. The shift supervisor will assess the need for and coordinate the response of outside agencies.

The decision to search and/or evacuate a building is at the discretion of the building owner/manager. The shift supervisor may make recommendations and assist in the process. If a search is initiated, the shift supervisor should obtain a floor plan of the building and coordinate the search with the building owner/manager to avoid repetition.

Officers will search interior and exterior areas open to the public including but not limited to lobbies, restrooms, trashcans, stairwells, elevators, landscaping, and dumpsters. Searchers should not take any action to change the environment of the area to be searched such as turning lights on or off or adjusting thermostats. Searchers should not smoke or use cell phones or radios. All communications will be restricted to landline telephones only, if possible.

If an unusual device or possible explosive is found, searchers should not attempt to disarm or move it. The shift supervisor will notify the Louisville Metro Police Department Bomb Squad.

The shift supervisor will only advise the building owner/manager of the results of a search and will never advise that everything is all clear. The building owner/manager will be responsible for all decisions concerning re-occupation of the building.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.7 INCIDENT RESPONSE: FIRE RESPONSE**

The Louisville Fire Department will be the primary investigating agency for all arson investigations and oversee all fire scenes. When responding to scenes, officers will contact the Incident Commander to determine what police service is needed such as traffic control, crowd control, disorderly subjects, etc.

In any incident involving a fire death, the reporting officer will notify the shift supervisor who will advise dispatch to notify the Executive Command Staff Officers and the on-call detective.



A responding officer will make a death investigation report of any fire involving the death of a person in that fire.

**Arrival On Scene:**

It is the policy of this Department that officers will not enter an active fire scene without first assessing the totality of the scene:

- Officers should not enter a burning or smoke-filled structure except in imminent life-threatening situations;
- Conduct an entire perimeter check of the structure if feasible (all sides);
- Determine if there are people who are trapped or present in the building that may not know they are in danger; and
- Determine whether the entry and announcement, or rescue attempt will reasonably be met with success.

When arriving on the scene avoid parking in an area that would obstruct the:

- Traffic flow because this will quickly clog the streets and delay access of responding units;
- Access to the building for engines and ladders;
- Access to any fire hydrant;
- Access to any standpipe connection, sprinkler connection or fire department building connection; and
- If you opt to block the street in an attempt of preventing further civilian traffic you must remain with your vehicle.

**Procedures when police arrive prior to fire department personnel:**

- On arrival at the fire scene the officer will notify dispatch and request the estimated time of arrival of the fire department;
- Request updated information on victims;
- Attempt to identify someone reliable on the scene who knows the building. Ask that person to remain with you and escort them to the first arriving company;
- Officers will not enter an active fire scene to recover any animal/family pet;
- Officers will make every attempt to prevent anyone other than fire personnel from entering an active fire scene;
- **IMMINENT LIFE-THREATENING SITUATION:** If personnel believe an imminent life-threatening situation where immediate action could prevent the loss of life or serious injury, entry into the hazardous area shall be permitted:
  - No exception should be permitted when there is no possibility to save lives.
  - When actions are taken in accordance with this section, the officer will immediately inform dispatch by radio, who in turn will notify fire dispatch so that necessary support and backup will be provided.
  - Any such actions taken in accordance with this section will be thoroughly investigated by the Department through the after-action review process established below with a written report to be submitted to the Chief of Police.
- Do not open or break doors or windows of the fire building to ventilate smoke from the building;
- Officers should consider the use of the department issued fire extinguisher when entering the fire scene;
- Be alert for rapidly changing fire and smoke conditions;
- Officer should feel every door before opening it. Place the back of your hand on the crack between the door and the door frame; if it's hot, do not open the door. Even if the door is cool, open it cautiously. Stay low in case smoke or toxic fumes are seeping around the door. If heat and smoke come in, slam the door tightly;
- If you use a window for your escape, be sure the door(s) in the room is closed tightly. Otherwise, the draft from the open window may draw smoke and fire into the room;

- If you are unable to escape from a room because of a fire on the other side of the door, stuff clothing, towels, or newspapers in the door's cracks to keep smoke out of your refuge;
- Remember “STOP, DROP, ROLL” if your clothing catches fire;
- Never ever use an elevator in a burning building. Instead, go directly to the nearest fire- and smoke-free stairway;
- If you are in a building on fire and cannot get to a fire stairway, go to a room with an outside window, preferably one facing the street side that is accessible by fire department aerial equipment;
- Stay where rescuers can see you through the window and wave a light-colored cloth such as a hand towel to attract their attention; and
- Do not go above a fire. That is the most dangerous location on the scene.

**When the fire department arrives:**

- Relay pertinent incident related information to the company officer of the first arriving fire apparatus;
- If you cannot communicate your information to the company officers, communicate the information to the chief officer, who in turn can direct the engine, ladder and rescue companies via radio; and
- If you have identified someone on the scene who knows the building, escort that person to the first arriving company officer and/or the chief officer.

**After Action Review:**

- Following an event that results in a police officer entering an active fire scene prior to the arrival of the fire department an incident review will take place;
- Those participating in the review should include:
  - The involved officers,
  - The involved officer's supervisor,
  - The Department's officer overseeing training, and
  - If possible, a ranking member of the fire department
- The purpose of the review will be to determine if there were any issues requiring a re-evaluation of department policy and/or procedures or training needs identified; and
- The completed review will be forwarded to the Chief of Police.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.8,19.2</b>
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**26.8 INCIDENT RESPONSE: ALARMS**

The Department will respond to all alarms originating within its jurisdiction. Two (2) units will be dispatched on all alarms received.

A file of all registered businesses and residential alarms, including emergency contacts, will be maintained in the Dispatch Center. This information will be kept confidential and should not be released to anyone outside the Department.

If the Department receives repetitive runs on false alarms of a certain business, the shift supervisor should notify the Department Resource Officer to address the situation. If the Department receives multiple alarms within a shift, the shift supervisor may only cancel officers if the owner/manager has been contacted and advised of the cancellation protocol. If the owner/manager cannot be contacted, only the Operations Bureau Commander may allow for the cancellation of units.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.9 INCIDENT RESPONSE: ROBBERY / PANIC-DURESS ALARMS**

Officers responding to a robbery/panic-duress alarm should secure exit routes and observe for wanted subjects and vehicles. Officers should use concealed deployment when possible. The first officer on the scene should begin gathering intelligence and coordinate the response of other responding units.

Officers may advise dispatch to contact the alarm company, business, or residence to determine if approach is advisable. If dispatch advises of an actual robbery, they should gather as much information on the suspect(s) as possible and relay that to the responding officers. Officers should cautiously approach and determine if the scene is safe.

Once safe, officers will protect and secure the scene, detain, and separate all victims and witnesses, and obtain a description of the wanted subject(s); vehicle(s), and weapon(s) involved and advise dispatch. The dispatcher will notify all Executive Staff Officers and detectives.

If the robbery is still in progress or the scene is not safe, officers should establish a perimeter. All efforts should be made to allow the suspect(s) to exit the building before making contact. In case of a hostage situation, officers should refer to SOP (Section 39.16).

If the alarm or robbery cannot be verified, officers should approach with caution to determine the validity of the call. Officers will only cancel on these type runs if the alarm company verifies a false alarm.

In the event of a bank holdup alarm, officers will observe for the proper signal used to note an "all clear". If no signal is displayed, it must be presumed that the perpetrator(s) are still in the building. Officers should advise dispatch the institution is "not following proper procedures". Officers should exercise caution when responding to ensure that their presence does not initiate a hostage situation. Officers will not reveal details of response procedures or signals, especially through radio communications.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.10 INCIDENT RESPONSE: BURGLAR ALARMS**

Officers responding to a burglar alarm should observe the area for suspicious persons or vehicles, secure exit routes and maintain surveillance. Upon arrival at the scene, officers should use tactically sound deployment methods to facilitate for the best possible officer safety. The first officer on the scene should begin gathering intelligence and coordinate the response of other responding units.

If a building search is required, officers should do so in pairs and may request specialized units if needed. Under no circumstances will a business/residence owner accompany officers on a search.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 19.2,23.1,23.3,25.2,25.3,29.2,29.3,29.7
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**26.11 INCIDENT RESPONSE: DANGERS OR HAZARDS**

Officers will report any dangerous/hazardous conditions or locations to the dispatcher for inclusion on daily information and/or the Computer Aided Dispatch (CAD) system.

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Dangerous/hazardous **conditions** may refer to, but are not limited to, the following:

- Debris or defects in the roadway,
- Defective or insufficient traffic control devices, and
- Damaged or downed utility poles or wires.

In the event of a dangerous/hazardous condition, the dispatcher should contact all affected agencies and the officer should remain on scene until the condition is rendered safe. Officers dispatched to or who come upon a downed wire should presume the wire is live and secure the area to prevent injuries.

Dangerous/hazardous **locations** may refer to, but are not limited to, the following:

- Universal precautions,
- Police fighters,
- Weapons, and
- Dangerous animals.

Dispatchers will complete and forward a Dangerous/Hazardous Location Request Form (SMPD #011) to MetroSafe for inclusion in the CAD system.

### **Hazardous Materials:**

Initial Response:

- Observe the area or scene from a safe distance with the use of binoculars or other optical enhancement device, prior to approaching the scene. See Federal and State OSHA Regulations for further information regarding response and Personal Protection Equipment;
- Approach the incident from an upwind direction;
- Move people away from the incident scene and keep them away;
- Refrain from walking into or touching any spilled material(s);
- Avoid inhaling fumes, smoke, and vapors;
- No smoking or ignition sources;
- Attempt to identify the material that is involved. Identification should be made from a distance, using binoculars, if possible, via the hazardous material placard or panel. Binoculars will be issued to each officer and maintained in their patrol vehicle;
- The code number is a four-digit number, which should be displayed on the sides and/or ends of the vehicle.
- The number should also appear on the shipping papers;
- The letters “UN” or “NA” will usually precede the four-digit number on the shipping papers;
- The four-digit number can be cross-referenced in the Emergency Response Guidebook issued to the officer or via Mobil Data Computer. Emergency Response Books will be issued to each officer and should be maintained readily accessible in the officer’s assigned patrol car;
- The guidebook provides identifying data, specific hazards of the material(s) and precautions that must be taken while handling the materials;
- The four-digit code shall be immediately relayed to the Dispatch Center for identification;
- If it is determined that the substance presents a hazard to the safety of the officer, actual approach to the site should be avoided, if possible;
- Rescue operations must be conducted with extreme care and the guidelines in the section above should be followed along with information provided in the Emergency Response Guidebook;
- In the event of the officer being exposed to hazardous materials at the scene, the officer should not leave the scene while contaminated unless certain dangers or emergencies exist, (e.g., pending explosion or fire, severe medical emergency or illness to the officer, etc.);
- The Incident Commander will be contacted in the event of possible exposure and/or contamination;

- A perimeter, as specified in the Emergency Response Guidebook, will be established and evacuation initiated as necessary to avoid further exposure by the public at large;
- The Police operation generally will be limited to perimeter, evacuation, and support activities and will be coordinated with the incident commander. (The ranking fire department officer on the scene will be deemed the incident commander.); and
- A supervisor shall be notified of the incident.

**Supervisor Responsibilities:**

- The supervisor will respond to the location following the guidelines above and should notify the Chief of Police of the situation;
- The supervisor will establish an appropriate perimeter keeping the Emergency Response Guidelines and resources in mind; and
- In the event of officers being exposed and or contaminated, the supervisor will make arrangements with the Incident Commander for decontamination at the site and complete an Administrative Incident Report (Benchmark/SMPD #057).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 29.1</b>
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**26.12 INCIDENT RESPONSE: CLANDESTINE LABS**

Clandestine labs include those that manufacture methamphetamine, lysergic acid diethylamide (LSD), synthetic opioids, including fentanyl, dimethylpyridine (MPPP), phencyclidine (PCP), and other dangerous drugs.

All clandestine labs share common hazards and pose a danger to responders and surrounding neighborhoods. The most common form of exposure is inhalation. Therefore, officers are prohibited from entering a known clandestine drug laboratory hot zone prior to air monitoring, an explosive sweep, and without proper equipment and certifications.

Officers encountering a clandestine lab, or any components of a clandestine lab, will take the following precautions:

- Immediately exit the premises, retracing footsteps, if possible, to a safe location. Officers must verify that their shoes are decontaminated prior to entering their vehicles;
- Do not touch or handle anything;
- Do not turn switches on or off;
- Do not use the police radio or a cell phone;
- Wear gloves when handling or searching the suspects and/or their property. After removing the gloves, officers are to decontaminate their hands;
- Secure prisoners, if possible, with flex cuffs to avoid contaminating steel handcuffs;
- Separate the suspects from the premises or vehicle, but do not put the suspects into a police vehicle until they have been decontaminated; and
- If the components of a suspected clandestine lab are inside of a vehicle, do not remove or touch any of them.

A shift supervisor will respond to the scene and notify the Operations Bureau Commander who will determine if the Clandestine Laboratory Enforcement Team is needed.

**Effective:**  
**09/01/2018**

**Revised:**  
**04/15/2022**

**KACP Standards: 26.4,30.5,30.7**

### **26.13 INCIDENT RESPONSE: MISSING PERSONS & ALERTS**

This policy provides guidelines for missing persons and the various alerts associated with missing persons.

Members will follow these guidelines:

- Officers will immediately complete a missing person's report for all missing persons
  - persons under 21 years of age must be entered into NCIC within 2 hours
  - persons aged 21 and older should be taken, regardless of the circumstances, and list any unusual or exigent conditions.
- In all cases, the dispatcher's name and time notified should be on the report narrative.
- Dispatchers should broadcast pertinent victim information based upon the age, mental and emotional condition, or other exigent circumstances.
- The shift supervisor will determine if a search is necessary and utilize all available resources.
- An e-Missing Person's report will be completed and turned in to the dispatcher within two (2) hours from the time all required information is obtained.
  - Officers may take a handwritten paper Missing Person's report in lieu of an e-Missing Person's report at the scene
  - however; the officer will be required to complete an e-Missing Person's report upon their return to the Department.
- No Uniform Offense Report is required to accompany the Missing Person's report unless criminal charges are applicable to a suspect in an abduction or domestic violence incident.
- Dispatchers will enter the missing person into LINK/NCIC and send an attempt to locate to all agencies.
- Missing juveniles who have an active warrant and are located by an officer will be taken into custody and a CDW will be notified. If no warrant exists, juveniles will be released into the custody of a parent or guardian or transported to the Home of the Innocents.
- Upon location of a missing person, officers will notify the dispatcher to remove the missing person from LINK/NCIC and cancel the attempt to locate.
- All searches for individuals lasting more than two (2) hours will be reported to the Louisville/Jefferson County Metro Emergency Management Agency. If the individual is a juvenile, KSP will also be notified.
- All searches for individuals lasting more than four (4) hours will be reported to the Kentucky Division of Emergency Management.
- The results of all searches reported in this paragraph will be reported to the Louisville/Jefferson County Metro Emergency Management Agency and the Kentucky Division of Emergency Management on forms provided by the Kentucky Division of Emergency Management.
- Reports will be filed within twenty (20) days after the search is discontinued or the victim has not been found and a decision is made to keep the case open or continue searching on a limited basis, whichever occurs earlier.
- The Support Bureau Commander will be responsible to ensure the filing of any reports required in this paragraph.

#### **Alerts:**

In addition to the above, members will notify their commanding officer in the following situations that involve missing persons with extraordinary circumstances:

- **Golden Alert** - A missing person, of any age, who has a verified mental or cognitive impairment (e.g., Alzheimer's) and/or a developmental disability (e.g., autism, traumatic brain injury, or physical disability). Verbal confirmation of the mental or cognitive impairment and/or a developmental disability by the complainant will be considered verification of the condition;

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- **Green Alert** – A Green Alert is used to assist in the safe recovery of a veteran at risk. A veteran at risk is a veteran or an active-duty member of the Armed Forces, the National Guard, or a military reserve component of the United States who is known to have a physical or mental health condition, to include post-traumatic stress disorder (PTSD), that is related to their service. When a report is received of a missing person who is known or reported to be an impaired person or a veteran at risk, police shall respond and provide immediate assistance and resources in investigating and facilitating the safe return of the impaired person. The responding officer shall immediately notify their shift supervisor, who will notify the Chief of Police:
  - A Golden Alert/Green Alert shall immediately be reported to the Operations Bureau Commander and the Chief of Police. Dispatch will then notify the Louisville Metro EMA director (statutorily required within two hours). The Operations Bureau Commander or their designee will coordinate, with Louisville Metro EMA, in notifying the local search and rescue coordinator and the duty officer at the Kentucky Division of Emergency Management.
- A missing child, ten (10) years of age or younger;
- A missing child, regardless of age, who has special needs or may require medical attention;
- Where there is evidence that a missing child may have been abducted or may be the victim of a crime and the America's Missing: Broadcast Emergency Response (AMBER) Alert System needs to be implemented; and
- Any other missing or lost person, regardless of age, that the member has reason to believe is in distress. Examples of distress include:
  - The person has special needs, limiting their ability to care for themselves.
  - The person needs, or may require, medical attention.
  - The person is considered endangered.

The commanding officer will respond to the scene and coordinate an immediate search with available resources.

### **Amber Alert Protocol:**

The Department will comply with the provisions of KRS 16.175 – Abduction of children – Kentucky AMBER Alert System and KRS 39F.180 - Reports of search and rescue missions – Immediate search for lost, missing, or overdue persons.

U.S. Department of Justice Recommended Amber Alert Criteria:

- Law Enforcement officials have a reasonable belief that an abduction has occurred,
- Law Enforcement officials believe that the child is in imminent danger of serious bodily harm or death,
- The victim of the abduction is a child aged 17 years or younger,
- There is sufficient descriptive information of the child, captor, or captor's vehicle to issue an alert, and
- When a child has been reported abducted, the Department shall respond and provide immediate assistance.

Based on the initial investigation officers will determine if there is reasonable belief that an abduction has occurred and the criteria for an AMBER Alert activation has been met. The decision to request an AMBER Alert activation will be a collaboration with on scene investigators, the Chief of Police, and Emergency Management.

Officers will:

- Complete Kentucky Missing Person's Report;
- Complete Kentucky E-NIBRS;
- Complete KSP AMBER Alert activation request;
- Enter the missing child into NCIC. Entry into NCIC should be made without delay including any available information about the perpetrator, vehicles, or any other information that may help law enforcement apprehend the perpetrator and safely recover the child; and



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- Local Emergency Management Director **should** be notified of the abduction during the initial investigation stage **but must** be notified within two hours of the initial response pursuant to KRS 39F.180.

Pertinent information for NCIC entry concerning the possible location of the child and circumstances surrounding their disappearance should include, but is not limited to:

- Whether there is a witness to, or physical evidence of an abduction;
- The age of the child;
- Whether the child has been missing before; prior runaway episodes and locations, frequency; whether the circumstances different this time;
- The length of time the child has been missing; their actions before disappearance, whether the reporting party underestimates the time;
- Whether the child is despondent;
- Whether the child is experiencing academic, personal, or family problems;
- Whether the child is physically or mentally disabled or has a known drug/alcohol problem;
- Whether there is evidence of online enticement; whether blog, instant messaging, text messaging and/or cell phone activity has continued or stopped;
- Interview the person making the report, parents, other care givers, witnesses, friends, and school staff;
- Conduct an initial search (area of disappearance and the child's home);
- Secure any potential crime scene/evidence; and
- Whether the child is in imminent danger of serious bodily harm or death.

Additional information that should be compiled for an AMBER Alert

- Full name, nicknames, age, sex, race, height, weight, hair color, eye color, clothing child was last observed wearing;
- Location, date, and time the child was last seen;
- Recent photograph(s), preferably a close-up of the child's face;
- Medical issues the child has, i.e., needed for prescription drugs, allergies, or other pressing medical conditions;
- Belongings in the child's possession when he or she was last seen (book bags, backpacks, game cases, notebooks), jewelry, body piercing, or noticeable scars;
- Abductor information: Name (if known), age, sex, race, height, weight, hair/eye color, clothing, dress, jewelry, body piercing, facial hair, glasses, or other identifying information;
- Abductor's vehicle description, including year, make model, color, license plate, distinctive insignia, personalization, or damage which sets it apart from others; and
- Direction of travel and last known location of vehicle or conveyance.

Kentucky State Police Post 12 will be contacted and the request for AMBER Alert activation will be forwarded for review. Prior to AMBER Alert activation, KSP will determine:

- That the minor has been abducted or that all available evidence strongly indicates that the minor has been abducted;
- That public notification is the most appropriate method of recovering the child in a safe and efficient manner; and
- The geographic area in which the notification shall be made.

In addition to the AMBER Alert system the Department will utilize every resource available to investigate and facilitate the safe return of all abducted children. If the missing juvenile is located, the dispatcher will notify KSP Post 12 to cancel the Amber Alert.

**Child Missing Alert:**

A Child is Missing Alert may be requested in any case involving a confirmed missing person under the age of twenty-one (21), persons with mental or cognitive impairment, disabled persons, or persons in need of medical attention. A Child is Missing Alert may be used in conjunction with an Amber or Golden Alert. In the event a Child is Missing Alert is necessary, responding officers will notify their shift supervisor who will advise dispatch to contact the Child is Missing Alert Recovery Center at 1-888-875-2246.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**26.14 INCIDENT RESPONSE: HUMAN TRAFFICKING**

It is the policy of the Department to accurately report and aggressively investigate all reports of human trafficking. The Department’s goals are to identify and assist victims of human trafficking and to effectively identify, apprehend, and prosecute those engaged in human trafficking offenses.

The Human Trafficking Victims’ Rights Act (HTVRA) of 2013 states that all efforts should be made to provide suspected child victims of human trafficking with appropriate services. Pursuant to Kentucky Revised Statute (KRS) 431.063, a victim of human trafficking will not be held in a detention center, jail or other secure facility pending trial for an offense arising from the human trafficking situation. The exception to this is when incarceration is found to be the least restrictive alternative to securing the appearance of that person before the court, or the release of the person under any other reasonable condition would be a clear threat to public safety.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.5,27.5</b>
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**27.0 INVESTIGATIONS IN FIELD OPERATIONS**

In most cases, patrol officers should conduct the preliminary investigation. However, detectives should investigate serious or complex cases. The shift supervisor will determine if detectives are needed for the initial investigation based on the following:

- severity of injury and crime,
- total amount of damage or loss,
- amount or type of evidence to be processed or seized, and
- any other incident in which the specialization of a detective is needed.

If a patrol officer decides to investigate and follow through on a case, they will utilize the same case file procedures as established in CID and notify the CID Sergeant. Officers conducting an investigation may be directed by a supervisor or detective to complete an Investigative Letter (SMPD #025).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.6</b>
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**27.1 INVESTIGATIONS: INTELLIGENCE GATHERING**

Identification, intelligence gathering, and crime prevention are the principal objectives for conducting field interviews. An electronic Field Information Form is the preferred method to document field interviews and will be completed through KYOPS anytime an officer has contact with individuals, vehicles, or groups that are allegedly involved in criminal activity.

Officers will have reasonable suspicion to believe that a crime has, is being, or is about to be committed prior to conducting a field interview. Officers should document the subject’s place of employment or school attended in the narrative field.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.5,27.5</b>
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**27.2 INVESTIGATIONS: CASE INVESTIGATIONS**

Officers are encouraged to follow up and close some of the offense reports taken by them to provide detectives more time to concentrate on complex investigations. An officer’s shift supervisor must approve any follow-up investigation taking into consideration manpower and time constraints. Officers will keep detectives informed of any follow up investigation.

Officers doing a follow-up investigation may be directed by a supervisor or detective to complete an Investigative Letter (SMPD #025). Officers investigating burglaries will conduct a neighborhood canvas when taking an initial report. Officers are responsible for the investigation of hit and run collision reports.

The on-call detective will be notified in any of the following incidents:

- Death (other than natural causes but includes overdoses),
- Shooting,
- Stabbing,
- Sex offense,
- Robbery,
- Major theft and
- Any other incident that would more appropriately be handled by a detective.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 17.11,27.1</b>
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**27.3 INVESTIGATIONS: FIELD SUSPECT IDENTIFICATION**

Victim/witness identification of a suspect is a frequently used investigative tool. Department members will strictly adhere to procedures set forth to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and establish evidence that is both reliable and in compliance with established legal procedures.

It must be stressed that this method of suspect identification is only one (1) of many investigative tools at an officer’s disposal. Prior to using any specific out of court identification method, officers will determine whether the victim/witness has seen the suspect at any time since the crime occurred. If so, officers will consult with a prosecutor from the Office of the Commonwealth’s Attorney prior to using any out of court identification method. Furthermore, officers should consider the totality of the circumstances and attempt to determine the victim’s/witness’s level of confidence before using any specific out of court identification method. Factors to consider include, but are not limited to:

- The opportunity of the victim/witness to view the perpetrator at the time of the crime,
- The victim’s/witness's degree of attention,
- The accuracy of the victim’s/witness's prior description of the perpetrator, and
- The length of time between when the crime occurred and the identification process.

If a positive identification is made by a victim/witness, the investigating officer will consider the level of certainty displayed by the victim/witness as a factor in determining the reliability of the identification process and whether probable cause exists to make an arrest.

Other identification methods (e.g., fingerprints, blood grouping, DNA, etc.) should be utilized, if possible, to assist with an accurate identification. Victim/witness information can be used in several ways to aid in identifying suspects. Methods of suspect identification include, but are not limited to:

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- Composite identification,
- Photo-pack identification, and
- Show-up identification

Every effort should be made to keep the victim/witness informed of the process. When scheduling a procedure covered in this policy, it should be done at a time that is as convenient for the victim/witness as possible. Regardless of whether a positive identification is made by a victim/witness, the administrator will record their observations (e.g., statements, gestures, or reactions of the victim/witness).

### **Composite:**

The non-photographic pictorial compilation of physical characteristics of a suspect, based upon victim/witness information. Care should be taken to not influence the suspect's description provided by a victim/witness while developing such a composite image or sketch. Only those officers trained in the use of this identification technique will utilize it.

Prior to making a request for a composite, officers will determine whether the victim/witness has seen the suspect at any time since the crime occurred. If so, officers will consult with a prosecutor from the Office of the Commonwealth's Attorney prior to conducting composite identification procedures. Furthermore, officers should attempt to assess the victim's/witness's level of confidence and their ability to provide a sufficient physical description for a composite.

Factors to consider include, but are not limited to:

- The opportunity of the victim/witness to view the perpetrator at the time of the crime,
- The victim's/witness's degree of attention,
- The accuracy of the victim's/witness's prior description of the perpetrator, and
- The length of time between when the crime occurred and the identification process.

Officers needing a composite should contact the LMPD Crime Scene Unit for a technician authorized to do composites. Composite procedures include:

- Selecting an environment that minimizes distractions,
- Assessing the ability of the victim/witness to provide a description,
- Conducting the procedure with each victim/witness individually,
- Avoiding contamination of the victim's/witness's memory through the viewing of other composites, and
- Determining, with the victim/witness, if the composite is a reasonable representation of the perpetrator.

The investigating officer will consider the level of certainty displayed by the victim/witness as a factor in determining the reliability of the composite.

### **Definitions:**

**Photo-pack Identification:** The showing of multiple photographs, including a single suspect, to a victim/witness, to obtain identification. Photo-pack identifications must use multiple photographs and may be shown sequentially or simultaneously to a victim/witness.

**Sequential Photo-pack:** An identification procedure in which photographs are displayed one (1) at a time (sequentially) to a victim/witness. Each photograph is taken back before the next photograph is shown.

**Simultaneous Photo-pack:** An identification procedure in which all the photographs are displayed at once.

**Blind Administrator:** An officer who is not participating in the investigation and is unaware of which person in the photo-pack is the suspect. In a blind procedure, no one present should know the suspect's identity.

**Fillers:** Persons who are non-suspects. Fillers will be selected who fit the description of the perpetrator so that no individual filler stands out.

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Prior to allowing a victim/witness to view a photo-pack, officers will determine whether the victim/witness has seen the suspect at any time since the crime occurred. If so, officers will consult with a prosecutor from the Office of the Commonwealth's Attorney prior to conducting photo-pack identification procedures. Furthermore, officers should attempt to assess the victim's/witness's level of confidence and their ability to make an identification. Factors to consider include, but are not limited to:

- The opportunity of the victim/witness to view the perpetrator at the time of the crime,
- The victim's/witness's degree of attention,
- The accuracy of the victim's/witness's prior description of the perpetrator, and
- The length of time between when the crime occurred and the identification process.

Any officer/detective using a photo pack must request the photo pack through [livescan@ky.gov](mailto:livescan@ky.gov). The officer/detective will utilize their department email and include the following:

- Investigating officer's last name, first name and middle initial,
- Investigating officer's code number,
- Investigating officer's contact phone number,
- Department name,
- Division,
- County,
- Case number(s) (report number),
- Offense(s) committed,
- Offense date(s),
- Suspect's/accused's last, first and middle names,
- Suspect's/accused's date of birth (DOB),
- Suspect's/accused's Social Security Number (SSN), and
- Suspect's/accused's Kentucky driver's license number

The photo-pack will be presented by a blind administrator. The blind administrator will remain sequestered from the eyewitnesses. It is preferred that the sequential photo-pack process be used, but it is not mandatory. Unless impracticable, the victim/witness should view the photo-pack out of earshot and view of others and in a location that avoids exposing the victim/witness to information or evidence that could influence the victim/witness's identification.

The suspect nor any photographs of the suspect (including wanted posters) should be visible in any area where the victim/witness will be present. When showing a photo-pack to a victim/witness, the administrator will:

- Make a video and/or audio recording of the photo-pack identification process. If neither recording method is employed, the reason for not recording the photo-pack process will be documented on the Photo-pack Identification form;
- Show the photo-pack to only one (1) victim/witness at a time. To the extent possible, prevent victims/witnesses from conferring with each other before, during and after the photo-pack process;
- Show all the photographs, even if the victim/witness makes an identification. If the victim/witness wishes to view a single photograph again, the administrator will present the entire photo-pack; and
- Prevent the victim/witness from hearing or observing other victims/witnesses during the identification procedure.

The administrator will read out loud the Instruction Statement for Photo-Pack Identification Form (SMPD #076) to instruct the victim/witness on the proper viewing of a photo-pack by advising them that:

- They will be looking at a set of photographs;

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- More than one (1) photo-pack may be shown if there are multiple perpetrators or multiple suspects;
- The person who committed the crime may or may not be in the set of photographs being presented;
- Regardless of whether an identification is made, the police will continue to investigate the incident;
- They should not assume that the administrator knows the identity of the suspect;
- Features such as head, facial hair and clothing are subject to change;
- They are not obligated to choose an individual from the photo-pack;
- It is just as important to clear innocent persons from suspicion as to identify guilty parties;
- The photographs will be shown one (1) at a time (sequential);
- They should not pay attention to any marking or numbers on the photographs or any differences in the type or style of the photographs. They are not relevant to identifying anyone in the photographs; and
- They may take as much time as needed to view each person in the photo-pack. The administrator will not interrupt the victim/witness as long as they are viewing the photo-pack.

The administrator conducting the photo-pack process should ask the victim/witness if they understand how the procedure will be conducted and if they have any questions. After conducting the photo-pack process, the administrator is responsible for the following:

- If a sequential photo-pack is utilized, have the victim/witness sign and date the back of the photograph or the display, next to the person whom he/she identified, if identification is made. Do not use the signed photograph/display again;
- If a simultaneous photo-pack is utilized, have the victim/witness circle the photograph that they chose and then have them sign and date the photograph;
- Have the victim/witness complete the Photo-pack Identification form, whether a positive identification is made;
- If the victim/witness refuses to sign the Photo-pack Identification form, the administrator will note on the signature line for the victim/witness "Victim/Witness refused to sign" and have the departmental witnesses sign on the proper lines. If the victim/witness refuses to sign the form, the recording of the identification process is mandatory;
- Preserve the photo-pack for future reference, whether identification is made;
- Advise the victim/witness that they should not discuss the photo-pack or its results with other victims/witnesses and may discourage them from discussing the case with the media, as media exposure could jeopardize a pending investigation; and
- Prevent the victim/witness from returning to the same area where other victims/witnesses are waiting to view the photo-pack.

Officers involved in this procedure will not say or do anything, or otherwise provide feedback, which may influence the judgment or perception of the victim/witness. The administrator must avoid any words, sounds, expressions, actions, or behaviors that suggest who the suspect is. Before, during or after conducting the photo-pack, the administrator will not:

- Volunteer information about the suspect or the case,
- Indicate that the administrator knows who the suspect is,
- Indicate to the witness that he or she has picked the "right" or "wrong" photograph, or
- Tell the witness that any other witness has made an identification.

If a positive identification is made by victim/witness, the investigating officer will consider the level of certainty/confidence displayed by the victim/witness as a factor in determining the reliability of the photo-pack identification and whether probable cause exists to make an arrest.

Upon the request of the victim/witness, the victim/witness may view the photo-pack again after the first photo-pack procedure has been completed. If the victim/witness requests an additional viewing, the photo-pack

administrator will present the entire photo-pack in the same order as the original presentation. If an additional viewing occurs, it will be documented. The administrator should never suggest an additional viewing to the victim/witness. It is recommended that the victim/witness not be allowed to view the photo-pack more than two (2) times.

In addition to the video/audio recording of all photo-pack procedures, an Instruction Statement for Photo-Pack form (SMPD #076) and a Photo-pack Identification form (SMPD #077) will be completed by the administrator for each victim/witness who views a photo-pack, regardless of whether a positive identification is made. If a victim/witness views more than one (1) photo-pack, the forms will be completed for any subsequent photo-pack.

**Show-Up Identification:**

The presentation of a single suspect to a victim/witness, within a reasonable amount of time, following the commission of a crime. A show-up identification is conducted for the purpose of identifying, or eliminating, the suspect as the perpetrator.

All show-up identifications are considered suggestive. Photo-packs are the preferred method of eyewitness identification; however, circumstances may arise which require the prompt display of a suspect to a victim/witness. Proper procedures will be followed to minimize potential suggestiveness.

An officer will not conduct a show-up unless reasonable, articulable reasons exist for not using a photo-pack. Prior to conducting a show-up, officer(s) will:

- Consider using a photo-pack;
- Consider the circumstances and determine whether, under the totality of circumstances, the show-up would be so suggestive that there exists a substantial likelihood that an irreparable misidentification will take place;
- Determine whether the victim/witness has seen the suspect at any time since the crime occurred. If so, officers consult with a prosecutor from the Office of the Commonwealth's Attorney prior to conducting show-up procedures; and
- Attempt to assess the victim's/witness's level of confidence and their ability to make an identification. Factors to consider include, but are not limited to:
  - The opportunity of the victim/witness to view the perpetrator at the time of the crime
  - The victim's/witness's degree of attention
  - The accuracy of the victim's/witness's prior description of the perpetrator
  - The length of time between when the crime occurred and the identification process.

When an officer conducts a show-up, they will:

- Ensure that the suspect is presented to the victim/witness within a reasonable amount of time;
- Prior to the show-up, determine and document a description of the suspect;
- Do not conduct the show-up with more than one (1) victim/witness at a time;
- If there are multiple suspects, the victim/witness will view each suspect in a separate show-ups, conducted in accordance with the procedures outlined in this section;
- Transport a victim/witness to the location of the detained suspect to limit the legal impact of the suspect's detention. The suspect may waive their right to have the victim/witness brought to them and be transported to the victim/witness. The officer will have the suspect sign a written waiver. Persons who are under arrest may be transported to the location of the victim/witness. Do not conduct the show-up at the crime scene;
- In situations where a victim/witness is in danger of imminent death or blindness, an immediate show-up may be arranged, if medical personnel consent. The suspect must still waive their right to have the victim/witness brought to them to be transported to the victim/witness, unless the suspect has already been placed under arrest;



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- Consider officer and public safety when deciding whether to have the suspect in handcuffs/shackles during the show-up. If handcuffs/shackles are required, the suspect will be positioned so that the handcuffs/shackles are not visible to the witness. Show-ups should not be conducted with the suspect seated in the rear seat of a police vehicle, in a cell or in any other enclosure associated with custody;
- Not require the suspect to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator;
- Not present the same suspect to the same victim/witness more than once;
- Not allow the victim/witness to view any information concerning any previous arrest, indictment, conviction or identification of the suspect; and
- Not allow the victim/witness to overhear any information regarding the suspect (e.g., radio conversations).

Video recordings will be made of all show-ups. Optional audio recordings may also be made. If neither method is employed, the reason for not recording the show-up will be documented on the Show-Up Identification form (SMPD #079).

Prior to viewing the suspect, the officer conducting the show-up will read out loud the Instruction Statement for Show-Ups form (SMPD #078) to the victim/witness and document on the Show-Up Identification Form (SMPD #079). This form will be used to instruct the victim/witness on the proper viewing of a show-up, by advising them that:

- The person whom they are viewing may or may not be the perpetrator,
- It is just as important to clear innocent persons from suspicion as it is to identify guilty parties,
- Regardless of whether an identification is made, the police will continue to investigate the incident,
- They are not obligated to make an identification from the show-up, and
- They should not discuss the show-up or its results with other victims/witnesses and discourage them from discussing the case with the media, as media exposure could jeopardize a pending investigation.

Officers involved in the show-up will not say or do anything, or otherwise provide feedback, which may influence the judgment or perception of the victim/witness.

Any deviation from these procedures will be documented on the Show-Up Identification form (SMPD #079). If a positive identification is made by victim/witness, the investigating officer will consider the level of certainty displayed by the victim/witness as a factor in determining the reliability of the show-up and whether probable cause exists to make an arrest.

In addition to the video/audio recording of all show-ups, an Instruction Statement for Show-Ups form (SMPD #078) and a Show-Up Identification Form (SMPD #079) will be completed by the presenting officer for each victim/witness who views a show-up, regardless of whether a positive identification is made. Officers should also consider using other identification procedures (photo-pack) for any subsequent victims/witnesses, if a positive identification is made from one (1) victim/witness.

### **Single Photo Verification:**

In certain situation, a single photo verification is permissible. This is a process by which a complainant or witness is shown a single photograph because they have thorough familiarity with the person who is suspected in the criminal activity and law enforcement is simply verifying that the suspect identified by the law enforcement is the same subject known to the witness.

In all out of court suspect identifications, the officer/detective should:

- Document whether the victim/witness positively, negatively or could not determine an identification,
- Documentation must be provided to the prosecutor in all cases, and

- Have the victim/witness should provide a statement in their own words indicating their level of confidence in the identification.

<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards: 17.9</b>
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#### **27.4 INVESTIGATIVE: CRITICAL INCIDENT INVESTIGATIONS**

The Executive Command Staff and the Training Coordinator will conduct a critical incident review of all firearm discharges, in-custody deaths, or serious injuries, and all uses of force/response to resistive suspects when the injury results in hospitalization. This review will result in a written critique and specifically address the following issues and make a specific determination whether:

- The force, control and/or restraint was consistent with the department policy,
- There are any issues requiring a re-evaluation of department policy and/or procedures,
- There are any training needs identified,
- The equipment provided by the Department was adequate, and
- Supervisory involvement was reasonable.

In all cases, the Chief of Police or their designee will consider whether it is in the Department’s best interest to utilize the services of the Louisville Metro Police Department’s Public Integrity Unit. In cases where it is determined that the Department lacks the resources to conduct a complete and thorough investigation of the event, the Louisville Metro Police Department will be notified for assistance as soon as possible. This section does not relieve the Department of its responsibility to review the event for a determination as to whether department policy and training issues are indicated by the action.

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#### **27.4.1 INVESTIGATIVE: CRITICAL INCIDENT RESPONSE**

##### **Initial Response:**

First Officer on Scene:

- Make sure the scene is safe for entry;
- Provide for the immediate medical attention to all injured persons;
- Secure the scene (s) of the event (s); to the extent possible use crime scene tape to secure any area that may contain evidence pertinent to the events being investigated;
- Assign sufficient personnel to ensure that the scene perimeter is not breached;
- Remove the involved officer from the scene to a private location; and
- Secure and segregate all witnesses to the event. This would include the segregation of officer so that no allegations can be made that officers got together to come with a story of the events.

First Responding Supervisor:

- Immediately assume role of incident commander and utilize the incident command concept until otherwise relieved of incident command;
- Check on the well-being of involved officer(s);
- Allow/Assist officer in calling family member(s) and/or ensure notifications made to officer (s) family;
- Contact a Peer Support representative for the officer(s) involved;
- Notify dispatch of the number and severity of those injure;
- Determine resources necessary for circumstances i.e., community unrest etc.;
- Assign a scribe to document all personnel present and the mission of each person entering the scene;
- Assign officer(s) to accompany injured officers, suspects, and victims to hospital;

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- Notifications to Executive Command Staff via dispatch;
- Notify and brief surrounding agencies, if applicable;
- Brief arriving detectives and ranking officers;
- Secure all weapons (in the event of officer involved shooting). Provide replacement gun as soon as possible;
- Consider notifying Commonwealth or County Attorney for on-scene response; and
- Secure all evidence. This could include but is not limited to:
  - Secure all recorded information surrounding event:
    - Video/Audio Recording,
    - Mobile Data Terminal (MDT) communication,
    - Dispatch tapes,
    - Computer Aided Dispatch (CAD) Log, and
    - 911 phone calls.
  - Other Evidence:
    - Photographs,
    - Diagrams,
    - Bullet Trajectory including those that missed,
    - Witness officers'/deputy's equipment, and
    - Consider light meter (illuminometer) to measure lighting conditions.
- Provide all available information to investigators of the incident.

### **Guidelines:**

- The involved officer will be allowed to obtain sleep before making any statements and compiling any reports. The involved officer statements and reports should be scheduled after 72 hours of incident. The interview location and time should be coordinated with the officer and their attorney;
- Officer (s) should be allowed to review any available video/audio recording of the incident and have access to council before making statements.
- Any Peer Support officer will not discuss details of the response to resistance with the involved officer(s).
- Officers should be instructed not to discuss the incident with fellow officers until permitted to do so. However, may discuss the incident with a family member, their attorney, a designated representative appointed by the president of FOP Lodge 31, health care provider, or clergy. All officers involved in a deadly force incident will need to speak with the department approved psychologist, per SOP (Section 8.7); and
- The FOP Lodge 31 President will be notified to assist the officer in making arrangements for legal counsel.

### **Post Incident Procedures:**

- Administrative Leave -- Involved personnel will be removed from line duties pending evaluation but will remain available for any necessary administrative investigation. See SOP (Section 8.14);
- Counseling Assistance -- All departmental personnel directly involved in or affected by the critical incident will be required to take part in the city sponsored Employee Assistance Program, or other program as deemed appropriate by the Chief of Police, as soon as practical after the incident. Involved support personnel should also be encouraged to take part in similar programs.
- Family Counseling -- The Department strongly encourages the families and significant others of the involved officer (s) to take advantage of available counseling services; and
- Investigation Timeliness -- Any department investigation of the incident will be conducted as soon and as quickly as practical.

### **Departmental Debriefing:**

The Chief of Police may sponsor a department-wide debriefing concerning the incident so that rumors are kept to a minimum. The Briefing should be limited to known facts, and no statements that make a conclusion of fact should be made (i.e., this was a good / bad shooting).

Department members are encouraged to show the involved officer (s) their concern. Members should not discuss the facts of the incident with the involved officer (s).

**Daily Stress Recognition:**

Stress disorders may not arise immediately, or the officer (s) may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for changes in behavior that may be disrupting the officer (s) job performance.

A supervisor will report any noted changes in the officer (s) job performance through the chain of command, at which time any further action will be at the discretion of the Chief of Police.

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**28.0 DOMESTIC VIOLENCE: INTRODUCTION**

The purpose of this policy is designed to provide officers and support personnel with clear definitions, direction, and guidelines for providing and promoting a consistent, effective response to domestic violence crime to accomplish the following goals:

- Make an arrest for any domestic violence related protection orders;
- Reduce the incidence and severity of domestic violence crime;
- Afford maximum protection and support to adult and child victims of domestic violence through coordinated services of law enforcement and victim assistance; and
- Reduce the risk of civil liability for officers, supervisors and administrators, and the employing unit of government.

**Definitions:**

- **Dating Relationship:** means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
- **Domestic Disturbance or Dispute Call:** means a call involving an argument or disagreement between family members, unmarried couples, or household members.
- **Domestic Violence Call:** means a call where an adult, child, or family member or member of an unmarried couple is alleged to be the victim of:
  - Physical injury or fear of imminent physical injury (explicit or implied threats);
  - Sexual abuse or in fear of imminent sexual abuse;
  - Strangulation or in fear of imminent strangulation;
  - Unlawful imprisonment/kidnapping;
  - Property crime;
  - Stalking; or,
  - Violation of terms or conditions of a protective order by the other party.
- **Domestic Violence and Abuse:** means not only causing physical injury, serious physical injury, stalking, sexual abuse, strangulation or assault between family members or members of an unmarried couple, but also causing fear of such imminent physical injury, serious physical injury, sexual abuse, strangulation or assault. **KRS 403.720(1).**

- **Domestic Violence Order: (“DVO”)** means a court order issued under the provisions of **KRS 403.750** following a hearing against a family member or a member of an unmarried couple where the court has found violence has occurred and is likely to occur again. In Kentucky, a “DVO” is valid for up to three years (the date of expiration should appear on the order.)
- **Emergency Protective Orders: (“EPO”)** means an ex parte court order (an order issued at the request of one party without a hearing) issued under the provisions of **KRS 403.730** against a family member or a member of an unmarried couple who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order).
- **Family Member:** means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim. **KRS 403.720(2).**
- **Foreign Protective Order: (“FPO”)** means any judgment, decree, or order of protection issued by a court of any state of the United States or tribal court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec 2265. **KRS 403.7521(1).** Foreign Protective Orders shall be enforced as written. **NOTE:** Out-of-state orders may not have an expiration date and may even contain provisions which could not otherwise be issued by Kentucky Court.
- **Interpersonal Protective Order: (“IPO”)** means a court order issued under the provisions of **KRS 456.060** following a hearing against a person who is or has been in a dating relationship, a victim of sexual assault or stalking where the court has found violence has occurred and is likely to occur again. In Kentucky, an IPO is valid for up to three years (the date of expiration should appear on the order.)
- **Member of an Unmarried Couple:** means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple; who is living together or has formerly lived together. (**KRS 403.720(5)**)
- **Mutual Protection Order:** is an order of protection against both the Petitioner and Respondent only if each has filed a separate petition seeking protection against the other. The order must be specific to make clear to any peace officer which party has violated the order. **KRS 403.745(4).** **NOTE:** Out-of-state mutual protection orders are enforceable only if the issuing court has made specific findings that each party in a separate order was entitled to an order of protection.
- **Temporary Interpersonal Protective Orders: (“TIPO”)** means an ex parte order (an order issued at the request of one party without a hearing) issued under the provisions of **KRS 456.040** against a person who is or has been in a dating relationship, the alleged perpetrator of sexual assault or stalking (where a relationship may or may not exist between the perpetrator and victim) who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order). The officer seeking to enforce the order shall determine that certain conduct has been prohibited on the order form or in the LINK system - - the officer cannot assume any particular provision is in force. The officer must also determine whether service or notice of the order has been completed.

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**28.1 DOMESTIC VIOLENCE: COMMUNICATION PROCEDURES**

Two (2) officers will be dispatched to respond to all domestic violence calls. Dispatchers will obtain all pertinent critical information and attempt to determine if domestic violence is in progress. Dispatchers will keep responding officers updated with additional information from the victim by maintaining contact if possible. If the victim must leave the telephone to seek safety, the dispatcher will advise the victim to lay the phone down but not disconnect so the dispatcher can continue to monitor the situation. If the victim has left the scene of the domestic violence, the dispatcher will advise them to remain where they are until officers arrive at the scene of the domestic violence to assess the situation. The dispatcher will advise responding officers of the victim’s location.

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## **28.2 DOMESTIC VIOLENCE: INVESTIGATION**

### **On-scene investigation, arrest, and post arrest procedures**

General responsibilities at the scene:

- Assess the situation for risks to all parties including children;
- Address the emergency medical needs of those involved;
- Interview parties/witnesses separately and away from the line of sight and hearing of the perpetrator;
- Effect an arrest of the primary aggressor if that can be determine;
- Secure any weapon that poses a safety risk. Officer must note or photograph the weapon prior to its removal for safety reasons;
- Inform the victim of their rights;
- Provide victim information on legal remedies and community services available for protection and safety planning, to include contact information for Victim Services Specialist;
- Assist the victim in securing legal protection (warrant, protective order) which may include transporting the victim to obtain the legal protection, if appropriate;
- Officers will complete an e-JC3 report in all known or suspected domestic violence or abuse cases. No Incident Report is required to accompany the e-JC3 for Duties Only reporting but will be completed when any charge is applicable;
- Photograph any relevant injuries;
- Arrange for follow up photographs of the victim to demonstrate the extent of the injuries that may later become more obvious;
- Attend to any children or dependent adults. If children are present, complete the “Handle with Care” report in KYOPS; and
- Check LINK and NCIC for outstanding warrants.

A Detective will be notified in any of the following domestic violence situations:

- When an involved party receives a serious physical injury,
- Any strangulation case,
- Rapes,
- Kidnapping or hostage situations,
- Stalking cases where the victim is in imminent danger, and
- Any incident where the responding officer needs the assistance of a detective.

In strangulation cases, detectives will strongly encourage and assist in taking the victim to University Hospital for a forensic examination.

#### **Arrests:**

Arrest is the preferred response to domestic violence.

#### **Mutual Violence:**

- Where the officer has probable cause to believe that DV has occurred, the officer should arrest the primary aggressor;

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- Where there is probable cause to believe that all parties are equally responsible, the officer should contact their immediate supervisor for assistance in a resolution;
- Officers should not use mutual arrests as a substitute for a thorough investigation; and
- Officers should use the facts of the current situation to determine the primary aggressor.

### Emergency Protective Orders (EPO)

- Emergency Protective Orders are immediately enforceable only if the respondent has been served or given notice of the contents;
- The law enforcement officer should check through the LINK - Domestic Violence File to verify service of the Emergency Protective Order;
- If personal service has not occurred, the officer shall immediately give the respondent notice of the contents of the Emergency Protective Order and the Jefferson County Sheriff's Office will be contacted to serve the order;
- After notice has been given to the respondent, its terms are binding and enforceable for subsequent acts; and
- Information regarding notice and arrangements for service shall be marked on the JC-3 form.

### Domestic Violence Orders (DVO)

- DVO shall be enforced immediately upon issuance and
- The officer shall make sure that the conditions for which an arrest is made are prohibited in the "DVO".
  - All law enforcement officers should be aware that pursuant to the Carrying a Concealed Deadly Weapon Statute, "...when a Domestic Violence Order or Emergency Protective Order is issued pursuant to the provision of **KRS Chapter 403** against a person holding a license issued under (the law), the holder of the permit shall surrender the license to the court or to the officer serving the order". **KRS 237.110(10)**.

### Temporary Interpersonal Protective Orders (TIPO)

- Temporary Interpersonal Protective Orders are immediately enforceable only if the respondent has been served or given notice of the contents;
- The law enforcement officer should check through the LINK - Domestic Violence File to verify service of the Emergency Protective Order;
- If personal service has not occurred, the officer shall immediately give the respondent notice of the contents of the Temporary Interpersonal Protective Order and the Jefferson County Sheriff's Office will be contacted to serve the order;
- After notice has been given to the respondent, its terms are binding and enforceable for subsequent acts; and
- Information regarding notice and arrangements for service shall be marked on the JC-3 form.

### Interpersonal Protective Orders ("IPO")

- IPOs shall be enforced immediately upon issuance and
- The officer shall make sure that the conditions for which an arrest is made are prohibited in the "IPO".
  - All members should be aware that pursuant to the Carrying a Concealed Deadly Weapon Statute, "...when a Domestic Violence Order or Emergency Protective Order is issued pursuant to the provision of KRS Chapter 403 against a person holding a license issued under (the law), the holder of the permit shall surrender the license to the court or to the officer serving the order". KRS 237.110(10);

### Foreign Protective Orders ("FPO")



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- All out-of-state Protective Orders shall be enforced as written including provisions which grant relief not available in Kentucky;
- All Foreign Protective Orders are presumed valid upon presentation to the law enforcement officer. Foreign Protective Orders do not have to have been entered into the LINK system to be valid and enforceable;
- Some Foreign Protective Orders may have been filed or recorded and may be verified through LINK
- When a Foreign Protective Order is presented to the law enforcement officer by the complainant, the officer should:
  - Determine whether the order is current and
  - Determine whether the conduct complained of is prohibited by the order.
- For different reasons, some Foreign Protective Orders do not have expiration dates on them. Even through no expiration date is contained on the order, the officer shall accept the statement (written or oral) of the complainant that the order is current;
- The officer shall assume that the respondent was given notice of the protective order and its contents; and
- If the officer has probable cause to believe the respondent has violated the terms of the Protective Order, he shall arrest the respondent as having violated a Protective Order. **KRS 403.763, KRS 456.180.**
  - All peace officers shall make arrests for a violation of a Foreign Protective Order in the same manner as a violation of an Emergency Protective Order, Domestic Violence Order or Interpersonal Protective Order as if it had been entered by a Kentucky Court. The charge shall be a violation of a Protective Order. **NOTE:** This shall not preclude officers from arresting the perpetrator for other violations of the Kentucky Penal Code; Law enforcement officers are not expected to be aware of any changes of a Foreign Protective Order that are not clearly on the order itself; or, if the order is on LINK, if the changes are not indicated on LINK.

### Obtaining Warrants/Protective Orders

- When a domestic violence crime has allegedly been committed, and the officer is unable to arrest the alleged perpetrator under the provisions discussed above, the officer will assist the victim in obtaining an arrest warrant and/or protective order;
- The officer may apply for an arrest warrant when they have sufficient information to establish probable cause;
- The victim's non-cooperation shall not be considered when seeking warrants; and
- If the offense occurs after normal working hours, this Department will follow the 24-hour access policy established by the court;

### Domestic Violence Perpetrator is a Juvenile

- Officers will handle juvenile perpetrators of domestic violence in the same manner as an adult perpetrator;
- If a juvenile is taken into custody, officers shall process the juvenile under the provisions of the Juvenile Code (**KRS Chapters 600-645**);
- Officer should not release juvenile perpetrators at the scene; and
- Officers should contact the Court Designated Worker (CDW) for an alternative placement for the juvenile perpetrator.

### Special Needs Victims

- Some domestic violence victims have special needs because of their relationship to the perpetrator, limited physical or mental abilities, or some other factor. These factors make it extremely difficult for them to report their victimization, call for assistance, or participate fully in the investigation and prosecution of their case;
- Officers should treat all victims respectfully and as seriously as any other criminal case; and

- Officer should refer these victims to specialized support services to ensure the victim receives protection, physical assistance, medical treatment or other services as needed.

### **Involuntary Hospitalization**

- If the officer believes the domestic violence perpetrator has a mental health condition which indicates that the person is an imminent danger to self or others, the officer needs to follow the provisions set forth in **KRS 202A; and**
- This statute should not be used as substitute for an arrest. If additional domestic violence criminal charges exist, the officer will advise hospital security of these charges and the need to be notified pending release. Upon release, the perpetrator will be transported to the Louisville Metro Department of Corrections.

### **Domestic Violence or Dating Violence Stalking**

- Officers should complete a full report and investigation where a domestic violence, dating violence or any other victim alleges that he or she has been stalked;
- Officers shall offer the Motion/Petition for Order of Protection to victims of stalking, whether it be domestic violence, dating violence or when no relationship exists between the victim and the perpetrator, in accordance with KRS 456; and
- Officers should advise stalking victims to notify this Department of subsequent incidents.

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### **28.3 DOMESTIC VIOLENCE: VICTIM’S RIGHTS**

Whether or not an arrest has been made, if the officer has reason to suspect that a family member or member of unmarried couple, or persons who are or have been in a dating relationship, has been the victim of domestic violence, dating violence, sexual assault or stalking, the officer is required by **KRS 403.785 (2)** (for family members or members of an unmarried couple) or **KRS 456.090(2)** (for persons of a dating relationship, victim of sexual assault or stalking), to use all reasonable means necessary to prevent further domestic violence, including but not limited to:

- Remaining at the scene as long as the officer reasonable suspects there is danger to the physical safety of the individuals present without the presence of an enforcement officer;
- Assisting the victim to obtain medical treatment, including offering to transport, or arranging for the transportation of the victim to the nearest medical treatment facility capable of providing the necessary treatment;
- Advising the victim of rights and services available;
- Providing the Victim’s Rights Information form may not fully satisfy this duty. The responding officer should also ensure that the victim can read and understand the print form;
- To protect the victim and provide access to a safe environment, the officer should, when possible:
  - Provide a copy of a safety plan, if available;
  - Inform the person of local procedures for victim notification; and
  - Provide the victim with the Center for Women’s and Families, 927 South Second Street (581-7200) in their area for crisis intervention counseling; information and referral, emergency shelter for victims of abuse (women and children), speakers on issues of rape, child sexual assault, family violence support groups, and the court advocacy program, which works toward communication, networking, support in legal process, and referrals. Many of these programs are provided in Appendix 2 of the SOP; and

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- Death of an adult or child does not relieve the officer of the responsibility to report the circumstances surrounding the death related to abuse or neglect. A report should be generated per SOP (Section 25.10).

### Victim Notification

- Officers who receive warnings from mental health professionals under the provisions of **KRS 202A.400** of threatened violence against an identifiable victim or victims should attempt to contact the intended victim or victims;
- Officers should inform the victim of the threatened violence, advise him or her of all available legal remedies and assist the victim in accessing those legal remedies;
- Officers should discuss alternative safety plans with the intended victim, provide transportation to a safe location if necessary, and give other indicated assistance;
- Officer and supervisor should decide what further investigation or action (e.g., increased patrol, alert to all shift officers, etc.) is indicated; and
- Officers and supervisors should fully document the report of threatened violence, all attempts by officers to contact the intended victim or victims, and all further recommendation investigations or actions on a e-Call Form.

### Good Faith Immunity from Liability

Officers who reasonable perform their duties in good faith have immunity from civil and criminal liability under the following situations:

- Enforcing Emergency Protective Order or Domestic Violence Orders KRS 403.785(4),
- Enforcing Temporary Interpersonal Protective Orders or Interpersonal Protective Orders KRS 456.090(4),
- Enforcing Foreign Protective Orders. KRS 403.7521(2),
- Making a report or investigation for adult abuse or neglect KRS 209.050, and
- Making a report or investigation for child dependency, abuse or neglect. KRS 620.050(1)

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 30.1</b>
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## **28.4 DOMESTIC VIOLENCE: FEDERAL CRIMES & GUN PROHIBITION**

The federal government prohibits certain domestic/dating violence and abuse respondents, and those defendants convicted of a misdemeanor crime of domestic/dating violence and abuse, from possessing a firearm or ammunition.

Designated law enforcement agencies are required to make a reasonable effort to provide victims with notice that a perpetrator has attempted to purchase a firearm in violation of the federal gun ban. The Jefferson County Sheriff Office currently handles this responsibility, but officers should be aware of their legal responsibility should they learn of an attempted purchase. Officers will notify the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) when they become aware of respondents possessing firearms in violation of federal law.

### **The Violence Against Women’s Act Federal Crimes**

- **“Interstate Domestic Violence”** means crossing a state line in order to commit domestic violence and subsequently committing the act or causing another to cross a state line due to domestic violence. This crime occurs when:

- A person who travels across a state line, enters, or leaves Indian country with the intent to injure, harass, or intimidate that person’s spouse or intimate partner; and
- Who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to the person’s spouse or intimate partner. **18 U.S.C. sec 2261(a) (2).**
- A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion duress, or fraud; and,
- In the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person’s spouse or intimate partner. **18 U.S.C. sec 2261(a) (2).**
  
- **“Interstate Violation of a Protection Order”** means: crossing a state line to commit domestic violence in violation of a protection order or causing another to cross state lines and subsequently violating the protection order. This crime occurs when:
  - A person who travels across a state line, enters, or leaves Indian country with the intent to engage in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment or bodily injury to the person or persons for whom the protection order was issued; or;
  - Would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued; and,
  - Subsequently engages in conduct which violates the protection order. 18 U.S.C. sec. 2262(a) (1).
  - A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion, duress, or fraud; and
  - In the course or as a result of that conduct intentionally commits an act that injures the person’s spouse or intimate partner in violation of a valid protection order issued by a state. **18U.S.C. sec. 2262(a) (2).**

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 17.4,30.1
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**28.5 DOMESTIC VIOLENCE: LAW ENFORCEMENT OFFICER**

**High Profile / Sensitive Incidents**

- A responding officer should notify their supervisor when he responds to a domestic violence call involving a law enforcement officer;
- The supervisor should respond to the scene;
- The supervisor should notify the Operations Bureau Commander and advise of the situation;
- When a law enforcement officer is investigating a member of another law enforcement agency, that investigating officer should notify the highest-ranking officer on-duty of the agency with whom the officer under investigation is employed;
- In all cases, this applies whether the person is the victim or the perpetrator;
- Complaints against officers involving the physical or sexual abuse of a minor will be immediately investigated by the LMPD CACU and immediately reported to the Support Bureau Commander and the Kentucky CHFS; and
- Nothing in this section precludes any internal investigation after the criminal complaint is completed.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**28.6 DOMESTIC VIOLENCE: CHILD/ADULT ABUSE OR NEGLECT**

When child/adult abuse or neglect is suspected, the officer will complete a Child Abuse, Adult Abuse, and

Domestic Abuse Standard Report (E-JC3). The officer will also call the Child Protective Services Police Hotline at (502) 595-5342.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **28.7 DOMESTIC VIOLENCE: RESTRAINING ORDERS**

Officers have no jurisdiction or enforcement responsibilities concerning restraining orders.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.6</b>
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### **29.0 ARRESTS**

Department policy provides officers a guideline to use discretion in the performance of their duties. It is up to the individual officer to consider the situation, relevant factors, previous knowledge, training, and good judgment when making decisions. Officers using discretion will not usually be held at fault by a supervisor, although the supervisor may recommend more appropriate alternatives.

Officers must have probable cause to make an arrest by performing their official duties as a sworn peace officer or by making a private citizen's arrest for a felony. To have probable cause an officer must have facts or reliable information giving them reasonable belief that the person arrested has committed a crime. If necessary, officers may use reasonable force to affect an arrest.

Situations may arise where officers elect to exercise other alternatives such as issuing a warning or citation, or referral to a social service agency. The Dispatch Center maintains a list of these referral agencies.

When determining whether a citation should be issued, officers should consider the nature of the offense committed, if the accused poses a danger to themselves or the public, and if the accused may disregard a citation.

The statute of limitations in Kentucky is one (1) year for a misdemeanor or violation and there is no statute of limitations for a felony.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.6,22.3,22.4,23.2</b>
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### **29.1 ARRESTS: CITATIONS**

Arrest and citation of adult offenders follows and complies with the provisions of Chapter 431 of the Kentucky Revised Statutes and the Kentucky Rules of Criminal Procedure.

#### **Procedures for Arrests and Citations**

##### **Effecting an Arrest (KRS 431.025)**

- Officers shall inform the subject about to be arrested of the intent to arrest him and of the offense for which he is being arrested;

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- The arrest is made by placing the person being arrested in restraint or by their submission to the officer's custody in the presence of the officer; and
- No unnecessary force or violence shall be used in making the arrest.

### **Arrest in Obedience to a Warrant**

- An officer may arrest in obedience to a warrant (KRS 431.005(1a)); however, since the warrant does order arrest, any non-service of a warrant should only occur under exceptional circumstances.
- An arrest warrant may be executed by any peace officer. Officers need not have the warrant in their possession at the time of the arrest, but they must inform the defendant of the offense charged and the fact that a warrant has been issued by notation on the citation (RCr 2.10).
- Requests for warrants/wanted persons should be made through LINK/NCIC, via the communications center, and/or the Kentucky E-Warrants System, providing as much identifying information as possible, such as name, date of birth, social security number, operator's license number, physical descriptors, marks, scars, tattoos, and other pertinent identifiers.
- Prior to serving a warrant, the officer should verify the warrant is valid.
- Upon serving the warrant, the officer is responsible for requesting that the warrant is removed from the E-Warrants System or requesting the communications center remove it from E-Warrants and LINK/NCIC.
- The arresting officer will complete the uniform citation.
- A copy of the warrant and the complaint pursuant to which it was issued shall be served on the arrested party at the time of the arrest or as soon as practical thereafter (RCr 2.06(4)).
- A copy of the citation and the warrant will be delivered to the jail.

### **Arrest for a Felony Offense**

- An officer may arrest without a warrant when a felony is committed in their presence (KRS 431.005(1)(b)).
- An officer may arrest without a warrant when they have probable cause the person being arrested has committed a felony (KRS 431.005(1c)).
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### **Arrest for a Misdemeanor Offense**

- Officers **shall** arrest with probable cause without a warrant for the following:
  - violation of a condition of pre-trial release (KRS 431.005(5) and KRS 431.064);
  - violation of a stalking restraining order (KRS 431.005(7));
  - violation of a protective order, including an EPO, DVO, FPO, IPO, or TIPO (KRS 431.0151c.)
- Officers **shall** arrest a person who is under the influence of intoxicating beverages or any substance which impairs one's driving ability and is operating a vehicle that is not a motor vehicle anywhere in Kentucky (KRS 189.520).
- Officers **shall** issue a citation for misdemeanor violations that occur in their presence if there are reasonable grounds to believe the person being cited will appear in court (KRS 431.015(1a)).
- Officers **may** make an arrest instead of issuing a citation for a misdemeanor committed in their presence if the misdemeanor is a violation of:
  - KRS Chapter 508 (Assault and Related Offenses);
  - KRS Chapter 510 (Sexual Offenses);
  - KRS Chapter 527 (Offenses Related to Firearms and Weapons);
  - KRS 189A.010 (DUI Motor Vehicle);
  - KRS 511.050 (Possession of Burglar's Tools);
  - KRS 511.085 (Domestic Violence Shelter Trespass);
  - KRS 514.110 (Receiving Stolen Property);
  - KRS 523.110 (Giving Peace Officer False Identifying Information);

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- An offense in which the defendant poses a risk of danger to himself, herself, or another person; or
- An offense in which the defendant refuses to follow the peace officer's reasonable instructions. (KRS 431.015(1b))
- An officer **may** make an arrest upon probable cause without a warrant for a violation of KRS 508.030 (Assault 4<sup>th</sup> degree) that has occurred in a hospital without the officer's presence. Hospital includes any property owned or used by the hospital, including the parking lot or parking garage (KRS 431.005(1f)).
- An officer **may** arrest without a warrant when he/she has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member, member of an unmarried couple, or another person with whom the person was or is in a dating relationship, as defined in KRS 403.720 or KRS 456.010 (KRS 431.005(2a)).
- An officer **may** arrest a person without a warrant when the officer has probable cause to believe that the person is a sexual offender who has failed to comply with the Kentucky Sexual Offender Registry requirements based upon information received from the Law Information Network of Kentucky (LINK) (KRS 431.005(5)).
- An officer **may** arrest without a warrant any person, when there is probable cause to believe the person has committed theft in a retail or wholesale establishments (shoplifting) (KRS 433.236(3)).

### Arrest for Violation Offenses

- An officer **may** arrest without a warrant when a violation of the following has been committed in their presence (KRS 431.015(2)):
  - KRS 189.223 (Measuring or Weighing of Vehicle by Peace Officer);
  - KRS 189.290 (Operator of Vehicle to Drive Carefully);
  - KRS 189.393 (Complying with Traffic Officer's Signal);
  - KRS 189.520 (DUI Non-Motor Vehicle);
  - KRS 189.580 (Duty in Case of Accident);
  - KRS 235.240 (DUI Boating/Negligently);
  - KRS 281.600 (Motor Carrier Safety Regulations);
  - KRS 511.080 (Criminal Trespass 3<sup>rd</sup> degree); or
  - KRS 525.070 (Harassment).
- An officer **may** arrest without a warrant upon probable cause when a violation of KRS 189A.010 (DUI Motor Vehicle) or KRS 281A.210 (DUI-CMV) whether the violation has been committed within their presence or not.

### Citation for Misdemeanors Occurring Outside of the Officer's Presence

- A peace officer **may** issue a citation when he or she has probable cause to believe that the person being issued the citation has committed a misdemeanor outside of their presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge (KRS 431.015(3)).
- The citation shall provide that the defendant shall appear within a designated time (Effective 7/14/2018).

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

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

- The reason for the citation,
- The date of court appearance
- The optional or mandatory nature of the court appearance,
- The option of prepaying a fine or satisfying the citation without going to court, and



- The option of traffic school (if applicable) for the offense.

Officers must have the approval of a commanding officer before issuing a citation for a felony offense. The commanding officer granting this approval will notify the appropriate bureau commander as soon as practicable and be able to articulate the reason why a citation was issued rather than making a physical arrest.

Officers will complete a citation when making a physical arrest. Officers using e-Citation will print three (3) copies: one (1) copy is turned into the Department and two (2) copies, one of which is the “jail” copy with a printed barcode visible, are turned into Louisville Metro Corrections.

Officers using traditional handwritten citations will turn in the pink violator and white hard copies of the citation to the Department and all other copies of the citation will be turned into Louisville Metro Corrections. Officers MUST enter all paper citations into KYOPS.

A Voided Citation Form (SMPD #099) must be stapled to any handwritten voided citation and turned in by the end of the shift. Officers voiding out an e-Citation should print out a copy of the voided citation to be turned in at the end of their shift.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6,30.8</b>
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**29.2 ARRESTS: SUICIDE ATTEMPTS**

Officers may take suicide attempt victims into custody for their own safety pursuant to Kentucky Revised Statute 202A.041 and transport them to the University Hospital for evaluation. A citation (Warrantless Arrest) and an e-CIT report will be completed. If the subject has committed a criminal offense in conjunction with the suicide attempt, they may also be charged with that offense.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6,30.8</b>
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**29.3 ARRESTS: MEDICAL FACILITIES**

No patient will be removed from a medical facility for the purpose of making an arrest without the approval of a physician. Shift supervisors may authorize an officer to issue a citation in lieu of arrest. If in the shift supervisor’s opinion a citation is inappropriate, they will arrange for a long-term prisoner detail.

Patients, on involuntary hold, from mental or other medical facilities who leave without permission will be returned to the appropriate facility when possible.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**29.4 ARRESTS: VICE & TAVERN CHECKS**

In cases involving vice and tavern violations, officers will forward any applicable paperwork to include citations, offense reports, etc., to the St. Matthews Code Enforcement Officers for follow up.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6</b>
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**29.5 ARRESTS: DIPLOMATS & FOREIGN NATIONALS**

**Diplomats:** Foreign consular officers and diplomats, their family members and employees *should not be*

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*arrested, detained or searched* for any criminal offense. Officers may warn or cite these individuals for a traffic violation. These individuals are issued identification cards by the U.S. State Department and should be released upon verification of their identification and credentials. In addition, any property to include correspondence, working papers, place of residence or work and vehicles should not be subject to search or seizure. Honorary consular officers who may temporarily perform consular duties are not immune from arrest, detention, or search; however, consular working papers are not subject to search or seizure. Officers will notify their shift supervisor immediately upon contacting a foreign consular officer or diplomat, family member or employee and complete an e-Call Response prior to the end of their shift.

**Foreign Nationals:** Definition: Any person who is a citizen of any country other than the United States. Officers will not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a specific criminal or homeland security investigation. The United States is obligated and legally bound under international agreements and customary international law to notify foreign authorities when foreign nationals are arrested in the United States. Upon knowingly arresting a foreign national, officers will:

- Immediately advise the foreign national of their right to consular notification.
- Immediately contact dispatch and inform them that they have arrested a foreign national, indicating the country to which the foreign national belongs. Dispatch will advise the officer if the country is a mandatory or non-mandatory notification country.

If the subject is from a mandatory notification country, the officer will inform them the Department is required to notify their consulate. If the subject is from a non-mandatory notification country, the officer will inform them of the right to have their government informed of the event, if they so desire. Officers arresting foreign nationals are required to contact dispatch and provide them with the following information, regardless of whether a consulate is to be notified:

- Officer name and code number
- Call for service (CAD) number and/or Uniform Citation number
- Date of the arrest
- Name, date of birth (DOB), and place of birth of the foreign national
- Passport number, with the date and place of issuance, if available
- “Upon Request” Countries: Date and time foreign national was notified of their right to have the consulate notified and the national’s response
- “Mandatory” Countries: Date and time foreign national was notified the consulate was being notified and the national’s response

Dispatch will use the information provided by the officer to complete a consular notification fax form. If notification is required or requested, dispatch will fax the form to the appropriate consulate. If notification is not mandatory or declined, dispatch will complete the fax form, indicating that notification was not mandatory or declined, and will not forward the form to the consulate. Dispatch will be responsible for storing the forms and emailing a copy of each form to the Support Bureau Commander, regardless of whether notification was made or declined. A current list of telephone numbers for all foreign consulates as well as a current list of mandatory notification countries is kept on file in the dispatch center. The officer will record the time and date that dispatch was notified of the arrest on the Uniform Citation.

When the Department becomes involved in the following instance, Consulates must also be notified in cases where a foreign national is seriously injured, becomes seriously ill or dies. Notify Dispatch to send the notification fax regarding serious illness, injury or death after providing the appropriate information on the foreign national.

Consular officers and diplomats, having proper identification and credentials, visiting a foreign national are afforded the same rights and privileges as attorneys but they are required to adhere to the same guidelines and

rules as attorneys. If members have any questions or concerns, they should contact a supervisor who can utilize these numbers for assistance. (202) 647-1985 or after hours (571) 345-3146 or (866) 217-2089.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6</b>
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**29.6 ARRESTS: U. S. POST OFFICER MAIL DELIVERY PERSONNEL**

Officers will not make a misdemeanor arrest of a U.S. Post Office mail delivery employee while they are on-duty unless they are unable to safely operate their postal vehicle. It is preferred to make the arrest at the end of their tour of duty unless prior arrangement is made with a postal supervisor. Felony arrests will be made immediately; however, an officer will remain with the postal vehicle until a postal supervisor arrives.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6</b>
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**29.7 ARREST: MILITARY & NATIONAL GUARDSMAN**

Military personnel who are absent without leave must be classified as a deserter before they may be arrested.

A guardsman may not be arrested, except for felony offenses, while going to, returning from or present at a place of active service. A guardsman may be cited for traffic law violations.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6</b>
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**29.8 ARRESTS: LEGISLATORS**

Pursuant to KRS 6.050 Privilege from arrest or civil suit – Censure – Fine or expulsion:

- A member of the General Assembly, while going to, attending or returning from any session of the house to which he [she] belongs, will not be arrested, menaced or disturbed at any place in the Commonwealth of Kentucky, except on legal process for treason, felony or breach or surety of the peace.
- It is declared to be the legislative intent of the General Assembly to prohibit the arrest of any member of the General Assembly at any place within the Commonwealth while going to, attending or returning from any session of the house to which he [she] belongs, except for treason, felony or breach or surety of the peace.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.1,18.4</b>
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**30.0 JUVENILES**

This policy provides guidance and procedures for the interaction with juveniles. In all cases, officers should be cognizant of the different options and rules which vary greatly from adult arrests and detention.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.1,18.4</b>
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**30.1 JUVENILES: ALTERNATIVE OPTIONS**

Officers may utilize the following options regarding juveniles: warnings, citation or juvenile petition, informal referral, consulting with and arranging for corrective action by parents, not filing formal charges and dropping charges upon agreement of all parties involved.

Officers should consider the following factors when making their decision on the best corrective measure for a juvenile: the nature of the offense, age and circumstances of the juvenile, prior record, and availability of community-based rehabilitation programs.

Officers should first consider citing and releasing juvenile public offenders to a parent, guardian, adult relative or person exercising custodial control, or supervision, over the juvenile, if the offense is a Class C felony or lower. If the juvenile is released, the officer will inform the parent, guardian or adult accepting responsibility that the child was cited and explain the specific charges against them. The individual assuming custody must sign the back of the first page of the citation. The court date will be left blank, and the officer will explain that by signing for the release of the juvenile, the person assumes the responsibility for bringing the juvenile before the court at a future date of which they will be notified by mail. Prior to submitting a juvenile Kentucky Uniform Citation for approval and processing, the citing/arresting officer must raise their right hand and swear before another officer, in-person, that “The information contained within the juvenile citation is correct.” If the citation is not sworn to in-person, the citation will not be valid, and the case could be dismissed. All juvenile citations will have an Oath Verification sticker applied to the back bottom of the Kentucky Uniform Citation. If an Oath Verification sticker is not available, the witnessing officer may legibly write the following on the back of the citation, “Sworn to before me this (date) day of (month), (year)” with the witnessing officer’s name and title below.

Court designated workers (CDW) are available to assist officers with juvenile offenders by phone at (502) 595-0036. The CDW offices are located on the second floor of the Kentucky Career Center, 600 West Cedar St.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.2,18.3,18.4,18.6,18.8</b>
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**30.2 JUVENILES: PROCESSING**

Juvenile traffic offenders sixteen (16) to seventeen (17) years old may be cited and assigned to appear in District Court in the same manner as adults. The traffic offenses for which the juvenile offenders were cited are not pre-payable.

For all non-traffic related juvenile offenders, officers will include the zip code in the exact location of violation/arrest field, write “you will be notified” in the court location field, and write “see back” at the end of the narrative field on the citation. The shift supervisor will complete and affix an oath verification sticker to the back lower left corner of the front page (white copy) of the juvenile citation. Juveniles will appear in juvenile court and will be notified of their court date and time by a Court Designated Worker (CDW).

Juvenile traffic, misdemeanor and felony offenders may either be cited or taken into custody based upon the seriousness of the offense.

Juveniles who commit serious criminal offenses or who are repeat offenders should be taken into custody and the following procedures will be followed:

- The CDW would need to be involved if/when an officer cannot make a release or does not wish to release the juvenile.
- Contact the on-call CDW if unable to execute a release or requesting detention. Contact Dispatch for the on-call CDW.

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- Present identifying information to CDW (Juvenile name, DOB, contact information, parent/guardian information, charges)
- The CDW will give recommendation of release or detention based on Detention Screening Instrument (DSI). Copy Attached.
- If the recommendation is to release to the least restrictive placement (HIP/HSP) or detention, the CDW will meet the officer at designated location.
  - During business hours, we will meet the officer and youth at our local office. In afterhours situations that requires a response by the CDW, we will meet with the officer at the police station.
  - If the decision has been made to detain after the CDW has processed the charges and contacted the judge, the arresting officer will be responsible for transporting the youth to either Audubon Holding Facility off Lagrange Rd if there is a bed available. If there are no beds available, the officer will transport to the closest facility with an open bed. The CDW will handle locating the closest facility.

If an officer is unable to locate a juvenile who is a suspect in a major criminal offense, or if there is reason to believe the juvenile has left or fled the jurisdiction, the officer should complete a citation charging the juvenile with the offense(s) in question and note “Juvenile unable to be found” on the citation and deliver the citation to the CDW’s office. The CDW will put the case on the juvenile court docket as soon as possible and request a bench warrant be issued for the juvenile.

Juveniles taken into custody will be read their Miranda Rights immediately and prior to interview or interrogation. The juvenile’s parent, guardian, custodian or responsible person will be notified as soon as possible and advised of the charges. Juveniles will not be detained for more than two (2) hours unless a CDW or their representative grants an extension up to a total of ten (10) hours. In addition to interview and interrogation during the detention period, officers may: verify the juvenile’s identity; photograph and/or fingerprint the juvenile; perform records checks; and collect evidence. When releasing a juvenile, officers will have a parent, guardian, custodian or responsible person sign the citation and place a contact phone number next to their signature.

Juvenile prisoners held at Headquarters in the Holdover area will be monitored every ten (10) minutes and logged on the Juvenile Holding Log (SMPD #027) and the 10 Minute Observation Form (SMPD #059).

Officers will provide dispatch with their beginning and ending mileage when transporting a juvenile and will follow all other procedures as outlined in SOP Chapter 22. Juveniles will be separated by sight and sound from adult prisoners at all times while in custody.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.2,18.4,18.6</b>
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**30.3 JUVENILES: YMCA SAFE PLACE**

If a parent, legal guardian or another responsible adult cannot be located or refuses to accept custody, and the requirements for detention are not met, the preferred option is to transport the child to the YMCA Safe Place Services, located at 2400 Crittenden Drive. The court date will be left blank and the original citation(s) should be turned over to YMCA Safe Place Service’s personnel with the juvenile. YMCA Safe Place Services will not accept a juvenile who has been charged with a firearm or drug trafficking offense. YMCA Safe Place Service’s personnel may refuse to accept a juvenile who is under the influence of drugs or alcohol, depending on the level of intoxication.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 18.5,18.7</b>
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**30.4 JUVENILES: DEPENDENCY, NEGLECT & ABUSE**

Officers who have reason to believe or have obtained information that a juvenile is dependent, neglected or abused will immediately complete an e-JC3 report and contact the Child Protective Services Hotline at (502) 595-4550. No Incident Report is required to accompany the e-JC3. Officers who believe a juvenile is in imminent danger may take the juvenile into protective custody.

Officers who take a juvenile into protective custody will attempt to notify a parent, guardian, custodian, or responsible person and advise where the juvenile is to be taken. If unable to contact, officers will leave a Notice of Emergency Removal Dependency Action Form (AOC DNA-2) advising of the juvenile’s removal. Officers should contact the Home of the Innocents for availability prior to transport. The juvenile will be transported along with a citation and the bottom portion of the emergency removal form. Officers will coordinate with the Home of the Innocents to obtain an Emergency Custody Order from a juvenile court judge and list the name of the judge and the time the order was granted on the offense report. If medical treatment is necessary, the juvenile will be transported to Norton Children’s Hospital.

If the parent/guardian consents to the child being entrusted to another competent person, the officer need not seek an Emergency Custody Order, but will:

- Record the name, age, address, phone number and relationship of the person to whom the child is released. and
- Report this information, with a detailed account of the incident to the Child Abuse Hotline.

In any situation where a juvenile is involved in a traumatic situation (crime or accident), the officer will complete a “Handle with Care” report through KYOPS.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.6</b>
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**30.5 JUVENILES: ABANDONED INFANTS**

The Kentucky Safe Infants Act allows parents to leave babies younger than thirty days old at a safe place and remain unidentified. The Act is intended to enable parent(s) of a newborn to relinquish the infant to a safe environment, to remain anonymous, and to avoid liability for relinquishing the infant. It is the policy of the St. Matthews Police Department to ensure that when a person decides to leave a newborn baby as defined by the Kentucky Safe Infant Act with a member of this Department or at another designated safe place that all measures will be taken to properly care for the infant while respecting the parent’s decision. Members will comply with the mandates set forth in Kentucky Safe Infants Act established through Thomas J Burch Safe Infants Act.

**Definitions:**

- Newborn Infant means: an infant who is medically determined to be less than thirty (30) days old.
- Safe Place means: A hospital, a police station, a fire station, participating place of worship, or emergency medical service provider.

Pursuant to the Act, all department members that are presented with a relinquishment must accept and provide all necessary emergency services and care to a relinquished newborn infant who is less than thirty (30) days old. The member will arrange for the transportation of a relinquished infant to Norton’s Children’s Hospital as soon as possible.

The member will allow the relinquishing parent to remain anonymous and to leave the station without being pursued provided the infant shows no sign of abuse or neglect. The member will attempt to offer the parents



materials to gather health and medical information concerning the infant and the parents. The materials shall be offered to the person leaving the newborn infant and it shall be clearly stated that acceptance is completely voluntary and the completion of the materials may be done anonymously. The Medical Information Form Newborn Infants (Form DPP-1268) (rev.07/02) is the form that will be offered to the relinquishing parent. This form can be located on the Cabinet for Health and Family Services (CHFS) website at <http://chfs.ky.gov/dcbs/dpp/KYSafeInfants/>.

All personnel shall be trained with respect to the requirements of the ACT. If a parent comes to this Department for the purpose of relinquishing an infant, pursuant to the Act, personnel shall adhere to the following procedures:

- The member who receives the infant will notify the dispatcher that a newborn infant has been relinquished and request an ambulance be dispatched to the location. The member will then notify a supervisor to respond the location.
- The receiving officer or supervisor will offer the relinquishing parent the Medical Information Form Newborn Infants paperwork in an attempt to gain valuable medical information with respect to parents and child. In the event the medical form is completed by the parent a copy of the form will be created and will be turned over to the responding EMT or hand delivered to the hospital staff which receives the infant. The original shall be attached to the department generated report.
- Allow the relinquishing parent to leave the premises without providing identifying information. The officer will not pursue or attempt to identify the parent through investigative techniques.

**The procedures stated above shall not apply when indicators of child abuse or child neglect are present.**

In cases where an officer has reason to believe that the newborn infant has been subjected to child abuse or child neglect then the officer shall act in accordance with Kentucky Law and the provisions of the Act shall not apply. Upon receiving a newborn infant, officers will make a physical appraisal of the condition of the infant and if any signs of abuse or neglect are noted, the relinquishing person should be detained while an investigation is conducted. A report shall be made indicating the hospital to which the infant was transported, and the completed medical information report shall be entered into the report.

Officers will complete an e-Call report detailing the event.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.5</b>
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**30.6 JUVENILES: STATUS OFFENSES**

A status offense is any offense that if committed by an adult would not be a crime. The only status offenses that juveniles may be taken into custody for are habitual runaway and a court order or warrant. A juvenile who has been away from home more than three (3) consecutive days or three (3) separate incidents in one (1) year without their parents’ permission is considered a habitual runaway. Probable cause to take a juvenile into custody as a habitual runaway will be based on the parent(s) statement and may also be verified by previous missing person’s reports.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.5,30.8</b>
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**30.7 JUVENILES: DEPENDENCY / MENTAL HEALTH ACTIONS**

**Dependency**

Officers will attempt to mediate any incident in which a parent, guardian, custodian or responsible person refuses



to take custody of a juvenile. If unable to resolve the situation, officers may attempt to place the juvenile with a relative or family friend. Officers will contact a Court Designated Worker for placement alternatives only as a last resort.

**Mental Health Actions**

Juveniles, who appear to be mentally ill and presents a danger, or threat of danger, to themselves, family, or others, if not restrained, will be taken into custody on an involuntary hospitalization and taken to Norton Children’s Hospital (Kosair) located at 231 E. Chestnut St.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 18.9,18.10,26.1</b>
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**30.8 JUVENILES: EXPUNGEMENT**

It is the policy of the Department to verify the security and confidentiality of juvenile records and case files. Juvenile evidence and records will be used for official purposes only. Pursuant to Kentucky Revised Statute (KRS) 610.300, physical evidence will be obtained and utilized in the investigation of public offenses involving children in the same manner as it is obtained and utilized in the investigation of public offenses involving adults. Fingerprints, photographs, and other forms of juvenile identification will be used for official purposes only. These forms of evidence will be included in case files until utilized. Photographs and fingerprints of juveniles taken by the St. Matthews Police Department will be kept only in secured investigative files and/or secured in the Property Room until utilized in an investigation, court case, etc.

KRS 610.330 and the applicable records retention schedules dictate that juvenile evidence and records are subject to expungement by court order or by the offender reaching the age of twenty-three (23). To verify the St. Matthews Police Department’s ability to comply with expungement requirements, the Support Bureau Commander’s designee is responsible for the collection, dissemination, and retention of juvenile records. CID will separate juvenile case files from adult case files. CID will also separate open juvenile case files and closed juvenile case files. These files will be stored in a locked file cabinet. The Support Bureau Commander oversees juvenile case file expungement compliance when juveniles reach the age of 18. Case files will be kept until the juvenile has reached the age of 18. At that time, any case files that have not been previously expunged, pursuant to court order under KRS 610.330, will be transferred to the Records Unit. Files must be separated by date of birth (DOB), with the date of birth of the suspect and “JUVENILE” clearly marked on the front of each case jacket. The Records Unit will be responsible for boxing and transferring the juvenile files to archives. An Archived/Closed Case Form (SMPD #095) will be attached to the files and marked “JUVENILE”. A detailed list of the contents of each archived box of juvenile files will be made and retained by the Records Unit. Each box will be eligible for destruction at the end of the year of which the last person in the box reaches the age of 23. Pursuant to the Commonwealth of Kentucky Records Retention Schedule, juvenile case files will be stored until the defendant reaches the age of twenty-three (23).

A thirty (30) day review period will be granted prior to the destruction of the documents. If the archived items need to be maintained beyond the approved retention period, a written reason for the “destruction hold” must be submitted to the Support Bureau Commander prior to the end of the thirty (30) day review period. A failure to send a written reason within the thirty (30) day review period will signify an “assumed approval” for the destruction. When the boxes are destroyed, the Records Unit will generate a Records Destruction Certificate (SMPD #034) that lists the number of boxes destroyed per record series (e.g., number of boxes of juvenile investigation files, number of boxes of citizen complaint files, etc.) and the date range of each series. The original Records Destruction Certificate (SMPD #034) will be sent to the Kentucky Department for Libraries and Archives (KDLA).

The following records are not destroyed when the defendant reaches the age of twenty-three (23), but are retained

in the same manner as adult case files, pursuant to applicable records retention schedules:

- Case files of juveniles who are tried as an adult,
- Case files where a juvenile is the suspect in a child abuse case,
- Juvenile traffic offense cases, and
- Juvenile vehicular accident.

The Department is prohibited from keeping copies of juvenile citations not included in case files (e.g., citation arrest for possession of marijuana), unless there are open charges against the juvenile.

The same retention and destruction policies relating to case files also apply to electronic records stored in the Records Management System (RMS). Juvenile RMS entries are segregated from adult entries.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4,1.5,1.7</b>
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### **31.0 PRISONERS**

This policy provides guidelines and procedures for the handling and control of prisoners and detention rooms.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4,1.5,1.7</b>
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### **31.1 PRISONERS: CUSTODY & CONTROL**

Officers will conduct a thorough search of any prisoner upon arrest and prior to transport. Officers will not allow any weapon or object capable of being used as a weapon in any area accessible to a prisoner. Prisoners will be searched by an officer of the same sex. Officers will not allow any unauthorized persons to communicate with a prisoner. Officers should inspect their vehicle for any contraband or weapons prior to and after transporting a prisoner.

Vehicles used for transporting prisoners will be equipped with a safety barrier separating the front and rear seats. Vehicles used for transporting prisoners will have the rear doors and windows rendered inoperable. The rear doors and windows will be operated from the front seat or from outside the vehicle.

Detectives may transport prisoners in the event no uniformed officers are available or during times of a high volume of calls for service. Vehicles without a safety barrier may be used for prisoner transport in these instances or other exigent circumstances. If a vehicle without a safety barrier is used to transport a prisoner, two officers will ride in the transport vehicle to maximize officer safety. Canine vehicles will not be used to transport prisoners.

Combative prisoners should be isolated and transported individually by two (2) officers. Hobble restraints should be used in this situation. Tranzport® hoods and head protection should also be considered to assist in the safe transport of the prisoner. If a prisoner becomes disorderly during transport:

- The transporting officer should continue to the detention center if the prisoner does not pose a threat to safe operation of the vehicle. Dispatch should be notified that there is a disorderly subject in the vehicle, and assistance will be required when the prisoner is removed from the vehicle. The prisoner must be kept in the vehicle until help arrives.
- If the prisoner poses a threat to the safe operation of the vehicle, the officer should pull to the side of the road, notify dispatch of the location and problem, exit the vehicle and wait for help to arrive. The prisoner should be kept in the rear passenger compartment of the police vehicle and the officer should not open the rear doors

until another officer arrives on the scene.

Officers will always observe prisoners while in their custody and monitor for any medical problems such as excited delirium syndrome which may require immediate medical treatment. If a prisoner asks for medical attention, officers will contact emergency medical services immediately. Officers will remain near a suspect or prisoner to handle any problems when allowing them the private use of a bathroom or during medical treatment. Officers may transport juveniles and prisoners of the opposite gender. Officers will advise dispatch of their beginning and ending mileage on all prisoner transports. Officers transporting prisoners should proceed directly to their destination and will not divert unless exigent circumstances exist.

Officers transporting persons with disabilities, should contact their supervisor to make appropriate and reasonable accommodations.

Upon arrival to any detention facility prohibiting firearms, officers will secure their weapons in the trunk of their vehicle or the facilities' appropriate gun storage. Officers will advise the intake officer regarding any risks posed by a prisoner upon arrival to Louisville Metro Corrections. Officers will note any risk(s) on the citation to include escape risk or suicidal tendencies.

Adult prisoners held at Headquarters in the Holdover area will be monitored every ten (10) minutes and logged on the 10 Minute Observation Form (SMPD #059).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.5,1.7,21.4</b>
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### **31.2 PRISONERS: RESTRAINTS**

All prisoners will be handcuffed while in custody and during transport. Handcuffs should be secured with the prisoner's hands behind their back and will be checked for tightness and double locked. If it is physically impractical due to handicap or size, to handcuff a prisoner's hands behind their back, officers may handcuff them with their hands to the front. If a prisoner complains handcuffs are too tight, officers will check at least once to ensure proper fit taking into consideration prisoner comfort and officer safety. Officers may use leg or ankle restraints when necessary.

Although no one is exempt from the seat belt restraints, a supervisor may grant permission to exempt handcuffing individuals in special transport situations. In each of these situations, the transporting officer must request and receive permission from the supervisor in advance. These exemptions will be limited to the following:

- Elderly or ill persons arrested for minor offenses.
- Juveniles who pose no apparent threat of violence or escape.
- Persons who are crippled or otherwise physically incapacitated and incapable of escape.

Prisoners should be seated in an upright position and seat belted in the back seat of the police vehicle. At no time will prisoners be transported on their stomach, with their handcuffs secured to leg or ankle restraints, or in any other position that may restrict or impair their breathing. No more than three (3) prisoners will be transported in a police vehicle at a time or in numbers greater than seatbelts available to secure them in the vehicle.

Prisoners should not be handcuffed to any object, vehicle, or any person during transport. Exceptions to this would be a secure area where officers handcuff a prisoner to a rail at Louisville Metro Corrections, interrogation room or during medical treatment where the prisoner is handcuffed to a gurney or medical bed. If a doctor needs the prisoner to be unrestrained for medical purposes, the officer will comply with this request.

When a subject is arrested and handcuffed, the officer will note in the post arrest complaint the method of handcuffing, double-locked and a tightness check (e.g., DL double-lock, TC tightness check, BB behind back, IF in front).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.7</b>
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**31.3 PRISONERS: ESCAPE**

Officers will make every attempt to minimize the risk of escape of a prisoner. If a prisoner escapes from custody, officers will immediately notify dispatch and their shift supervisor. Dispatch will immediately notify all Executive Staff Officers and appropriate agencies. The shift supervisor will complete an Administrative Incident Report (Benchmark/SMPD #057).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.7</b>
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**31.4 PRISONERS: INTERACTIONS**

Members will not offer legal advice, make arrangements for, or compromise any legal proceedings involving any complainant, victim, suspect or prisoner. Members will not post bond for any person under arrest except where a member's immediate family is involved.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.7</b>
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**31.5 PRISONERS: DETENTION ROOMS (HOLDOVER & INTERVIEW)**

It is the policy of the St. Matthews Police Department to provide adequate detention rooms where appropriate.

**Holdover Rooms**

This policy provides for the safety of officers, victims, witnesses, suspects, arrestees, and all other persons while being held in the holdover.

Definitions:

- **Arrestee:** A person placed in custody or charged with a crime when there is probable cause to believe that the person has committed a crime.
- **Detention:** Requires confinement within our department facility and is not referring to detention of persons in public places. Detention time is measured in minutes/hours and does not involve housing or feeding arrestees, except in extenuating circumstances.
- **Holdover:** Room where arrestees are held for the purposes of processing, detention, separation and/or protection.
- **Direct Physical Monitoring:** An officer remains in the physical presence of the subject to monitor the subject at all times.
- **Direct Video Monitoring:** An officer or other responsible staff member provides constant direct monitoring of the area under watch using video camera.

Arrestees will have access to a restroom, water, or other such items as may be immediately needed. Arresting

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officers may approve telephone use when and if appropriate. Arrestees should be informed they can knock on the door of the holdover when an item is needed. The holdover will be posted with a notice stating, “If you need medical attention, please advise a police officer.” Arrestees who are permitted access to a restroom will be accompanied by an officer. If the officer has reason to believe that the arrestee may become combative, the officer should have another officer accompany them to the restroom. The officer(s) entering the restroom must be of the same gender as the arrestee unless exigent circumstances arise. The arrestee will be monitored to prevent the disposal/destruction of possible evidence or an attempted escape.

Arrestees will be secured in the locked holding room. An “occupied” sign will be visible on the face of the door. Direct physical or video monitoring can be utilized but a face-to-face contact will be made with the arrestee at least once every 10 minutes and will be documented on the Ten-Minute Observation form (SMPD #059). The arrestee should not be held in a holdover for longer than two (2) hours. If extenuating circumstances arise and the arrestee is kept longer than the two (2) hours, this will be documented on the Ten-Minute Observation Form (SMPD #059).

The holdover will be searched before and after holding arrestees. Any property recovered that cannot be returned to its owner, for any reason, will be booked into the Evidence and Property Room. All other property will be taken with the arrestee to LMCD.

Any arrestee, who is under the influence of alcohol or other drugs and who is self-destructive, will not be placed in a holdover room. The arrestee will be transported directly to the Louisville Metro Department of Corrections (LMDC) or a medical facility, if necessary, until a time when the arrestee can be interviewed without the influence of alcohol or other drugs or when the arrestee is no longer self-destructive.

No more than two (2) arrestees will be put in the same detention room under normal circumstances. Males, females, and juveniles (other than status offenders) will be kept in separate rooms. Juveniles will not be placed in the same holdover as an adult, unless the holdover is being used for an interview/interrogation and the investigator has approved a parent or guardian to be present. In this instance, the parent or guardian will be removed from the room as soon as the interview/interrogation is over. Juvenile status offenders will not be placed in the holdover. A female will not be placed in the same holdover as a male, unless the male and female are blood-related or married and it is otherwise safe to do so. If possible, a sworn female member will be near the holdover in case they are needed to help a female arrestee.

The Ten-Minute Observation Form (SMPD #059) will be filed in and submitted to the appropriate agency by the Administrative Sergeant. Juvenile arrestee forms will be filed separately from adult forms. Copies will be included in the case files.

Video monitoring and/or recording of arrestees is permitted but is not a substitute for the face-to-face monitoring requirement. Personnel who need to preserve a recording of the arrestee should notify the Support Bureau commander, if not familiar with the recording equipment.

If it becomes necessary to restrain an arrestee by securing him/her to a fixed object, a fixed object that is designed and intended for such use (e.g., a bar or ring to which handcuffs can be secured) will be utilized. Under no circumstances will a juvenile be handcuffed, or secured, to a fixed object. A restrained arrestee will not be placed in the holdover with an unrestrained arrestee.

Officers will either maintain their weapon secured in a holster or secure their firearms or any other such item(s) that may be used as a weapon (e.g., batons, chemical sprays, etc.) in designated areas before entering an occupied holdover. To prevent the escape of an arrestee, two (2) officers should be present when entering an occupied holdover. At least one (1) officer will have a portable radio to summon assistance, if needed.

Non-police personnel or civilians will not enter the holdover while the room is in use. It will be the responsibility of the arresting officer to keep non-essential personnel out of this area. The arrestee is not permitted to receive visitors or communications of any kind while in the holdover. Exceptions are as follows:

- Approval by a supervisor to assist in an investigative and
- Emergency Medical Issue: Civilian medical personnel may provide medical care if an officer is present.

If an outside agency should bring an arrestee in for interviewing, the officers receiving the arrestee will identify those agents and their arrestee by the most reasonable means available (e.g., photo identification, badge, credentials). Use of the holdover by personnel of other agencies will be approved by a commanding officer. A Department will be present in the squad room area, at all times. All requirements of this SOP will be met by Department personnel, as well as those personnel of the other agencies utilizing the holdover. Outside agency personnel will be requested to complete the Ten-Minute Observation form (SMPD #059) and perform visual checks. All relevant paperwork required by the Department regarding detainees, despite the fact the detainee is in the custody of an outside agency, will be verified for use and accuracy by the department officer who is supervising the holdover.

### **Interview/Interrogation Rooms**

This policy provides for the safety of officers, victims, witnesses, suspects, arrestees, and all other persons during the interview or interrogation process.

#### **Definitions:**

- **Interview:** Any non-custodial questioning process whereby the Department seeks information as part of the investigative process.
- **Interrogation:** Any questioning, other than routine booking questions, which occurs of an individual with the intent to elicit incriminating information.
- **Interview/Interrogation Room:** An area within the Police Station utilized for interviews or interrogations.

Where it is determined that the needs of a particular investigation require that the arrestee be further investigated at the Department, the protocols established by the policy will be followed and:

- Supervisory authorization shall be sought and documented;
- Dispatch shall be notified that the arrestee will be transported to the station for further investigation; and
- Time of the arrival and time of departure from the Department shall be documented with the dispatcher.

During interviews/interrogations, officers will either maintain their weapon secured in a holster or secure their firearms or any other such item(s) that may be used as a weapon (e.g., batons, chemical sprays, etc.) in designated areas before entering an occupied holdover.

The interview/interrogation room shall be searched prior to any suspect being placed in the room and after the subject has been removed from the room. Arrestees shall be thoroughly searched prior to being placed in an interview room. Officers should also consider the possibility that non-arrested persons being placed in the room may be in possession of weapons and should consider a consent search.

An arrestee remains under the arresting officer's custody, care, and control until such time as another officer physically relieves the arresting officer. As such, the officer has ultimate responsibility for the safety, security, and well-being of the arrestee.

Arrestees who are to be interrogated shall remain handcuffed until searched and placed in the interrogation room. The officer has the discretion to remove the arrestee’s handcuffs for the duration of the interrogation. If there is any question regarding officer safety the arrestee shall remain handcuffed during the interrogation.

A secure location should be designated for items removed from an arrestee as part of a search incident to arrest or a suspect as part of a consensual search and held for the duration of the interview/interrogation. All such items should be placed in the secure location for safekeeping. Any property recovered that cannot be returned to its owner, for any reason, will be booked into the Evidence and Property Room. All other property will be given back to the individual, or if arrested, then taken with the arrestee to LMCD.

When an arrestee is placed in the interview room, they must be constantly and directly monitored either by direct physical supervision or by direct video supervision. Juveniles should not be left in an interview room unattended.

Officers should have their department issued portable radio or other means of communication with them in the interview/interrogation room and available to summon assistance. Officers using the room should ensure that the room be emptied of other items which are unnecessary to the interview/interrogation process. Officers should be specifically aware of items that could be used as weapons.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.7,30.4</b>
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### **31.6 PRISONERS: PRISONER RAPE ELIMINATION ACT**

The Prison Rape Elimination Act (PREA) of 2003 requires agencies to comply with national standards to eliminate sexual harassment and/or abuse in confinement. The PREA deals with the prevention, detection, response, and monitoring of sexual harassment and/or abuse of incarcerated and arrested individuals. The PREA gives special protection to prisoners and arrestees in prisons, jails, holding facilities, and police detention rooms against any forms of sexual harassment and/or abuse/intimidation. Sexual harassment and/or abuse in confinement is unacceptable in any circumstances and is a dangerous threat to facility security. The St. Matthews Police Department will not tolerate any form of sexual harassment and/or abuse.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.6</b>
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### **32.0 SEARCHES**

This policy provides guidelines and procedures for doing various searches in the field.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.6</b>
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### **32.1 SEARCHES: FIELD INTERVIEWS & TERRY STOPS**

Officers may conduct a Terry Stop of individuals for the purpose of a field interview only when reasonable suspicion is present. An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity is afoot, may stop a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.

Officers may detain the person for a reasonable amount of time at the location of the stop while a diligent investigation is conducted such that the officer has an opportunity to confirm or dispel their suspicion. Anonymous tips that merely describe a person’s location and physical/clothing description without providing a



prediction of the subject’s future actions that can be corroborated by the police prior to contact are insufficient to justify a stop or frisk.

The duration of the stop should not exceed the amount of time that it would normally take to investigate the conduct that the officer suspected at the time the stop was made.

Officers may not frisk every person who is stopped in accord with this policy. An officer may only frisk those individuals for whom the officer has reasonable suspicion to believe is armed, engaged, or about to be engaged in criminal conduct.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **32.2 SEARCHES: PAT DOWN SEARCH**

An officer only has the right to perform a pat down of the outer garments of a suspect for weapons if they have been legitimately stopped with reasonable suspicion of a crime. The officer must have reasonable grounds to believe that the suspect is armed and dangerous.

When reasonable grounds exist to perform a pat down search, it should be performed with due caution, restraint, and sensitivity. These searches are only justifiable and can only be performed to protect officers, or others, from concealed weapons and will never be used as a pretext for obtaining evidence. The following are some guidelines that may support reasonable suspicion:

- The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon;
- The officer observes a bulge in the subject’s clothing that has the appearance of a weapon;
- The officer has information (anonymous tip merely providing description and location is not enough) indicating that a person is armed;
- The officer is aware of the subject’s history of carrying weapons;
- The officer observes the subject reach as if reaching for or reaching to hide a weapon (furtive movements); and
- The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the officer feels an item during the frisk that the officer reasonably believes is a weapon.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **32.3 SEARCHES: SHARPS SEARCH**

Prior to searching a person, a person’s premises or a person’s vehicle, the officer will inquire as to the presence of needles or other sharp objects, which may cut or puncture the officer.

If the person admits to the presence of a needle or other sharp object prior to the search, the person will not be charged with, or prosecuted for, possession of drug paraphernalia for the needle or sharp object or for possession of a controlled substance for residual or trace drug amounts present on the needle or sharp object (Kentucky Revised Statute (KRS) 218A.500 6.a).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **32.4 SEARCHES: EXTRACTING EVIDENCE FROM THE MOUTH**

Use of physical force to search a suspect's mouth for evidence 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 evidence (e.g., illegal drugs) within their mouth,
- There is a clear indication that evidence 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.

Once all the prerequisites listed above have been satisfied, an officer may use reasonable force to extract the evidence hidden in the suspect's mouth. A commanding officer will be notified and will complete an Administrative Incident Report (SMPD #057) whenever force is used in these situations.

The Conducted Electrical Weapon (CEW) will not be utilized to prevent the swallowing of evidence, nor will it be utilized to dislodge or retrieve evidence from a suspect's mouth or other body cavities.

If an officer reasonably believes that an arrestee has swallowed anything that could have a negative effect upon their health, the officer will seek medical attention for the person as soon as reasonably possible.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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### **32.5 SEARCHES: STRIP SEARCHES**

This policy provides St. Matthews Police Department officers with guidelines for determining if, and under what conditions, the use of strip searches and body cavity searches are legally permissible. It also establishes guidelines for the appropriate conduct of such searches. An Administrative Incident Report (Benchmark/SMPD #057) will be completed whenever a full, or partial, strip search or a body cavity search is conducted.

#### DEFINITIONS

**Full Strip Search:** Having a suspect or prisoner remove all clothing exposing the genital areas, anus, buttocks, or female breasts to permit the visual or manual inspection of any, or all, skin surfaces.

**Partial Strip Search:** Having a suspect or prisoner remove, or arrange, any article(s) of their clothing, exposing any area(s) of the body that are not readily visible without the removal, or arranging, of the article(s). These areas might include the genital areas, anus, buttocks, or female breasts.

**Body Cavity Search:** Any search involving not only visual inspection of skin surfaces but also the internal physical examination of body cavities and, in some instances, organs, such as the stomach.

Strip searches without a warrant are presumed to be unreasonable and therefore prohibited by the Fourth Amendment unless there are exigent circumstances and probable cause. Strip searches are among the most intrusive actions that an officer can make, and consequently, they are subjected to very close scrutiny.

Strip searches may be conducted only in the following exigent circumstances:

- The person must first be arrested based on probable cause;
- When there is probable cause to believe that evidence will be destroyed, or lost, in the absence of an immediate strip search; or
- When there is probable cause to believe that an immediate search is necessary to prevent imminent danger to the safety, or health, of the officer or the public.
- All strip searches must be done in a private area with supervisor approval.
- The search will be conducted, and witnessed, by officers of the same gender as the suspect.

If the visual examination of a suspect during a strip search or other information leads an officer to believe that the individual is concealing a weapon, evidence or contraband within a body cavity, the officer will consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. Body cavity searches will be performed only by medical personnel in a medical facility, pursuant to a search warrant or court order.

Persons who wish to voluntarily remove contraband concealed within their own body cavity may do so in the presence of two (2) officers of any gender. Officers should provide as much privacy as possible without compromising officer safety. Voluntary removal of concealed contraband will not be a strip search.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.4,25.5</b>
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### **32.6 SEARCHES: VEHICLE STOPS & SUBSEQUENT SEARCH/SEIZURE**

#### **Vehicle Stops**

Vehicles may be lawfully stopped under the following circumstances:

- Reasonable Suspicion Based Stop-where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved the officer may stop the vehicle to investigate further. The stop may continue as long as the officer diligently investigates to confirm or dispel their suspicion that criminal activity is occurring, and the occupant(s) of the vehicle are involved.
- Probable Cause based Stopped-Traffic Violation-where an officer has probable cause to believe that a violation of the motor vehicle code has occurred may stop the vehicle and detain the vehicle for a reasonable amount of time while the citation is completed.
- Probable Based Stop-Arrest/Search-where an officer has probable cause to believe that a person in a vehicle has committed a crime or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation) or stop the motor vehicle to search the vehicle in the search scenario.
- Consensual Contact-An officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with their attempt to contact in the consent situation.

#### **Ordering Persons from a Vehicle**

An officer may order any occupant to exit the vehicle during a lawful traffic stop. However, the officer must consider the persons safety when they are out of the vehicle.

#### **Frisk of a Vehicle**

An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the passenger compartment vehicle subject to the following limitations:

- The search is limited to the immediate area of control which would be the passenger compartment of the vehicle and
- The search is limited to those areas in the passenger compartment that are unlocked and capable of holding a weapon.

#### **Search Incident to Arrest (Vehicle)**

Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest with the following limitations:

- The arrest must be lawful and must be a full-custodial arrest;
- The search must take place at the time of the arrest;

- A search incident to arrest may not take place once the arrestee is secured in handcuffs and secured in a law enforcement vehicle unless the officer has reasonable grounds to believe that the vehicle contains evidence of the crime for which the subject was arrested;
- The search incident to arrest is limited to the arrestee’s immediate area of control (passenger compartment only) but is a thorough search;
- Unlocked containers within the vehicle may be searched irrespective of who the containers belong to; and
- The person of other occupants may not be frisked or searched simply because another person in the vehicle has been arrested.

### **Consent Search of Vehicle**

An officer may ask the person in control of any lawfully stopped vehicle or a vehicle that is not moving at the time of a consensual contact for consent to search the vehicle. Consent searches are subject to the following limitations:

- The Consent must be voluntary;
- Written consent is not required under federal law; however written authorization or a mobile video recording that documents consent will assist in proving the voluntary nature of the consent;
- The scope of the search is within the control of the person granting consent; thus, the consenting party can direct the area which an officer is allowed to search as well as how long the search may last; and
- Under the rules of consent there is no requirement that officers inform a person of their right to refuse the officer’s request, however a person who is told of their ability to refuse will be less likely to make out a claim that their consent was not voluntary.

### **Probable Cause Searches of Vehicles (Carroll Doctrine/Motor Vehicle Exception to the Warrant Requirement/Mobile Conveyance Exception)**

An officer may, without a warrant, search a motor vehicle when the officer can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations:

- In cases where the vehicle was stopped or parked prior to contact by the police, the area where the vehicle is parked is not private property such that officers would have to obtain a warrant to gain access to the property itself;
- The vehicle is capable of movement. This does not mean that the vehicle is occupied; it simply means that the vehicle could be started and driven off with the turn of a key;
- Officers may search the entire vehicle unless the information known to the officer indicates that the evidence or contraband is in a specific place within the vehicle in which case the scope of an officer’s search would be limited to the specified area; and
- Officers may only search those areas within the vehicle capable of containing the item being sought. For example, an officer looking for stolen stereo equipment would exceed the scope of a probable cause search if he or she were to search the ashtray for the stolen equipment.

**In almost every case, a search warrant is preferred.**

### **Community Caretaking Search**

Where officers have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the officer may search the vehicle to remove the dangerous item for safekeeping. An officer removing such an item should protect the owner’s property interest by ensuring that the item is stored in accordance with department procedures relating to property and evidence.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 22.3,22.5</b>
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**33.0 TRAFFIC**

This policy provides guidelines and procedures for traffic related field procedures to include traffic stops, speed measuring devices, collision investigations, vehicle escorts, towing procedures, abandoned vehicles and recovery of vehicles.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 22.3,22.5</b>
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**33.1 TRAFFIC: CONDUCTING TRAFFIC STOPS**

Officers will advise dispatch of the following when conducting a traffic stop (10-99): unit number, location, and license plate number and / or description of the vehicle to be stopped. If a vehicle fails to immediately stop, officers will advise dispatch of their direction of travel and request a backup unit.

When conducting traffic stops at night, officers should seek a well-lit area whenever possible and utilize their patrol vehicle's emergency lighting equipment to illuminate the interior of the stopped vehicle. Officers have the discretion to order any vehicle occupant(s) to remain in or exit the vehicle.

Officers should stop their patrol vehicle in a position of advantage. Distance and positioning may vary according to any perceived threat. Emergency lighting equipment should remain on until the completion of the traffic stop, and the public address system may be used to give verbal directions to vehicle occupants. High-risk traffic stops should be conducted by at least two (2) units whenever possible.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 22.6</b>
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**33.2 TRAFFIC: SPEED MEASURING DEVICES**

Officers will be trained in and may utilize speed-measuring devices with an emphasis in areas where collisions or complaints of speeding are prevalent. When signing out speed measuring devices, officers will inspect the equipment for damage or missing parts and perform a calibration check before and after use. Speed measuring devices will be certified annually and regularly maintained. Certification and maintenance records will be kept on file in with the Administrative Sergeant and available for inspection.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.1,22.2,22.4,23.2,23.3,27.6</b>
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**33.3 TRAFFIC: COLLISION INVESTIGATION**

Officers will respond to and investigate all reported vehicle collisions including those that occur on any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them and includes private residential roads and parking lots covered by an agreement under KRS 61.362, off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700. A minimum of two (2) officers will respond to collisions involving serious physical injury or death and the shift supervisor will be notified.

Upon arrival at a collision scene, officers will:

- Protect the scene;
- Administer first aid and basic life support commensurate with their training;
- Request additional assistance from other agencies if needed;
- Conduct traffic control;
- Interview persons involved and gather information for the collision report; and

- Coordinate removal of debris and vehicles.

Officers will be responsible for securing a victim’s property at a collision scene and if necessary, may log a victim’s belongings into property for safekeeping.

Photographs and a diagram will be completed on all collisions involving serious physical injury or fatalities. Minor injury collisions will require only a diagram and photographs may be taken at the officer’s discretion.

The St. Matthews Accident Reconstruction Team (SMART) commander will be notified on all collisions resulting in life-threatening injuries or death, have the authority to assign a reporting officer, and authorize assistance from outside agencies. The Executive Staff Officers may utilize SMART at their discretion in any collision. The coroner will be notified on all collisions involving death and will be responsible for inspection and removal of the deceased from the scene.

**Hit & Run Collision Investigation**

In hit and run collisions where there is no suspect or solvability factors, only an E-Crash report will be needed. If there are solvability factors, a KYIBRS Report for Failure to Render Aid or Assistance will be completed in addition to a collision report.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 22.4,23.1</b>
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**33.3.1 TRAFFIC: CIVILIAN TRAFFIC COLLISION REPORTS**

Members may direct civilians to the Kentucky State Police Portal to complete a Civilian Traffic Collision Report (Form KSP 232), commonly known as a delayed collision report, involving collisions where the parties agree to exchange information and decline a police report, delayed reporting of an accident and/or situations dictated by the Operations Bureau Commander. Exceptions to this are hit and run or injury collisions, or situations where a driver left the area to contact the police. Vehicles moved off the roadway for the safety of the occupants will not be considered to be a delayed collision report.

Officers may assist in the completion of this report; however, it is the responsibility of the involved drivers to complete and submit the report to the Kentucky State Police (KSP).

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**33.3.2 TRAFFIC: CITY OWNED VEHICLES/PROPERTY**

For any City owned or leased vehicle involved in a traffic collision, a shift supervisor will complete a collision report and take photographs. Collisions that occur outside the city limits will be investigated by the agency which has jurisdiction, but a shift supervisor will still make the scene to take photographs. A Vehicle Damage Form (SMPD #018) will be completed in all circumstances. In cases involving damage to other City owned property, officers will complete an offense and/or a vehicle/property damage form. Copies of all reports will be forwarded through the chain of command, City Engineer and the City Clerk.

If a traffic collision involves city owned or leased vehicles and serious physical injury and/or death occurs, the Louisville Metro Police Department will investigate the collision.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**33.4 TRAFFIC: DRIVER RE-EXAMINATION**

Officers who suspect a driver to be incapable of safely operating a motor vehicle may request a re-examination by completing a form provided by the Kentucky State Police. The requesting officer will submit the form along with their daily paperwork and will be notified of the results of the re-examination.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.5,21.1,24.1,25.2</b>
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**33.5 TRAFFIC: DIRECTION & CONTROL**

Officers may conduct manual traffic direction to alleviate congestion when traffic control signals are inoperable or malfunctioning, at school safety crossing zones in the absence of assigned school crossing guards, at construction zones, collision scenes, natural disasters and during special events. Officers will wear their issued reflective traffic vest or raincoat with the high visibility side out when conducting traffic direction and control unless prevented by exigent circumstances.

Officers may manually override traffic signals by setting them on flash to facilitate traffic movement. The shift supervisor may authorize the use of temporary traffic control devices such as barricades and/or stop signs as needed and ensure their removal immediately after use.

The Operations Bureau Commander will be responsible for traffic control planning for special events to determine the time, location and attendance. Traffic routes will be coordinated with the media and other agencies including Public Works to provide barricades and necessary signs.

Officers will continually monitor roadways for any adverse conditions, advise dispatch to notify affected agencies and may provide traffic direction and control until the condition is corrected.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 23.1,23.3,24.2,25.3</b>
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**33.6 TRAFFIC: FIRE DEPARTMENT**

Officers will request assistance from the fire department during a working or potential fire, rescue situation, or any hazardous materials incident. Officers will conduct traffic direction and control exercising caution to protect fire equipment and hoses from vehicular traffic and reduce fire hazards by minimizing the possibility of any ignition source such as electricity, flares or smoking.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.1,22.2,22.4,23.1,23.2,23.3</b>
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**33.7 TRAFFIC: VEHICLE ESCORTS**

The Chief of Police or their designee must approve all vehicle escorts. Officers will use due regard for the safety of the public at all times and should use marked police vehicles equipped with emergency lights and siren during an escort. Officers have the discretion to refuse to begin or stop any vehicle escort they believe will pose a hazard to involved officers, escort participants or the public. Officers may withdraw from a vehicle escort in cases where they are needed for an emergency response involving a threat to human life, or when ordered by a shift supervisor. Prior to withdraw, the officer will notify the person responsible for the escort of the need to withdraw and make it clear to the lead vehicle of their intent to withdraw and inform the operator of the lead vehicle not to attempt to follow. Officers will consider the safety of the escort participants as a factor in determining whether to withdraw, a safe location to withdraw and will withdraw using due regard for the safety of others.



Officers may provide vehicle escorts for civic events including but not limited to parades, athletic celebrations, celebrity/dignitaries, etc., only when the requesting party has provided advance notice and obtained a valid parade permit or other exemption as authorized by City ordinance. Said permit or exemption will be in writing and should specify the following: date and approximate times of the anticipated escort; approximate number of participants (pedestrians, vehicles, floats, etc.); staging area where the escort is to begin; list of all intersections along the route and responsible parties to staff each intersection; and the ending location.

Officers may provide vehicle escorts for funeral processions involving the death of a City or Department member or their family member, or for any procession that due to its anticipated size and/or publicity could be expected to pose crowd control or traffic hazards to participants or the public. Funeral processions are exempt from obedience to traffic control devices, but all participants are required to act with due caution with regard to all crossing traffic. Funeral processions do not have the right of way on interstates, parkways or limited access highways and traffic will not be stopped on any of these roadways. Officers will consult with the funeral director prior to the start of the procession to determine the following: approximate number of vehicles in the procession; most appropriate route of the procession considering available resources for assisting with critical intersections, traffic and weather conditions; time of day; and any existing road hazards. Officers will request the funeral director to direct all participants of the procession to illuminate their headlights and/or display a pennant (flag) on their vehicle pursuant to Kentucky Revised Statutes 189.378 (1). During the procession, officers will activate their emergency lights and turn on their headlights, may use their siren intermittently to warn motorists of the procession, and will come to a complete stop at all stop signs and red lights to ensure the intersection is clear before proceeding. Officers will not assume the right of way is granted to the procession without exercising due caution with regard to crossing traffic.

Officers may provide vehicle escorts to other emergency vehicles only when the escort is necessary for the protection of life and it is authorized by a shift supervisor in the following circumstances: an operator of an ambulance or other emergency vehicle is unfamiliar with the route to a destination; the emergency equipment of an ambulance or other emergency vehicle is inoperative; or when an ambulance or other emergency vehicle is transporting a Department member or any law enforcement officer who is suffering from a life threatening injury.

Operators of private vehicles who have a medical emergency will not be escorted and officers will call Emergency Medical Services (EMS) to respond to the scene and may provide medical care within their competency until relieved by EMS. If the officer believes it would be more dangerous to the life of the person to wait for EMS and the person can be safely moved to a police vehicle, the officer may transport the injured person code three (3) to the nearest hospital. The officer should advise dispatch to contact the hospital and relay the person's condition and anticipated arrival time at the emergency room for assistance.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 21.5,25.1,25.5</b>
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### **33.8 TRAFFIC: TOWING PROCEDURES**

Officers will ensure vehicles rendered inoperable and blocking the traveled portion of the roadway are removed as soon as possible by owner or officer request. Officers will ensure that all debris is removed from the traveled portion of the roadway. When any member requests the Department's contract wrecker service for either owner or officer request, an officer will remain with the vehicle to be towed until the vehicle has been removed, unless exigent circumstances occur.

Officers should assist stranded motorists to the extent possible by notifying a wrecker service or other agency or person for assistance, assist in moving the vehicle off the traveled portion of the roadway, and/or provide transportation to a safe location. Officers will not use their police vehicle to push or pull any other vehicle unless exigent circumstances exist. Officers may use jumper cables in exigent circumstances; however, portable jump

boxes are the preferred method.

Officers may assist gaining access into vehicles when operators have locked their keys inside. Prior to any attempt being made to gain entry into a vehicle outside of exigent circumstances, officers should verbally advise the owner/operator of the vehicle that damage could occur as a result of any attempt and that the owner/operator of the vehicle assumes all liability for any damages incurred as a result of the officers’ attempts. Officers on scene should make every effort to document this advisement and consent being given by utilizing their in-vehicle microphone and camera equipment. Officers will use only department issued equipment specifically designed and intended for this purpose and if in the opinion of the officer the likelihood of damage occurring to the vehicle exists, the officer should cease their attempts. An officer will be dispatched in any situation involving a juvenile locked in a vehicle. If the juvenile is not in danger or distress, the owner/operator will need to contact a locksmith, or the officer may utilize the Department’s equipment to unlock the vehicle. If in the officer’s opinion the juvenile’s life is in danger, or in the event of exigent circumstances, the officer should use the department issued window punch to gain entry into the vehicle. If the officer deems there is not enough time to obtain the window punch, any device may be used to gain entry.

Officers should attempt to contact the registered owner of any abandoned vehicle on the traveled portion of the roadway to arrange for its removal. If unable to make contact, officers may notify the Department’s contract wrecker service for towing.

When a vehicle is towed by officer's request, a Tow Form (SMPD #072) must be completed. The white copy of the tow form is to be left with the wrecker driver hard copy is turned into the office by the end of the shift. All aspects of SOP (Section 33.11) will be followed.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 25.4,25.5</b>
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**33.9 TRAFFIC: ABANDONED VEHICLES**

Vehicles within the City parked on the streets for extended periods of time that appear to be abandoned may be towed pursuant to Kentucky Revised Statutes 189.450 and/or City Ordinances 90.02. Officers will complete a Tow Form (SMPD #072) for all vehicles towed and complete a citation pursuant to Kentucky Revised Statutes 189.450 or a St. Matthews parking citation.

Vehicles left on private property are the responsibility of the property owner to remove. Officers may provide a vehicle owner’s name and address to property owners.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**33.10 TRAFFIC: RECOVERED VEHICLES**

Officers that recover a vehicle stolen from our jurisdiction will notify the shift supervisor to contact the lead detective investigating that case, to determine the need for evidence processing.

Recovered vehicles reported stolen from other jurisdictions may be processed by detectives at the request of that agency.

Officers that recover a vehicle used in the commission of a crime will notify the shift supervisor who will contact the on-duty or on-call detective. The detective will determine the seriousness of the crime to determine if the vehicle will be processed by the Department or the Louisville Metro Crime Scene Unit.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 25.5</b>
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**33.11 TRAFFIC: VEHICLE IMPOUND/INVENTORY/HOLD/RELEASE**

Officers who arrest a vehicle operator may, at the request of the vehicle owner or operator:

- Release the vehicle to another licensed driver,
- Secure the vehicle at the location of the arrest, or
- Impound the vehicle if it is a traffic hazard or has evidentiary value.

Officers may use discretion in determining the appropriate vehicle disposition.

When a vehicle is towed, officers will complete a Tow Form (SMPD #072). The white copy of the Tow Form is to be given to the wrecker driver and the hard copy will be turned into the office by the end of the shift.

Officers will conduct an inventory of all vehicles being towed. An inventory search is a warrantless search of a lawfully impounded vehicle. An inventory search is not a search for evidence or contraband and is not a search with an investigative purpose.

The primary purpose of these searches is to protect the property of persons whose vehicles are towed at the direction of law enforcement and protect law enforcement from false claims with respect to vehicles that are towed at the direction of law enforcement.

Inventory searches are subject to the following limitations:

- All vehicles towed at the direction of an officer of this Department, irrespective of the reason for the tow, will be inventoried in accordance with this policy.
- Officers will note in their report any items of value that are within the vehicle.
- All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage will be searched. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.
- If an item of extreme value is located within the vehicle and is removable, the officer will take the item for safekeeping and either turn the item over to the owner or, when that is not possible, take the item to the Department to be held for safekeeping in accordance with the provisions of the property and evidence policy.
- Officers will list in the “Additional Information” section of the tow slip anything of value, where it was located and log the property in the Property Room for safekeeping. The only exceptions to a vehicle inventory search is where the officer may be placed in danger due to bloodborne pathogens, physical hazards or environmental hazards (e.g., Blood from an accident, possible fentanyl or meth lab exposure, accident debris inside the vehicle, etc.).

Officers may place a hold on any vehicle and its contents when necessary for acquisition of a search warrant, evidence collection or completion of a citation and will list the reason for the hold on the Tow Form. All vehicles placed on hold should be taken to the Department’s tow lot or CID garage. A vehicle hold will only be released by the initiating officer, a commanding officer or detective by signing the Tow Form (SMPD #072).

Officers will not place a hold on any vehicle for proof of operator’s license, insurance, or registration. Officers will verify all vehicles towed are not reported stolen, provide ownership information on the form, and visually verify that the vehicle has the correct Vehicle Identification Number.

Officers may search a vehicle with a search warrant, consent of the owner or operator, or if exigent circumstances exist. A vehicle owner or operator has the right to have a representative present during any warrantless search and may limit the scope of or withdraw consent at any time.

Any vehicle involved in an accident, where the owner or operator is still present and where the vehicle is not being held for evidence, may be towed at the owner’s expense which will be verified by the contract wrecker operator. In this case, no tow form will be needed.

The Department’s contract wrecker service will be responsible for the verification of all documentation prior to the release of impounded vehicles. Discrepancies in documentation will be resolved by the vehicle owner reporting to the Department for proper verification by an officer. Upon clarification, the officer will sign the Tow Form (SMPD #072) and the vehicle owner will return to the wrecker service for vehicle release.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 22.3</b>
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### **33.12 TRAFFIC: DUI**

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

When an officer’s observations lead them to believe that an operator may be committing a DUI offense, the officer will conduct field sobriety exercises. These field sobriety exercises should be the Horizontal Gaze and Nystagmus (HGN), Walk and Turn and One Leg Stand and performed in this order. If conducting the field sobriety exercises poses a danger to the safety of the officer or the operator, the officer may elect not to use them and should make note of such reasons in the post arrest complaint. The officer will take appropriate enforcement action based upon the results of the field sobriety exercises and their observations.

Considering the Kentucky Supreme Court’s decision in Commonwealth v. McCarthy, the following protocol will be followed:

#### **Alcohol Only**

If the officer arrests the operator and has reason to believe that the primary influencing substance is alcohol, administer a PBT, if possible, and obtain a result. If it shows a presence of alcohol, the officer will transport the subject, as soon as possible, to the Louisville Metro Department of Corrections (LMDC), if medical attention is not required, and present them to the Breath Alcohol Technician (BAT). The technician will take custody of the prisoner. They are responsible for requesting that the individual take a chemical test and offering the individual the chance to contact an attorney.

Officers will not be present during the BAT’s observation period of the prisoner. The BAT will prompt the officer by reminding them that the observation period is about to begin. At this time, the officer will exit the room and remain in the sally port until the testing is complete. After the technician completes the testing, they will turn the prisoner back over to the officer, along with the results of the test.

If the individual refuses the Intoxilyzer test, this can be used to enhance the criminal penalty AND as evidence of guilt at trial. The twenty-minute observation period, ten-to-fifteen-minute opportunity to contact an attorney and the right to an independent test still applies.

#### **Drug Only**

If the officer arrests the operator and has reason to believe that the primary influencing substance is drug related, or the operator's actions are not consistent with their physical condition, they will gather ANY and ALL evidence of impairment prior to placing the individual under arrest REFER TO SEARCH AND SEIZURE (Photographs of the physical evidence is very valuable.)

Upon arrest, mirandize and attempt to question as to substance abuse, what they were doing/using prior to the stop, etc. The officer should administer a PBT, if possible, and obtain a result. If drug usage only is suspected, it should read 0.00. The officer should then transport the suspect, as soon as possible, to the LMDC, if medical attention is not required, and present them to a BAT for a blood test and should consider contacting a Drug Recognition Expert (DRE) to evaluate the suspect's condition. Officers will obtain approval of a commanding officer before contacting a DRE. A blood sample will be requested by the BAT, the DRE (if present), or the arresting officer, following the evaluation. The individual must consent to any and all blood and/or breath tests requested by the officer which can be used as evidence in the trial. If the individual refuses, the refusal can no longer be used as evidence in a trial. Under this new case law, NO mention of the refusal may be made. Do not offer the individual an Intoxilyzer test if only drugs are suspected and the PBT result is 0.00 – 0.03 (request a blood test only). While the twenty-minute observation period does not apply here, the ten-to-fifteen-minute opportunity to contact an attorney and the right to an independent test still applies.

### **Alcohol and Drugs**

If the officer arrests the operator and has reason to believe they are under the influence of alcohol and drugs, the officer should administer a PBT, if possible, and obtain a result. If the reading is 0.00 to 0.03, the individual should be transported to LMCD to be tested for both alcohol and drugs. If the individual consents, the results can be used as evidence at the trial. If the individual refuses the blood test, it can no longer be used as evidence of guilt. A DRE consult is still advised at this point. While the twenty-minute observation period does not apply here, the ten-to-fifteen-minute opportunity to contact an attorney and the right to an independent test still applies. If the PBT reading is 0.03 – 0.08, offer the individual an Intoxilyzer test. If the individual shows a presence of alcohol, it can be used as evidence of guilt. In the individual refuses the Intoxilyzer test, it can be used as evidence of guilt at trial. The twenty-minute observation period, ten-to-fifteen-minute opportunity to contact an attorney and the right to an independent test still applies.

In any of these cases, assume all tests, including SFST's, will be refused and gather additional evidence of impairment accordingly.

In instances where a person is suspected of intoxication and registers .000 at the LMDC and a DRE evaluation does not support intoxication, the officer will notify a commanding officer and determine the appropriateness of continuing with an arrest. If the decision is made to release the operator, an Administrative Incident Report (SMPD #057) will be completed.

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

An operator may only be cited and released for a DUI offense when all 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 they are no longer a danger to themselves or others due to intoxication and cannot voluntarily leave the hospital. If the operator is still physically capable of leaving the hospital, the officer must remain with the operator until they are no longer a danger to themselves or others due to intoxication, before citing the operator in lieu of arrest.
- Blood evidence has been drawn. This may be done at the request of the officer or for treatment purposes.
- A commanding officer has granted approval for the operator to be cited in lieu of arrest. In these

circumstances, the commanding officer will complete an Administrative Incident Report (SMPD #057).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 22.3</b>
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**33.12.1 TRAFFIC: DUI BLOOD EVIDENCE COLLECTION**

There are four (4) ways to have the results of blood tests admitted into court:

- **Written Consent:** Written consent from a suspect, whose blood is being sought, is the preferred option for obtaining specimens for evidentiary purposes, except when a suspect is injured or is not being charged at the time. The Implied Consent Warning (SMPD #101) will be read to the operator before submitting to a specimen collection. A Specimen Collection Consent/Refusal Form (SMPD #102) should be signed by the suspect and witnessed by another person. If verbal or other clearly identifiable permission is given, but the suspect refuses, or is unable to sign (e.g., physically impaired due to injury), the reason will be noted, in detail, on the form and a witness’s signature will be obtained. The officer will provide a Kentucky State Police (KSP) Blood Collection Kit.
- **Implied Consent:** KRS 189A.103 dictates that when a person, suspected of a violation of KRS 189A.010 (1) or KRS 189.520(1) (Driving Under the Influence (DUI)), is unconscious and unable to give written or verbal consent, or cannot gesture their consent, their condition will indicate implied consent. The officer will complete the Specimen Collection Consent/Refusal Form (SMPD #102), marking the appropriate box and explaining the suspect’s condition. The officer will obtain the signature of a witness on the form. The officer will provide the hospital staff with a KSP Blood Collection Kit.
- **Search Warrant:** In cases where a person is suspected of a violation of KRS 189A.010 or KRS 189.520 as part of an injury collision and is unwilling to consent to a blood sample, the investigating officer should consider obtaining a search warrant for blood evidence. This evidence can be collected by writing a search warrant to have the suspect’s blood drawn or to collect those samples already obtained by the hospital. The officer should contact a commanding officer for guidance as to whether blood evidence collection is appropriate, based on the nature of the injuries. Officers may contact the Office of the Commonwealth’s Attorney or the Jefferson County Attorney’s Office during normal business hours for assistance. Officers may contact an on-call prosecutor after hours, by contacting a Traffic Unit officer and requesting assistance, if necessary. The officer will provide the hospital staff with a KSP Blood Collection Kit.
- **Medical Records:** In cases where the above criteria are not met, or when a medical facility fails or refuses to cooperate in the collection of blood evidence, hospital records may be subpoenaed to court with the assistance of the Office of the Commonwealth’s Attorney or Jefferson County Attorney’s Office. Seeking hospital records, by subpoena, should be initiated by the prosecutor.

All blood specimens will be processed according to departmental evidence procedures. Blood alcohol concentration testing should be administered within two (2) hours of cessation of operation or physical control of a motor vehicle for it to be admissible in court. However, if more than two (2) hours have elapsed, a blood alcohol concentration test should still be administered. To obtain blood specimens in a DUI investigation, the officer will transport, or arrange to have transported, if appropriate, an injured adult subject who has consented, or whose consent is implied under statute or who is compelled by a search warrant to submit, to blood testing, to the University Hospital Emergency Room (ER), unless the subject requests to be taken to a different hospital for treatment. Louisville Metro Department of Corrections (LMDC) medical personnel will collect blood specimens from subjects who are uninjured and do not require hospitalization. All juvenile drivers who have been involved in a vehicle collision will be taken to Norton Children’s Hospital for examination, unless the juvenile’s parent or legal guardian is present and requests a different hospital. Legal requirements for obtaining blood or breath testing are the same for juveniles and adults. Breath testing for adult and juvenile subjects is conducted at the LMDC.



KRS 189A.105 dictates that if a person submits to alcohol and/or substance tests requested by an officer, they will be advised that they have the right to have an independent blood test (IBT) performed by a person of their choosing, at their own expense, as described in KRS 189A.103 (the “implied consent” statute), within a reasonable amount of time after their arrest. Immediately following the administration of the final test requested by an officer, the subject will again be informed of their right to an IBT, by asking “Do you want such a test?” If a subject requests an IBT, the officer will transport the subject to the medical facility of their choice. The officer must make a reasonable effort to allow the subject to obtain an IBT. If the requested medical facility will not perform the IBT, the officer will transport the subject to a second medical facility of the subject’s choosing. If the second medical facility refuses to perform the IBT, the officer will then transport the subject to the LMDC. If a subject requests an IBT but is unfit for transport to another medical facility of their choosing, due to sustaining injuries requiring admission to the initial medical facility, the officer will advise the subject, if possible, that they are unable to be moved, but that they may request that the initial facility perform an IBT. The officer will also advise medical personnel at the admitting facility of the subject’s request for an IBT. The officer will note in the narrative of the arrest citation, that the subject requested an IBT, but was unable to be transported due to injuries. If the medical facility where the subject is admitted declines the subject’s request for an IBT, the officer should obtain the name of the person denying the request and record it in their notes.

The officer should advise the subject they are responsible for all costs associated with an IBT. No subject will be transported outside of Jefferson County for the purpose of obtaining an IBT. Officers will not make statements regarding the wisdom of obtaining an IBT and in no way attempt to discourage a subject from requesting one.

The officer will obtain a KSP Blood Collection Kit and verify that the expiration date on the box has not passed. Blood kits may be obtained from the Kentucky State Police, Jefferson Laboratory Branch, located at 3600 Chamberlain Lane #410. The KSP Jefferson laboratory Branch can be contacted at (502) 426-8240.

When obtaining samples, the officer will provide a copy of the search warrant or Specimen Collection Consent/Refusal Form (SMPD 102) to the hospital. The original copy should be retained in the officer’s file for court proceedings. Upon arrival at the hospital, the officer will:

- Notify the triage nurse of their intention to have a blood specimen drawn.
- Request the appropriate nurse to fill both blood tubes for alcohol and drug testing.
- Personally witness the collection of the blood specimen(s).
- Request that blood be drawn two (2) times. The second blood draw needs to be taken one (1) hour after the first blood draw.
- Request that a non-alcohol prep be used prior to obtaining blood.
- Note the location on the body from which blood is drawn on the Specimen Collection Consent form.
- Fill in the blanks on the sample containers and the evidence box.
- Seal the evidence in the box and deposit it in a mailbox as soon as possible.

A hospitalized suspect may be cited and released for a DUI only under the conditions mentioned in SOP 14.45. This decision will be based on the suspect’s injuries and the length of time that the suspect is to be hospitalized. Blood evidence must be drawn, and an officer will request the approval of a commanding officer before a suspect may be cited in lieu of arrest. The commanding officer will complete an Administrative Incident Report (SMPD #057). Blood may be drawn at the request of the officer or for treatment purposes by medical personnel.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 23.1,23.2</b>
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### **33.12.2 TRAFFIC: DUI EVIDENTIARY TESTING**

Officers who stop a suspected intoxicated driver may request they submit to a Preliminary Breath Test (PBT).



The driver has the right to refuse testing, however, a refusal will not initiate the implied consent under Kentucky Revised Statutes. All PBTs must be approved by the Department prior to use. PBTs should be used as a screening test in conjunction with other field sobriety tests.

Smoking, eating, or drinking within twenty (20) minutes of a breath test may contaminate the sample. Officers will not allow a test subject to smoke, eat or drink until after testing is completed.

If a test subject is physically unable to give a breath sample, the officer may initiate a blood test as an alternative. If a test subject has refused a blood test or is unable to give consent, a search warrant must be obtained. If the subject is unconscious, the blood can be drawn without a search warrant as implied consent, but a search warrant is always the best policy. Blood draws may be conducted by the Louisville Metro Corrections on-duty nurse and University Hospital. Refer to SOP 14.46 for procedures and forms needed.

If an individual wishes to have their own blood test, the officer will make reasonable efforts to accommodate. The individual may choose a medical facility, within close proximity to the location of the arrest, but they must provide the means to pay for the lab tests.

Testing kits provided by the Kentucky State Police Lab will be used to obtain blood samples. Testing kits will be logged and stored as outlined in SOP (Chapter 24).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 22.3,23.1,23.2
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### **33.12.3 TRAFFIC: ARIDE/DRE INVESTIGATION**

Officers who have detained a subject suspected of being under the influence of any substance that would impair their ability to operate a vehicle safely, may contact an on-duty officer trained in Advanced Roadside Impairment Driving Enforcement (ARIDE) to conduct advanced standard field sobriety tests (SFST's). The ARIDE officer will advise if they feel a Drug Recognition Expert (DRE) is needed to be called out for a full evaluation.

Officers will notify the DRE officer when an evaluation is needed to assist secondary to a DUI arrest. If there is not an on-duty DRE, officers will notify the shift supervisor who will determine if the use of a DRE is warranted and if so, will advise dispatch to contact the on-call DRE officer.

If an outside agency requests the response of a DRE from our Department to assist with the evaluation of a subject under arrest for suspected DUI, the on-duty shift supervisor will be contacted to grant approval before the DRE responds.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 17.9
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### **34.0 CANINE UNIT: INTRODUCTION**

Currently the Department's Canine Officer utilizes only a narcotics dog. If any other canine is needed, assistance must be sought from other agencies.

Canine Handlers will follow department policy and procedure with respect to search and seizure and use of force.

The Operations Bureau Commander will review all canine deployments and apprehensions to calculate and track drug seizures on a quarterly basis to assess the overall performance of the canine unit. The Operations Bureau Commander will make recommendations to the Chief of Police for any changes in policy and procedure, training or other related issues.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 14.4,17.9</b>
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**34.1 CANINE UNIT: CERTIFICATION & TRAINING**

The Training Coordinator will maintain the training records and all other documentation of a Canine Handler and a canine’s certification for drug and search detection. Canines and their handlers will be trained in accordance with certification guidelines and will continue regular weekly and in-service training.

Canine Handlers are responsible for ensuring their canine is maintained at the proper level of proficiency after initial training and certification testing. This will be accomplished through regular refresher training exercises as well as training during normal working hours.

Canines and Canine Handlers will be re-certified twice annually by testing similar to certification standards. These tests may vary but will contain the basic requirements as their original certification test that the canine received at the end of their initial training. Failure to certify will result in removal from service until the standards are met.

Any Canine Handler noting a problem or deficiency in their canine’s performance will notify the Operations Bureau Commander. Remedial training will be conducted upon determination of a deficiency in a canine. Canines will be removed from service during remedial training and only reinstated upon successful completion of the training.

The Operations Bureau Commander will suspend the use of any canine upon determination that the canine creates an unreasonable risk to the safety of the Canine Handler or others. Documentation of the problem will be in writing and forwarded to the Chief of Police.

Officers will not use a canine nor rely upon a canine and/or Canine Handler that is not fully certified to justify a search.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 4.3,17.9</b>
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**34.2 CANINE UNIT: NOTIFICATION & AUTHORITY**

Officers will notify the Canine Handler, if on-duty, when a canine is needed to conduct a search for narcotics contraband. If the Canine Handler is Off-duty, officers will notify the shift supervisor who will determine if the use of a canine is warranted and if so, will advise dispatch to contact the on-call Canine Handler.

An Executive Command Staff Officer will approve any request for assistance from an outside agency to use our department canine. A shift supervisor may approve any request for assistance from an outside agency to utilize their canine.

The Canine Handler will consult with the officer in charge at the scene, however the Canine Handler will have sole authority over the canine and its use. The Canine Handler will determine the most appropriate use of the canine at a scene considering all available information including but not limited to: reason for the call-out, environmental conditions and terrain, size of the scene, time lapse, etc.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4,17.9</b>
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**34.3 CANINE UNIT: NARCOTICS DETECTION**

The use of a drug-detecting canine for the purpose of sniffing an inanimate object, including a vehicle, in a public place does not constitute a search for 4<sup>th</sup> Amendment purposes. Officers do not need to establish reasonable suspicion to use a canine during a traffic stop. Furthermore, officers may not prolong the traffic stop for an unreasonable period of time awaiting arrival of a canine unless they have reasonable suspicion to believe there is contraband present. In cases where the traffic stop resulted from reasonable suspicion to believe the vehicle contains contraband, the officer may reasonably detain the vehicle for the arrival of a canine. In cases where a certified canine alerts for narcotics in a vehicle, probable cause to believe the vehicle contains narcotics has been established.

The use of a drug-detecting canine for the purpose of sniffing lockers in a school hallway does not constitute a search for 4<sup>th</sup> Amendment purposes. The use of a canine at a school should be with the authorization of the Chief of Police working in cooperation with local school authorities. In cases where a canine alerts on a locker, the Canine Handler will notify school authorities that will then be responsible for all further action. Canines will not be used to sniff students.

In cases where a drug-detecting canine alerts on an inanimate object in a public place such as luggage, packages, etc., officers will obtain a search warrant to open the item unless consent can be obtained, exigent circumstances exist or the item(s) to be searched are contained in an occupied vehicle.

Canine handlers will submit a training and activity report monthly to the Operations Bureau Commander. The report will include the results of any canine search.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.9</b>
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**34.4 CANINE UNIT: CARE & MAINTENANCE**

The canine handler will be reimbursed for certain costs in the agreement as approved by the Police Committee. Canine Handlers are responsible for the health and general care of their canine and will ensure the canine receives prompt and proper medical attention in the event of any illness or injury. Canine Handlers are responsible for administering all medications to their canine as prescribed by a veterinarian. Canine Handlers are responsible for scheduling of appointments and making arrangements to have any necessary or required veterinary services performed. Canines will be kept clean and well-groomed at all times.

Canine Handlers will lock all doors to their police vehicle when leaving their vehicle and the canine unattended. Canine Handlers will determine the appropriate type of ventilation and heating or cooling system to use. Canine Handlers will be mindful of prevailing weather conditions and will not leave their canine unattended for extended periods of time without a break.

Under no circumstances will any canine be abused or mistreated.

In the event a canine is lost or missing, the Canine Handler will immediately notify the on-duty shift supervisor who will notify the Operations Bureau Commander. The Operations Bureau Commander will immediately organize a search for the canine using all available resources and advise dispatch to notify Louisville Metro Animal Services. If chipped, information contained in the microchip will be maintained at the Shively Animal Clinic, 2401 Dixie Highway.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 10.3,17.9</b>
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**34.5 CANINE UNIT: OFF-DUTY EMPLOYMENT**

Canine Handlers engaged in department approved off-duty employment will not have their canine with them or in their police vehicle. The use of canines during off-duty employment is prohibited.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**35.0 MEDICAL**

This policy provides guidelines and procedures for medical incidents which may occur in the field.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**35.1 MEDICAL: ANIMAL INJURY OR THREAT**

Officers should attempt to contact the owner of any animal that is causing a disturbance, is injured, or posing a threat. If the owner cannot be contacted, officers should advise dispatch to contact Louisville Metro Animal Services.

Animals that appear to be critically injured, rabid, or posing an immediate threat may be put down as a last resort with the approval of a shift supervisor. Discretion should be used when putting an animal down. An Administrative Incident Report (SMPD #027) needs to be completed upon euthanizing any animal.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**35.2 MEDICAL: ANIMAL OR HUMAN BITES**

Officers will advise a victim of an animal or human bite to seek medical treatment. Owners of an animal will be advised to confine the animal for 10 days or until notification by the Louisville Metro Health Department. Officers will complete an incident report and contact the Louisville Metro Health Department who will conduct a follow up investigation. If an owner is unknown or cannot be contacted, Louisville Metro Animal Services will be notified to pick up the animal.

Officers bitten by an animal or human will immediately report the incident to their shift supervisor who will follow the procedures outlined in SOP (Section 9.3 and Chapters 36).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 10.5,21.1,23.3,</b>
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**35.3 MEDICAL: MEDICAL ASSISTANCE**

Medical care and transportation will be the responsibility of Emergency Medical Services (EMS). Officers may provide medical care within their competency until relieved by EMS.

Officers will be trained at least every two (2) years in Cardiopulmonary Resuscitation (CPR) current to American Heart Association standards for health care providers. Training will include current standards for the deployment, use and care of Automatic External Defibrillators (AEDs). Civilian members may attend CPR training and, at a minimum, will be trained in the use of AEDs.

An officer responding to a civilian vehicle containing a sick or injured person, should offer to summon emergency

medical assistance and should offer to provide first aid, pending its arrival. Officers are prohibited from escorting vehicles carrying injured or ill persons. However, if an injured person can be moved to a police vehicle without further injury, the injured person may be transported in the police vehicle. When there is a life-threatening situation and the escort by a departmental vehicle would be the best option available, escorts of emergency vehicles (e.g., ambulance) may be authorized by a commanding officer. Officers conducting these escorts must do so with due regard for the safety of others.

<b>Effective:</b> 04/15/2022	<b>Revised:</b>	<b>KACP Standards:</b>
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### **35.4 MEDICAL: DIMINISHED CAPACITY RESPONSE**

The purpose of this policy is to provide members with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities in a manner to provide the required professional assistance these persons need, to protect the community, to safeguard the officers involved in the encounter and to enhance the Department's risk management.

Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force.

It is the primary task of members confronting these special needs persons to resolve the encounter in the safest manner. It is the task of the member to bring these types of persons to professional resources, when necessary. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.

This policy does not require members to make a clinical diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to themselves or others.

#### **Definitions:**

- "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others, including actions which deprive self, family, or others of the basic means of survival including provision for reasonable shelter, food, or clothing;
- "Persons of diminished capacity": encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness, or medical complications, intellectually and developmentally disabled (IDD), autistic, dementia and Alzheimer's.
- "Mentally Ill Person": means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.
- Professional resources: These sources are those available to the St. Matthews Police Department such as mental health professionals, emergency medical facilities, and detoxification centers.
- Voluntary and involuntary commitments: These are the provisions within the State in which the Department can use for the civil commitment of persons requiring professional psychological

intervention.

**Procedure:**

Field control tactics: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. This field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication and Time.

**Containment:**

Before any reasonable control and defusing techniques can be used, the subject must be contained:

- Two (2) officers will be dispatched to an incident involving a person of diminished capacity. **Should an officer find him/herself in a situation with such a person, the officer will request a back-up before attempting to intercede.**
- Responding officers should avoid the use of emergency lights and siren when responding to this type of call for service. Experience has demonstrated that this may agitate the response by the subject of the call or encounter.
- The officers will devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject to reduce any unnecessary agitation. Officers should convince the subject that they do not have to move. Officers should continuously evaluate this comfort zone.
- It is important for officers to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.
- Effective containment reduces the elements of agitation, such as large groupings of persons (including officers), emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.
- Officers should use time to their advantage when dealing with persons of diminished capacity; so long as the person is not presenting an imminent threat to themselves or others.
- Officers should utilize all available tactics to de-escalate the situation where possible, however if an officer is faced with a dynamic and violent situation which poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under the “Response to Resistance” policy to gain control.

**Coordination:**

This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:

- When two officers are responding, contact/cover tactics should be employed;
- Contain the person with diminished capacity to ensure that outside persons and/or family members do not interfere;
- Officers should;
  - Continually: gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family;
  - Determine what resources should be requested including additional police personnel, specialized weapons, professional resources and staged medical personnel; and
  - Designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.

**Communication:**

Communication with the person of diminished capacity should be planned and controlled:

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- Prior to engaging the subject in communication, the initial responder when practical should wait for the arrival of a cover officer. When dealing with edged weapons officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.
- One officer will be designated as the “contact” officer responsible for direct communication with the person of diminished capacity. Other officers should assist with containment and coordination of other resources (medical personnel, assist family members, etc.).
- Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject’s participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.
- Officer should use calming communicative attempts when possible. Sharp, authoritative commands should be avoided unless necessary.
- It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that the police are there to help them.
- Be as truthful as possible within the scope of the situation.
- Officers must constantly analyze what affect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.
- Normally, family members should not be used to establish communications. This frequently exacerbates the situation.

### **Time:**

The concept of elongating the encounter, rather than hastening it:

- History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution;
- Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon their predicament;
- Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment and medical support personnel; and
- Time encourages the ability to communicate and create a relationship between the subject and the command voice.

### **Commitment Procedures:**

The primary purpose for police response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate form of professional resources. In determining if a commitment or voluntary referral is appropriate, officers should evaluate information provided by professional resources persons and family members. It is important for the officers on the scene to determine what, if any, on-going threat potential the subject poses to him or herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure to ensure the person of diminished capacity is evaluated by a QMHP (Qualified Mental Health Professional).

- **KRS 202A.041 Warrantless arrest and subsequent proceedings** (1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained will take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation to be conducted by a qualified mental health professional. Upon transport of the person to the hospital or psychiatric facility, the peace officer will provide written documentation which describes the behavior of the person which caused the peace officer to take the person into custody. If, after evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization, the person will be released immediately and transported



back to the person's home county by an appropriate means of transportation as provided in [KRS 202A.101](#). If, after evaluation, the qualified mental health professional finds that the person meets the criteria for involuntary hospitalization, appropriate proceedings under this chapter will be initiated. The person may be held pending certification by a qualified mental health professional and implementation of procedures as provided in [KRS 202A.028](#), [202A.031](#), or [202A.051](#) for a period not to exceed eighteen (18) hours.(2) If, after the evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and take the arrested person without unnecessary delay before a judge.

- Officers will not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.
- No officer will place criminal charges against a person who is mentally ill and need of hospitalization solely for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility. This does not preclude officers from placing appropriate criminal charges for any criminal offense based upon probable cause in accordance with KRS. Those persons who are a danger to self or others should be taken into custody and transported without delay to a hospital/designated psychiatric facility. Criminal charges, a summon(s) or arrest warrant(s) can be obtained by the officer in relation to any/all criminal offenses subsequent to the primary objective of appropriate medical and /or psychiatric treatment.
- Use of restraints when dealing with persons of diminished capacities: These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases, an ambulance may be required. Officers will use only those restraining devices for which they have been trained.

### **Reporting requirements:**

Officers will prepare all required reports whether the subject of the call is arrested, committed or released. This can provide valuable information for future contacts and, when available, allows the Department to provide information to the statewide data system.

Documentation in the narrative on the E-CIT form should include (even on MIWs):

- The consumer's behavior;
- Medications if known;
- How the situation was brought to the attention of the officers.
- Consumer's threats and/or behavior
- If the consumer was compliant and willingly went to the hospital.

### **Special Circumstances:**

**Excited Delirium:** State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora (excessive tears), hostility, exceptional strength, and endurance without fatigue. **This should be considered a true medical emergency.**

### **Possible Causes of Excited Delirium**

- Hypoxia: An inadequacy in the oxygen reaching the body's tissues,
- Hyperthermia: Unusually high body temperature,
- Hypoglycemia: Lower than normal level of blood glucose,
- Drug Use,
- Stroke,
- Intracranial Bleeding, and/or

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- Severe Mental Illness
- **Persons Suffering from Excited Delirium may exhibit one or more of the following:**
  - Irrational Speech/ Speaking in Gibberish,
  - Shouting, Yelling, or Screaming,
  - Confusion,
  - Sudden changes in behavior i.e. raging followed by sudden calmness,
  - Paranoia, belief that someone is after them,
  - Frightened/Panicky,
  - Hallucinating/delusional/hearing Voices,
  - Violent/Destroying Property,
  - Unexplained Strength/Endurance,
  - High level of Pain Tolerance,
  - Sweating Profusely/High Body Temperature,
  - Difficulty breathing,
  - Foaming at mouth,
  - Drooling,
  - Dilated Pupils,
  - Evidence of Self-inflicted injuries,
  - Removing Clothing,
  - Completely Naked,
  - Resisting violently during and post restraint,
  - Unable to follow commands or directions,
  - Gravitation toward “shiny objects” such as lights or mirrors, and/or
  - Grandiose delusions

### **Procedures:**

#### **Initial Response (CALMS)**

- Containment-attempt to contain subject in a manner which protects all persons including the officer(s) and the subject.
- Announcement-advise over the radio/dispatcher that the officer believes he/she is dealing with an excited delirium subject.
- Lots of Backup-even in small agencies, mutual aid should be immediately sought to enable the officers to effectively deal with the subject. Extra officers are recommended to deal with custody/control procedures which are extremely difficult. In situations where the subject is outside, extra officers will also be necessary for the containment perimeter. If there are specially trained crisis intervention officers, or trained negotiators available, they should be called.
- Medical Attention-will be called to the scene and staged to provide immediate medical attention to the subject once the subject is controlled and it is safe to do so.
- Slow down...If safety of subject, the public, or third parties is not in danger, take your time. Remember persons suffering from excited delirium may become more agitated by some triggering event: i.e., close in on body space or touching.

#### **Tactical Response**

- When feasible, pre-plan with assignments: i.e., which officer(s) will be responsible for direct communication with the person of diminished capacity (contact) and assist with coordination/control (cover);

- When utilizing an Electronic Control Device/TASER in the probe mode to accomplish restraint, if possible, use a single deployment coupled with immediate restraint to decrease the likelihood of a drawn-out confrontation which may further diminish the subject’s respiration levels;
- A Four Officer Approach contemplates at least one officer for each limb. Officer assigned for each limb has been found to be effective for purposes of control during the restraint process;
- Officer assigned to protect the head during the restraint process and speak calmly to the subject in an effort to reduce agitation; and
- **Do not take to jail.** Pass to medical personnel as soon as possible upon accomplishing control/restraint. Immediately notify medical personnel you have a subject exhibiting signs of excited delirium.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 30.8</b>
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**35.5 MEDICAL: CRISIS INTERVENTION TEAM**

When available, officers who are Crisis Intervention Team (CIT) certified will be dispatched to, and be responsible for, handling all calls for service including, but not limited to:

- Persons exhibiting any mental illness,
- Substance abuse disorder,
- Mental retardation,
- Developmental disabilities,
- Dual diagnosis of mental illness and substance abuse disorder,
- Any incident where there is probable cause to believe the subject may harm themselves or others; and
- All incidents involving voluntary or involuntary hospitalization pursuant to Kentucky Revised Statutes 202A.041.

CIT officers will be in command of any of the above listed incidents unless otherwise directed by a supervisor. An e-CIT report will be completed on all calls for service listed above, regardless of if the responding officer(s) are CIT certified or not. For incidents involving a criminal offense requiring an offense report, officers will complete an offense report in addition to the e-CIT report.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 17.4,17.5,27.1</b>
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**35.6 MEDICAL: SUSPECTED OPIOID OVERDOSE**

To reduce the occurrence of fatal opioid overdose, all officers will receive training by competent authority, in the guidelines, instructions, and procedures to utilize naloxone to revive victims of any apparent drug overdose.

Patrol Units will carry in their vehicle the overdose response kits, One (1) per each beat, and a kit by the supervisor. The administration of naloxone to a victim of suspected drug overdose will be done so using an intranasal mucosal atomization device (MAD) in a prefilled and predetermined dosage unit.

Victims of a possible drug overdose may exhibit some of the following signs and symptoms:

- Very slow or absent breathing,
- Blue or purplish lips or fingernails,
- Limp or flaccid extremities,
- Pinpoint pupils,
- Vomiting or gurgling; and
- The inability to wake up or respond when officers try to rouse them.

Officers encountering persons suspected of a drug overdose will:

- Maintain universal precautions throughout treatment and contact with the victim,
- Contact dispatch and advise them of the situation and request EMS to respond, Perform a basic assessment of the victim checking for responsiveness and respiratory effort,
- Assess for the presence of medical alert tags around the victim’s neck or wrists,
- Question witnesses on what type of drug(s) the victim ingested,
- Administer naloxone to the victim in accordance with prior training; taking into consideration the scene and surroundings for the safety of the officers and victim as a sudden onset of immediate opioid withdrawal may result from which the victim may become agitated and display a rapid heart rate, nausea, seizures, and difficulty breathing.

Officers should be prepared to administer additional treatment to include:

- repositioning the victim in a recovery position; or
- initiate cardiopulmonary resuscitation (CPR) if the victim’s heartbeat ceases.

Officers will notify dispatch each time naloxone is administered to the victim. Once used, the intranasal naloxone device is considered a biohazard and will be turned over to EMS for proper disposal and if possible, exchanged for a new MAD for replacement purposes.

Officers will investigate the possible overdose as appropriate and seize any suspected narcotics evidence and paraphernalia found at the scene or on the victim, in accordance with SOP (Chapter 24 & Section 32.3).

Officers administering naloxone will be required to complete a Naloxone Administration Report (SMPD #032) documenting the following:

- Victim’s condition when found, to include, symptoms, and behaviors,
- The administration of naloxone,
- EMS response,
- Any narcotics and/or other evidence seized; and
- Any change in the victim’s condition, if any, secondary to the administration of the naloxone.

Naloxone is a perishable medication that is issued by a physician’s prescription only. Officers issued naloxone will be responsible for its security and for the inspection of the drug/kit prior to each shift. Officers should ensure that the naloxone has not reached or passed its expiration date and ensure that the MAD has not been damaged. Officers with expired or damaged naloxone kits will notify their shift supervisor who will notify the Operations Bureau Commander to arrange for a replacement kit. Naloxone should be stored in accordance with the manufacturer’s instructions, avoiding extreme cold, heat, and direct sunlight.

Officers will receive approved and authorized refresher training on responding to persons suffering from an apparent opioid overdose and the use of naloxone every two (2) years. New officers will be given training if they have not received training at their previous department.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 29.1</b>
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### **36.0 BLOODBORNE PATHOGENS: EXPOSURE CONTROL PLAN**

St. Matthews Police Department members must perform their duties in the safest and most effective manner possible. Life-endangering, communicable diseases threaten the safe performance of daily operations. To minimize a potential exposure and increase the understanding of the nature and potential risks of communicable diseases, the Department will continuously provide members with up-to-date procedures and information on communicable diseases and will provide the proper safety equipment. The Exposure Control Plan will meet all

mandatory federal regulations. Its purpose is to eliminate or reduce a member’s exposure to blood, bodily fluids, and other potentially infectious materials. It will be available and accessible to all members on a twenty-four (24) hour basis.

**Blood:** Human blood, human blood components, and products made from human blood.

**Bloodborne Pathogens:** Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and human immunodeficiency virus (HIV).

**Body Substance Isolation:** Formerly known as “universal precautions.” All individuals should be considered as possible exposure threats for bloodborne or airborne pathogens and should be approached and treated using the appropriate procedures and personal protective equipment (PPE).

**Contaminated:** The presence, or the reasonably anticipated presence, of blood or other potentially infectious materials on an item or surface.

**Contaminated Clothing:** Clothing that has been soiled with blood or other potentially infectious materials, or clothing that may contain sharps.

**Contaminated Sharps:** Any contaminated object that can penetrate the skin, including, but not limited to, needles, knives, broken glass, and the exposed ends of dental wires.

**Decontamination:** The use of physical or chemical means to remove, neutralize, or destroy bloodborne pathogens on a surface, or item, to the point where they are no longer capable of transmitting infectious particles and the surface, or item, is rendered safe for handling, use, or disposal.

**Exposure Incident:** A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood, or other potentially infectious materials, which result from the performance of a member's duties. Non-intact skin include skin with dermatitis, hangnails, cuts, abrasions, and chafing.

**HIV Post-Exposure Prophylaxis (PEP):** A preventive medical treatment that, when administered immediately after exposure to an HIV-positive source, will significantly reduce the risk of contracting HIV.

**Occupational Exposure:** Reasonably anticipated eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood, or other potentially infectious materials, which may result from the performance of a member's duties.

**Other Potentially Infectious Materials (OPIM):** The following human body fluids will be considered OPIM: Any bodily fluids such as semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, or saliva; Any unfixed tissue or organ (other than intact skin) from a human (living or dead); Any cell, tissue, or organ cultures containing pathogens; Any culture medium or other solution containing pathogens; Any blood, tissues, or organs from experimental animals infected with HIV, HBV, HCV, or other pathogens.

**Parenteral:** Piercing mucous membranes or skin barriers through such events as needle sticks, human bites, cuts, and abrasions.

**Personal Protective Equipment (PPE):** Specialized clothing, or equipment, worn by a member for protection against a hazard. Generally, work clothes (e.g., uniforms, pants, shirts) are not intended to function as protection from a hazard and will not be considered PPE.

**Regulated Waste:** Liquid, or semi-liquid, blood or other potentially infectious materials and/or contaminated items that are soaked or caked in blood or OPIM which, if handled or compressed, may release these materials, pathological and microbiological wastes containing blood or OPIM.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 29.1</b>
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**36.1 BLOODBORNE PATHOGENS: JOB CLASSIFICATION RISK**

The following chart serves as an assessment for all job classifications within the Department for occupational exposure to bloodborne pathogens:

Job Classification Risk Level for Occupational Exposure:

- Chief of Police – Moderate
- Major – Moderate
- Sergeant – High
- Officer/Detective – High
- Executive Assistant – Low
- Crime Scene Technician – High
- Evidence Officer – Moderate
- Telecommunicators – Low

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 29.1</b>
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**36.2 BLOODBORNE PATHOGENS: EXPOSURE PREVENTION**

Departmental members can reasonably anticipate coming into contact with human blood and OPIM in the course of their duties. Body substance isolation, formerly known as “universal precautions,” will be observed to prevent contact with blood or OPIM. Departmental members will treat human blood, body fluids and OPIM as if they are known to be infectious for bloodborne pathogens. Therefore, eating, drinking, smoking, applying cosmetics/lip balm, or handling contact lenses are prohibited in areas where a reasonable likelihood of contamination is present.

Telecommunications will advise responders of specific health risks when responding to runs involving any of the listed diseases. There are instances where callers will voluntarily disclose the fact, they have a contagious airborne disease during caller interrogation. This information is critical to responder safety as the responder would be exposed to infection when contacting the caller.

When callers voluntarily admit an airborne disease the Telecommunicator will document in the event remarks “PPE airborne”. The Telecommunicator would then broadcast the information to any responder by simply stating “Use PPE for airborne”. The actual condition should not be documented in the event remarks.

Use PPE for airborne should be used for the following diseases:

- Legionnaires Disease,
- Meningitis,
- Pneumonia,
- Tuberculosis: more commonly known as TB,
- Flu,
- Chicken Pox,
- Mumps, and/or
- Measles

In circumstances where it is difficult, or impossible, to differentiate between fluid types, members will assume that the fluid is potentially infectious and use the appropriate level of PPE. When in doubt, members will use maximum protection.

Under rare and extraordinary circumstances, a member may decline to use PPE. In such situations, it must be the member's professional judgment that the use of PPE would have prevented the delivery of healthcare or would have posed an increased hazard to their, or another's, safety. Exceptions to the use of PPE are limited.

However, when such an exposure incident occurs, the member's immediate supervisor will complete the Administrative Incident Report form (SMPD #057) that documents why PPE was not used and suggest possible



changes in policy that might prevent similar, future incidents.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 29.1,29.4</b>
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### **36.3 BLOODBORNE PATHOGENS: PPE/MEDICAL KITS**

#### **Personal Protective Equipment**

Personal protective equipment will be made available to and will be used by all members when there is a risk of exposure to any bloodborne pathogen. Commanding officers will ensure PPE and replacement items are available to all members. The failure of a member to replenish PPE is an unacceptable reason not to utilize it.

The Department will provide personal protective equipment, at no cost to members, to include but not limited to the following:

- Gloves;
- Gowns, styles can include overalls, jumpsuits, etc.;
- Shoe covers;
- Masks, eye protection, face shields;
- Medical/First aid kits;
- CPR masks or other ventilation devices equipped w/ one-way valves;
- Antiseptic hand cleaner;
- Spit Masks/hoods;
- Sharps container; and
- Biohazard bags and/or labels

#### **Medical Trauma Kit**

The medical trauma kit is a compact kit that contains the items essential for the treatment of serious injuries encountered by law enforcement. The medical trauma kit is compact and should be stored in the glove box of the member's vehicle when not deployed, unless a tactical situation dictates otherwise. The medical trauma kit is packed in a heavyweight re-sealable bag, allowing for the easy replacement of individual kit items. Kit components can also be periodically inspected without damaging the integrity of the packaging.

#### **Storage**

Members assigned PPE will store the equipment in a readily accessible area of their vehicle. Plastic mouthpieces or other authorized barrier resuscitation devices (CPR masks) and medical trauma kits will be stored in the glove box of the vehicle for easy access. If members work primarily in a building, PPE will be stored in a readily accessible area at the workplace.

#### **Removal and Disposal of PPE**

PPE should be removed as soon as feasible upon leaving the scene of contamination. If the PPE was contaminated, it should be placed in a leak-proof biohazard bag and closed. The bag should be taken to the biohazard decontamination station, either at the hospital or to EMS personnel. Caution should be taken when removing contaminated PPE to prevent the spread of contamination to exposed skin and clothing. Clean nitrile gloves should be worn when removing or cleaning contaminated PPE.

Members should wash their hands or any affected area for at least fifteen (15) seconds, with soap and hot water, upon removal of gloves and other PPE. When handwashing is not feasible, an appropriate antiseptic hand cleanser, in conjunction with a clean cloth, paper towels, or antiseptic wipes, should be used. Hands should then be washed with soap and hot running water as soon as practical.



<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.7,29.1</b>
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### **36.4 BLOODBORNE PATHOGENS: DECONTAMINATION**

All equipment (including the outside surfaces of police vehicles, handcuffs, batons, etc.) should be cleaned and decontaminated after contact with blood or OPIM. Decontamination should be performed as soon as practical. Work surfaces (e.g., processing areas) should be decontaminated with an appropriate disinfectant before and after use. All waste products from cleaning and decontamination should be placed in a biohazard bag, closed and taken to a biohazard decontamination station.

#### **Vehicles**

Any vehicles, whether government or civilian, that contain blood or OPIM should be clearly marked with biohazard tape to inform anyone who will have contact with the vehicle of the necessity to use PPE. Whenever possible, officers should contact Emergency Medical Services to treat, clean, and bandage a potentially contaminated prisoner prior to placing them in their vehicle, or before taking them into a police facility, to avoid contamination of these locations. The interior of police vehicles should be cleaned and decontaminated after transporting any person who may have contaminated the vehicle. Members should decontaminate the vehicle before transporting another person. Small amounts of blood and OPIM may be cleaned using antiseptic wipes. Larger areas of contamination should be cleaned by absorbing the contaminating substance with paper towels, then washing the area with hot soapy water, and lastly, using antiseptic spray or wipes on the affected area. All waste products used in cleaning and decontamination of a vehicle should be placed in a biohazard bag, closed and taken to the biohazard decontamination station. If a member's vehicle is severely contaminated, it should be clearly marked with biohazard tape. After receiving approval from the Administrative Commander, the vehicle should be taken to a facility contracted by the Department for complete detailing and decontamination.

#### **Uniforms**

All members with a moderate or high occupational exposure risk level are required to maintain a complete change of clothes in their vehicles or at the Department. Contaminated clothing should be removed as soon as practical. If the clothing cannot be removed at the scene, the member should immediately go to the Department to remove it. The member should wash any affected areas of the body with soap and water. The member should place the contaminated items in a biohazard bag, close the bag and label it with their name and a brief description of the contents. They should then deliver the bag to the Evidence/Property Unit for laundering or disposal. Contaminated clothing will not be taken home under any circumstances.

#### **Evidence**

Any evidence contaminated with body fluids should be dried, bagged, and marked as a possible hazard. Any item that is not yet dry should be collected by LMPD CSU or transported to the CSU office to be dried prior to being placed in the Property Room. Wet items should be transported in leak-proof containers to prevent leak-through contamination. Needles and other sharps should be placed in a puncture-resistant container when being collected for evidentiary purposes.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 27.7,29.1</b>
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### **36.4 BLOODBORNE PATHOGENS: SHARPS**

All sharp instruments, such as knives, razors, needles, and broken glass, should be considered contaminated. Leather gloves should be worn when searching for, or handling, sharp instruments. Nitrile gloves should be worn under the leather gloves when blood, or other body fluid, is present. Members should not place their hands in areas where sharp instruments might be hidden. An initial visual search of the area should be conducted.

When searching suspects, a member may ask the suspect to remove such objects from their person. Broken glass, which may be contaminated, should not be picked up by hand, but by mechanical means such as tongs, forceps, or a brush and dustpan. Needles should not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand. The shearing or breaking of contaminated needles is prohibited. A puncture-resistant container should be used when collecting needles and other sharps for evidentiary or disposal purposes.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 27.7,29.1,29.3</b>
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**36.5 BLOODBORNE PATHOGENS: DISPOSAL**

The Department, as well as Baptist Hospital, is equipped with decontamination stations. Contaminated sharps should be placed in containers that are: Closable; puncture resistant; leak-proof on the sides and bottom; and appropriately labeled. Other regulated waste should be placed in containers that are: Closable; constructed to contain all contents and prevent leakage of fluids during handling, storage, transporting, or shipping; and appropriately labeled.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 29.1</b>
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**36.6 BLOODBORNE PATHOGENS: HEPATITIS B VACCINATIONS**

Within ten (10) working days of initial assignment to a job classification, the Department will make the Hepatitis B vaccination series available to members who have a moderate or high occupational exposure risk level. This will exclude members who have received the complete Hepatitis B vaccination series and whose antibody testing has revealed that the member is immune. If a vaccine is contraindicated for medical reasons, members may decline the vaccination. Pre-vaccination screening for antibody status is not required for participation. However, it is available at no cost to the member. The vaccination series will be available even if the member declines prescreening.

Members who decline to accept the Hepatitis B vaccination will sign the Hepatitis B Vaccination Declination form (SMPD #092). If a member initially declines the Hepatitis B vaccination, but at a later date, while still covered by this policy, decides to accept the vaccination, the Department will make the Hepatitis B vaccination available at that time.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 29.1</b>
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**36.7 BLOODBORNE PATHOGENS: EXPOSURE**

Any area of the body exposed to blood and other potentially infectious bodily fluid or material will be immediately flushed with water and washed with soap. Exposed member will contact their shift supervisor immediately. If an member is exposed to bodily fluids to their eyes, mouth, nose, an area of non-intact skin (cuts, chapped, or abraded skin), or a needle stick, their shift supervisor will immediately notify our Department’s Health and Safety Officer, our Medical Director/Advisor, the Executive Command Staff and the Louisville Metro Health and Safety Officer (notified through METROSAFE).

Exposed members will proceed immediately to University Hospital for evaluation, to receive information/instruction, and for possible treatment if necessary. Upon arrival the member should register in the event that treatment is required. Request that the member be placed in the “First Care” area. The Louisville Metro HSO will provide all exposure forms and court orders needed for the process.

It is critical that the evaluation and treatment take place as soon as possible but no later than the first two (2) hours

following exposure. The shift supervisor of the exposed member(s) will complete an Administrative Incident Report (SMPD #057).

Results of any testing performed on both the affected member and source/suspect individual(s) will be kept in a separate file to be maintained in the confidential medical files in the office of the Chief of Police.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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### **36.8 BLOODBORNE PATHOGENS: RECORDS/TRAINING/EVALUATION**

#### **Records**

The Office of the Chief of Police will establish and maintain an accurate medical record for each member with a moderate or high occupational exposure risk level. This record will include: The name, date of birth (DOB), and Social Security number (SSN) of the member; A copy of the member's Hepatitis B vaccination status, including dates of all Hepatitis B vaccinations or a copy of the Hepatitis B Vaccination Declination form (SMPD #092) and any medical records relative to the member's ability to receive the vaccination; A copy of the results of examinations, medical testing, and follow-up procedures to any exposure incidents; The Department's copy of the Healthcare Professional's Written Opinion; A copy of the information provided to the healthcare professional.

A member's medical records are kept confidential and not disclosed or reported, without the member's expressed, written consent, to any person within or outside of the Department, except as required by this policy or as may be required by law. Medical records are maintained in accordance with federal, state, and local regulations.

#### **Training**

Training will be provided to all members with a moderate, or high, occupational exposure risk level prior to their being placed in an environment with the likelihood of exposure. Additional training will be conducted on an annual basis, thereafter, or as modifications to procedures or equipment demand. The training program will be in accordance with federal, state, and local laws and ordinances. Training records will be retained pursuant to applicable records retention schedules.

#### **Review**

The Executive Command Staff is responsible for evaluating all Exposure Report forms (available through LMPD HSO). The evaluation of the circumstances surrounding the exposure incident will include, but is not limited to, a review of the following: Failure of controls at the time of the exposure; Engineering and work practice controls; PPE used; Training deficiencies; Applicable policies.

The Exposure Control Plan will be reviewed annually, or as needed, to reflect revisions to job classifications or modifications to procedures and equipment.

**St. Matthews Police Department  
Standard Operating Procedures  
Department Response to Resistance**

**DEPARTMENT RESPONSE TO RESISTANCE**

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.3,1.11</b>
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**37.0 RESPONSE TO RESISTANCE**

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another. Officers are authorized to use only the amount of force that is **objectively reasonable** to perform their duties. Officers will evaluate each situation requiring the use of force considering the known circumstances, including but not limited to the seriousness of the crime, the level of threat or resistance presented by the subject, or the danger to the community, in determining the necessity for and the appropriate level of force. The St. Matthews Police Department and all officers recognize that the sanctity of human life serves as the guiding principle in response to resistance decisions.

**Definitions:**

- **Active Aggression:** verbal or physical behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of serious physical injury or death.
- **Active resistance:** a subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
- **Chemical spray:** any chemical agent deployed to overcome subject resistance.
- **Chokehold:** means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
- **Electronic Control Device (ECD):** Electronic Control Devices, TASER,™ or stun-guns (electronic control weapons) that disrupt the central nervous system of the body.
- **Electronic tools:** any electronic equipment deployed on a subject being controlled
- **Excessive Force:** is force that is not objectively reasonable from the perspective of a reasonable officer in similar circumstances. Excessive force will not be tolerated.
- **Imminent:** Has a broader meaning than immediate or instantaneous, the concept of imminent should be understood to be elastic, involving an ongoing period of time depending on the circumstances rather than a moment in time under the definition of immediate.
- **Immediate means:** That the officer is faced with an instantaneous, or presently occurring threat of serious bodily harm or death.
- **Impact tools/strikes:** any tools, object or body part deployed to strike a subject
- **Intervene:** To come between, whether verbally or physically, to change the course of events that clearly violate the law or department policy.
- **Neck Restraint:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.
- **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented with.
- **Physical Force:** force used upon or directed toward the body of another including confinement.
- **Physical Injury:** Substantial physical pain or any impairment of a physical condition.

- **Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.
- **Serious Physical Injury:** "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ"

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.3</b>
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### **37.1 PROGRESSION OF FORCE**

In determining the appropriate level of force, officers should apply the levels of force under the Department's trained force options along with the following three factor test:

- How serious is the offense the officer suspected at the time the particular force was used?
- What was the physical threat to the officer or others?
- Was the subject actively resisting or attempting to evade arrest by flight?

Officers may sometimes be required to take custody or otherwise control an individual who is a danger to themselves or others due to a medical or mental health emergency. In these cases, an officer may be required to use objectively reasonable force. In determining whether force is appropriate and the proper under the Department's trained response to resistance options, the officer should consider the following three factor test:

- Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
- Was some degree of force reasonably necessary to ameliorate or reduce the immediate threat?
- Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?

Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. Officers may be limited in their options due to the circumstances and actions of the subject. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.

- **Command Presence:** Visual appearance of officer where it is obvious to the subject due to the officer's deputy's uniform or identification that the officer has the authority of law.
- **Verbal Commands:** Words spoken by the officer directing the subject as to the officer's expectations.
- **Soft Empty Hand Control:** Officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.
- **Less Lethal:**
  - **Chemical Spray:** Where subject exhibits some level of active resistance/active aggression, officers may use chemical spray to temporary incapacitate the subject.
  - **Hard Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.
  - **Electronic Control Devices:** Where subject exhibits some level of active resistance/active aggression an officer may use an electronic control device to temporarily incapacitate the subject.
  - **Impact Weapons:** Batons, ASP/Expandable Baton may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
- **Deadly/Lethal Force:** The Federal Courts have defined deadly force as any force when employed may bring about serious bodily injury or death. The Kentucky Legislature has further defined deadly force in K.R.S. 503.010: "Deadly physical force" means force which is used with the purpose of causing death or

serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.

In accordance with the Department's Duty to Intervene policy, officers of this Department have an affirmative duty to intervene if they witness a response to resistance that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another officer's response to resistance that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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### **37.2 DE-ESCALATION**

At times, policing requires that an officer must exercise control of a violent or resisting subject to make an arrest, or to protect the officer, other officers, or the public from the risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated, but officers have the ability to impact the direction and the outcome of many situations that they encounter, based on their decision-making and the tactics that they choose to employ.

De-escalation is taking action or communicating verbally or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force that is reasonable.

When feasible, officers will use de-escalation to reduce the immediacy of threats to public safety and to stabilize incidents. Not every situation can be de-escalated, and officer safety should not be compromised. First consideration in any event is to consider whether immediate intervention or action is necessary. Officers should treat every contact as an opportunity to show professionalism and care for the persons they serve. When time and circumstances reasonably permit, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions,
- Mental impairment,
- Developmental disability,
- Physical limitation (deafness, mobility, blind etc.),
- Language barrier,
- Cultural barrier,
- Situational stress,
- Drug interaction, and
- Behavioral crisis

When department resources and circumstances reasonably permit, tactical options for mitigating the immediacy of threat include:

- Assess the need for additional officers and request assistance;
- If the situation appears to involve a subject with diminished capacity or excited delirium, provide notification and request a CIT or officer trained in negotiations, if available;
- Officer should consider safe positioning;
- Move from a position that exposes officers to potential threats to a safer position;
- Placing barriers between an uncooperative subject and an officer;
- Pre-plan escape route;
- Attempt to contain subject(s) in a manner that protects all persons including officer(s) and subject(s);



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- Creating distance to include retreating to a safer distance;
- Cover;
- Concealment;
- Less-lethal options;
- Short-term disengagement to extend time for observation and planning;
- Slow down if the safety of the subject, public, or third parties is not in danger take your time;
- Requesting additional resources, including medical services and specialty units, if needed; and
- Complete disengagement due to no law enforcement necessity.

### Officer Conduct

- Calm appearance: Calm is contagious. (Body-language and demeanor);
- Non-threatening;
- Avoid yelling and profanity;
- Avoid invading the subject's personal space unless necessary to protect an officer or others;
- Avoid bluffing with a threat that the officer lacks the authority or would not be justified in carrying out;
- Maintain personal self-control: do not act out of emotion;
- If practicable, allow subject the opportunity to speak and tell their story; and
- Consider any available steps that would not compromise law enforcement safety or priorities but would extend time.

### Communication Strategies:

Officers should, when practical, communicate from a safe position and speak in a manner designed to calm.

Useful approaches may include:

- Introduce yourself,
- Communicate with empathy,
- Actively listen,
- Verbal persuasion,
- Build a rapport,
- Allow the subject time to vent frustration, if practicable,
- Advise the subject of their options to resolve the situation,
- Warnings, and
- Try to determine cause of agitation and try to remove or distract the subject from the cause.

Reasonable force is that force deployed to accomplish lawful objectives. All responses to resistance must be objectively reasonable.

The prospect of a favorable outcome is often enhanced when supervisors become involved in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions. Supervisors should possess a good knowledge of tactics and supervise officers under their command regarding proper training standards. As a good practice, supervisors will acknowledge and respond to incidents in a timely manner where law enforcement use of force is probable.

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### **37.3 USE OF PHYSICAL FORCE/RESTRAINTS**

When an officer is confronted with a situation that may necessitate the use of physical force, they should call for additional officers, when practicable. Should physical force be necessary to gain control of a situation, an officer



will use only that force which is reasonable to gain control of the subject. Once a person is restrained or under control, the use of force is restricted to that which is reasonable to maintain control. Good judgment is extremely important in deciding which tactics to use and how much force to apply. Deadly force is never authorized to apprehend a fleeing misdemeanor or nonviolent felony suspect.

### **Chokeholds & Neck Restraints**

An officer shall not use a chokehold or neck restraint in the performance of their duties unless **deadly force is justified**. Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. Officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted for the purpose of seizing evidence or preventing the destruction of evidence by ingestion.

Officers are not required to allow any suspect to be the first to exercise force and gain an advantage in a physical confrontation. Officers are not required to engage in prolonged hand-to-hand combat before resorting to the use of force that will more quickly, humanely and safely bring a resisting subject under physical control. The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is assisting in, or making, an arrest and they:

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

Kentucky statutory law provides:

The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making or assisting in making an arrest, and he:

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

An officer may also use physical force at any level when they believe such force is reasonable to defend themselves or to defend another person. Officers may use physical force to protect a person if, under the circumstances reasonably perceived to be true, the person would have been justified in using such force to protect them. Officers may also use physical force:

- 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.
- To move or remove any person who is obstructing a lawful police action in such a manner that the lawful police action cannot be accomplished.
- To prevent a person from committing suicide or inflicting serious physical injury upon themselves.

Restraints

See SOP (Chapter 31)

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### **37.4 LESS LETHAL DEVICES & TECHNIQUES**

Officers are authorized to utilize department approved less lethal control devices and physical control techniques. These devices and techniques may be used if an officer believes that lower levels of force will be, or have proven to be, unsuccessful and deadly force is not an option or justified. Prior to deployment of any less-lethal weapon, officers/deputies must be trained and certified through this Department or the manufacturer in a recognized

training program covering the proper use of the weapon from both the technical and legal aspects. All deployments must be consistent with departmental response to resistance training and policy. For a list of approved less lethal devices see SOP Chapter 11.

### **OC Spray**

Officers are permitted to carry and use only OC spray approved by the Department and should be consistent with Departmental training. The use of OC spray is authorized in circumstances when the officer reasonably believes that a degree of force is necessary to overcome actual, or anticipated, resistance by the suspect.

- Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant. Active resistance/active aggression shall be required.
- Chemical Spray shall never be used as a punitive measure.
- Officers should never spray from a pressurized can directly into a subject's eyes from a close distance due to the potential for eye injury because of the pressurized stream. Officers should never spray directly into a subject's eyes from closer than three feet or the distance recommended by the manufacturer of the spray (whichever is shorter) unless deadly force would be justified.
- Officers shall consider alternatives to chemical spray when attempting to control a subject in a crowded-enclosed area due to the innocent over-spray that may cause the onset of panic.
- Officers shall consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed-ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the locations.
- Once control is gained, officers should as soon as practicable provide for the decontamination of the subject.
- If the person shows any signs of physical distress or does not recover in a reasonable amount of time, officers should immediately direct an emergency medical response and render first-aid at the degree for which they are trained.

OC spray may also be used:

- On actively aggressive persons who are combative and present a physical danger to themselves, the officer or any other person;
- On prisoners who attempt to escape, cause serious physical injury to themselves or attempt to damage the property of others; and
- In defense of any person.

### **Pepperball Launchers**

Officers are permitted to carry and use only the Pepperball Launchers approved by the Department and should be consistent with departmental training. The use of Pepperball Launchers is authorized in circumstances when the officer reasonably believes that a degree of force is necessary to overcome actual, or anticipated, resistance by the suspect(s).

Pepperball Launchers may be used in the same instances as OC Spray:

- On actively aggressive persons who are combative and present a physical danger to themselves, the officer or any other person;
- On prisoners who attempt to escape, cause serious physical injury to themselves or attempt to damage the property of others; and
- In defense of any person.

The following will be applied when using the Pepperball Launcher:

- Only qualified, trained personnel will be allowed to deploy and use the Pepperball system;
- Pepperball system may be less than lethal at point blank range, however, NEVER shoot at the face, throat

or groin;

- Only qualified, trained officers will be allowed to deploy and use the Pepperball System;
- Officers will receive training and re-certification on the Pepperball system annually;
- Officers will only use Pepperball Technologies, Inc. launchers and projectiles;
- The Pepperball system may be used when a suspect's actions and/or behavior are Resistant (Active) or above. This level is reached when a subject's non-compliance is increased in scope and/or intensity from Passive Resistant;
- To defend oneself or another from an aggressive and/or attacking animal;
- To disperse unruly or rioting crowds threatening unlawful property damage or physical force;
- Although classified as a non-lethal device, there is potential for Pepperball Projectiles to inflict injury when they strike the face, eyes, neck and groin.
  - Therefore, personnel deploying the Pepperball system will avoid intentionally striking those body areas unless a life-threatening situation exists.
  - Officers will target the center mass of the body, unless the suspect is wearing heavy clothing, then he will target less padded areas such as legs and arms, as well as the surfaces around the suspect.
  - Officers will give a verbal warning, loudly and clearly before dispensing projectiles. Officers hearing this warning should immediately break contact with the intended target and create distance while the projectiles are deployed.

### **Chemical Agents**

The Department maintains a supply of two (2) types of chemical agents (other than OC spray/Pepperball) designed to be used in indoor or outdoor environments with approval of a shift supervisor. These chemical agents are stored in the armory and can only be accessed by an Executive Command Staff Officer, members of the firearms cadre or the Training Coordinator.

The Department utilizes a chemical agent pyrotechnic (burning) grenade that disseminates CS tear gas for approximately twenty-five (25) to thirty-five (35) seconds after ignition to be used in crowd control situations. The pyrotechnic grenade will only be used outdoors due to its incendiary nature and potential for lethal concentrations in confined areas.

The Department also utilizes non-pyrotechnic 37/40 mm barricade piercing and gas projectiles that are ideally suited for barricaded subjects and indoor use.

### **Post Use (OC, Pepperball and Chemical Agents)**

Officers will ensure that contaminated areas are treated in a manner consistent with the manufacturer's recommendations and departmental training, as soon as practical. Officers are required to contact appropriate medical personnel if the subject displays unusual reactions to the chemical agent or displays any injuries.

### **ECD**

Officers who deploy any chemical agent, baton or display/deploy an Electronic Control Device will complete an Administrative Incident Report (SMPD #057). Officers are permitted to carry and use only ECDs that have been issued by the Department.

The use of ECDs will be consistent with departmental training and is authorized when the officer reasonably believes that the circumstances meet the degree of force necessary to overcome actual, or anticipated, resistance by the suspect.

- An ECD as a force option is the same level of force as chemical spray;
- ECDs must be worn on the weak-side in either a weak-hand draw or cross-draw position;
- ECD deployment shall not be considered for the passively resistant subject. Active resistance or active

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aggression shall be required;

- Flight from an officer, standing alone, is not a justification for the use of an electronic control device. Officers should consider the nature of the offense suspected the level of suspicion with respect to the person fleeing, and the risk of danger to others if the person is not apprehended immediately. Additionally, officers should consider the type of area, i.e., asphalt, railroad tracks, grass etc.
- Officers must be trained concerning ability of electrical charge to act as an ignition for combustible materials. (Note: Officers have been seriously injured and or killed after deploying an Electronic Control Device in the presence of open natural gas during suicidal person call);
- Multiple Electronic Control Device deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication. Policy and training should encourage officers to minimize the successive number of discharges against an individual where possible. Some activations, however, are not successful because of poor probe spread, low muscle mass contact, missed probes, etc. In these situations, another officer may activate their ECD. If such activation occurs, the second officer will shout the word “taser” and will deploy the ECD. The first deploying officer will discontinue use of their ECD and will aid in securing the person or will consider another reasonable force alternative;
- The Department recognizes however, particularly where back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual up to three energy cycles. When activating the ECD on an individual, the officers will activate the device the least number of times and for no longer than what is reasonable, to accomplish the legitimate operational objective. Following any standard ECD cycle, the arresting officer(s) will focus on the window of opportunity when the subject may be disabled by the ECD to physically restrain and secure the subject to minimize the number of standard ECD cycles;
- No more than one officer should deploy an ECD against a single individual at the same time;
- A contributing factor to serious injury or death is the level of a subject’s exhaustion. Studies recommend that when an officer believes that control of a subject will be necessary and met with resistance, deployment of the ECD should be considered early in the event so that the person has not reached a level of exhaustion prior to the Electronic Control Device’s use;
- In cases where subject is actively resisting an officer’s attempt to take them into custody but not threatening the officer with an assault-it is recommended that the ECD be used in the “push [drive] stun mode.” (Stapling Method);
- The preferred targeting is the center mass of the subject’s back; however, it is recognized that it is not always possible to get behind the subject;
- Where back-targeting is not possible, frontal targeting should be lower center mass, intentional deployments to the chest shall be avoided where possible. (Stay away from the center line and below the sternum);
- Officers who are aware that a female subject is pregnant shall not use the ECD unless deadly force would be justified due to the danger created by the secondary impact or the possibility of muscle contractions leading to premature birth;
- Officers shall make all reasonable efforts to avoid striking persons in the head, neck, eyes or genitals.
- Officers are prohibited from using the device as punitive measure;
- ECDs shall not be used against person who is in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat;
- A warning prior to discharge is preferred but not always necessary for this type of force to be considered reasonable, model policies as well as courts have noted that giving a subject, who is assaultive toward the officer, a warning may enhance the danger to the officer and the subject by giving the subject time to avoid the deployment. See: *Draper v. Reynolds*, 369 F.3d 1270 (11th Cir. 2004);
- Officers shall make all efforts to warn other officers that a deployment is about to occur;
- The device shall never be used on a handcuffed person to force compliance unless the subject is actively

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resistant, and control cannot be otherwise accomplished;

- Officers should consider the location and environment of the subject. i.e. Is the subject at the top of a stairwell such that when incapacitated by the ECD-they fall down the stairs causing a collateral injury. Officers shall avoid using ECDs in cases where the subject is elevated i.e., roof, fire escape, tree, bridge, stairwell, etc. etc. such that the secondary impact may cause serious injury;
- Officers should be aware that a subject's heavy clothing may impact the effectiveness of the ECD;
- Officers should consider whether the subject has been exposed to combustible elements that may be on their person such as gasoline. The use of an ECD on such persons may cause ignition and fire;
- Officers should consider the particular subject and any vulnerabilities they may have such as: a person who is small in stature or very frail will be more dramatically impacted; some agencies have been criticized as well as sued for use on pregnant women, the very young and the elderly;
- Alternative tactics shall be utilized where the officer has prior information that the subject suffers from a disability which would increase the danger to that person by using the ECD. i.e., A person at the scene tells an officer that the subject has a heart condition;
- The ECD will not be used to prevent the swallowing of evidence or to dislodge or retrieve evidence from a suspect's mouth or other body cavities;
- Deployed probes that have been removed from a suspect should be treated as a biohazard;
- Emergency medical services should be utilized for the removal of darts that have penetrated the skin as long as such removal can be accomplished without causing further injury or pain to the subject;
- After Emergency medical personnel have evaluated the subject, all persons who have been subjected to an ECD deployment shall be monitored for a period of time with a focus on symptoms of physical distress. Any person who appears to be having any form of physical distress following the deployment of an ECD, shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted, and the onset of difficulty may occur a period of time after the police control event; and
- An ECD may be used on aggressive animals that present a physical threat to the officer or any other person.

### **Post Use**

Officers will ensure that the subject's injuries are treated in a manner consistent with the ECDs manufacturer's recommendations and departmental training, as soon as practical. Emergency Medical Services will be contacted to respond to all incidents involving the application of the ECD. Additionally, officers will contact EMS, without delay, to request advanced life support (ALS) assistance in situations where the subject displays any unusual reactions such as chest pain, shortness of breath, loss of consciousness, etc.

### **Mandatory Medical Clearance at Hospital:**

- Persons struck in a sensitive area-eyes, head, genitals, female breasts;
- Where the probes have penetrated the skin and Officers/EMS cannot safely remove darts in accord with this policy;
- Persons who do not appear to have fully recovered after a short period of time which is approximately 10 minutes;
- Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are small in stature, persons who officers become aware have a pre-existing medical condition that increases danger and the elderly; and/or
- Subject who requests medical assistance.

After removing the probes from a subject, the officers will collect the probes by putting them in a proper sharps container in an ambulance, at a medical facility or at Headquarters for disposal.

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Officers must turn in a used ECD cartridge to the Training Coordinator before a new cartridge will be issued to them. If a subject displayed unusual reactions as a result of being “tased,” the cartridge and probes will be turned in to the Property Room as evidence.

After an officer uses their ECD, their commanding officer, as a normal procedure in a use of force investigation involving ECDs, will download the data from the ECD. The downloaded information will be printed and attached to the AIR. The reason for each application will be documented in the required AIR.

### **Hard Hand Control**

Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction. The preferred striking areas are the major muscle groups unless involved in a deadly force situation.

### **Impact Munitions**

The Department maintains less lethal 12-gauge and 37mm impact munitions for use against potentially dangerous suspects as an alternative to deadly force. These impact munitions should only be utilized when a high level of force would be justified.

12-gauge less lethal munitions may be deployed by any officer trained in their use, at their own discretion, based on the situation at hand. 12-gauge less lethal munitions will be utilized in accordance with department training standards and Kentucky Revised Statutes.

37mm less lethal munitions may be deployed by any officer trained in their use with authorization by the shift supervisor. 37mm less lethal munitions will be utilized in accordance with department training standards and Kentucky Revised Statutes.

Impact munitions will not be deliberately fired at the head, neck or groin unless deadly force is justified. Less lethal munitions should also be deployed with a lethal force back up.

Individuals struck by a 12-gauge or 37mm direct fire less lethal munitions will be evaluated by Emergency Medical Services as soon as practical after exposure.

### **Batons**

Batons are authorized as a means of:

- Physical restraint or control.
- Defense of any person.

Because of the potential for death or serious injury, officers will avoid intentional strikes to the head, neck, throat or clavicle with an impact weapon of any sort, unless deadly force is justified.

### **Post Use**

Officers deploying any impact tactic or technique must immediately attend to any injuries or complaints of injuries by notifying emergency personnel. Supervisors will complete an Administrative Incident Report (SMPD # 057) when deploying these tactics.

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### **37.5 DEADLY FORCE**

The Federal Courts have defined deadly force as any force which creates a substantial likelihood of death or serious bodily harm. The Kentucky Legislature has further defined deadly force in K.R.S. 503.010: “Deadly physical force” means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known, or perceived, by an officer under the circumstances. Facts not known to an officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was justified. 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. 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.

**Deadly Force:** The use of deadly force is objectively reasonable when the officer is faced with an immediate threat of serious physical injury or death to him/herself, or some other person who is present, or;

The use of deadly physical force by a defendant upon another person is justifiable only when:

- The officer, in effecting the arrest, is authorized to act as a peace officer; **and**
- The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; **and**
- The officer believes that the person to be arrested is likely to endanger human life unless apprehended without delay.
- In all deadly force events, officers should warn the subject prior to using deadly force where feasible.
- Once the subject’s active resistance has ceased and control has been gained an officer is no longer authorized to use force. If any person is injured and requires medical attention, officers of this Department shall request medical assistance and provide safe access to the injured person for emergency medical services as soon as safe and practical and should render aid when safe to do so in accordance with their training.

The officer must be able to justifiably articulate their actions. If feasible, verbal warnings will be given before the use of deadly force.

Discharge of Firearms Restrictions:

- Warning Shots are prohibited;
- Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties;
- When a moving vehicle is involved, use of deadly force by discharging a firearm is dangerous, can be ineffective, and should not occur when there is an unreasonable risk to the safety of persons other than the subject. Whenever possible, officers should avoid placing themselves in a position where use of deadly force is the only alternative; and
- Deadly force is never authorized to apprehend a fleeing misdemeanor or nonviolent felony suspect.

Even when deadly force is justified, firearms shall not be discharged at a vehicle unless:

- The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or



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- The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.

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.

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; and
- Training and qualifications.

Officers discharging a firearm should remain cognizant of the following:

- The direction in which the firearm is to be discharged, and
- The danger of discharging a firearm while running or moving.

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**37.6 AFTER ACTION**

Officers will notify Emergency Services (EMS) for medical evaluation when a less lethal device is utilized on a subject or when a subject is unconscious, has profuse bleeding, and/or broken or disjuncted bones. Officers will also notify EMS at the request of a subject or as deemed necessary by the officer once control is gained following a response to resistance incident, especially prolonged face down restraint.

Officers restraining a subject should be cognizant of and avoid positional asphyxia. The Department prohibits prolonged face-down prone restraint.

As soon as practicable after the subject stops resisting, monitor the subject’s condition. If the subject has difficulty breathing, exhibits other obvious signs of medical distress identifiable by any layperson, or requests medical assistance, officers of this Department shall request medical assistance and provide safe access to the injured person for emergency medical services as soon as safe and practical, and should render aid when safe to do so in accordance with their training.

If the subject is being lodged in a correctional facility or taken to a medical facility, advise the intake personnel that the subject was rendered unconscious or subjected to a chokehold (deadly force) during restraint.

Officers will notify their shift supervisor as soon as possible following any use of force. The shift supervisor will investigate any use of force incident involving apparent minor injury and complete an Administrative Incident Report (Benchmark/SMPD #057). Louisville Metro Police Public Integrity Unit will investigate any use of force incident involving serious physical injury or death. Photographs should be taken of any injuries and noted on the report.

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**37.7 CRIMINAL INVESTIGATION**

Officers who use or attempt to use any form of deadly physical force or force that results in death or serious physical injury will notify the dispatcher and shift supervisor of the incident and location as soon as it is safe to do so. Once officer safety is established and notifications are made, officers should then determine the physical condition of any injured person(s) and request Emergency Medical Services (EMS). Officers may provide medical care within their competency until relieved by EMS. The shift supervisor will immediately proceed to the location to assist officers in securing the scene.

The shift supervisor will contact the appropriate Bureau Commander who will confer with the Chief of Police to determine if the Louisville Metro Police Public Integrity Unit will be utilized.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.11,1.12</b>
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**37.8 ADMINISTRATIVE INVESTIGATION**

The Chief of Police will designate a commanding officer to conduct an administrative investigation that will be separate from and subordinate to any criminal investigation. The purpose of the administrative investigation will be to determine whether the action was within or outside of policy and will be conducted in accordance with Kentucky Revised Statutes 15.520. The investigator will submit a detailed report to the Chief of Police and the St. Matthews Police Committee.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.12</b>
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**37.8.1 ADMINISTRATIVE LEAVE**

Officers who use or attempt to use any form of deadly physical force or use any force that results in death or serious physical injury will be placed on paid administrative leave by the Chief of Police or their designee. Administrative leave will not be interpreted to imply or indicate that the officer’s actions were improper or criminal in nature. While on administrative leave, the officer will always remain available for official department interviews and statements regarding the critical incident and will be subject to recall to duty at any time.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.12,10.6</b>
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**37.8.2 PSYCHOLOGICAL EVALUATION**

Any member involved in a critical incident including but not limited to: use of force, vehicle collision, pursuits, any incident involving death or serious physical injury, or at the request of the member or by order of the Chief of Police may be required to undergo an emotional debriefing with the Department Chaplain and/or psychologist. The purpose of the debriefing is to allow the officer and their family members to express their feelings and to deal with the moral, ethical and/or psychological aftereffects of the incident. The debriefing will be protected by the privileged Professional Psychologist Code of Ethics and will not be included as part of any department investigation.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.8,1.11,1.12</b>
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**37.9 CIVIL RIGHTS INVESTIGATION**

The Department will respect the right of the Federal government to conduct an independent investigation to identify any potential civil rights violations regarding use of force incidents. The Department will not order or request any member to confer with Federal investigators without the advice of legal counsel.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.11,1.12</b>
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**37.10 ANNUAL REVIEW**

The Executive Command Staff and Training Coordinator will conduct an annual review of all use of force reports to determine any trends or patterns and make recommendations of policy and/or training changes.

**St. Matthews Police Department  
Standard Operating Procedures  
Department Warrant and Service Procedures**

**DEPARTMENT WARRANT AND SERVICE PROCEDURES**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.6</b>
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**38.0 WARRANTS & SEARCHES**

This policy provides guidelines and procedures for obtaining and executing warrants. It also provides guidance and procedures for the following in reference to search warrants: Search of dwellings, application, distribution, service/execution, seized items, use of informants, damage to property, sealing warrants, mobile tracking and cell phone pings.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.6</b>
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**38.1 WARRANTS: E-WARRANTS & SUMMONS**

E-Warrants include both arrest and bench warrants and can be located through ewarrants.ky.gov or in LINK. Members are not authorized to use e-Warrants until they have completed mandatory training. When an e-Warrant is in the system it is presumed to be active, valid and no additional verification is required. Warrants and summons should be served as soon as possible after receipt. At least two (2) officers will be present when serving warrants.

Officers will print e-Warrants in ewarrants.ky.gov through their in-car printer or at Louisville Metro Corrections. Officers will have custody and control of the subject named on the e-Warrant prior to printing the warrant. Officers will verify the warrant printed completely and legibly prior to indicating it as served in e-Warrants because the system allows only one (1) warrant to be printed and does not allow officers to reprint.

Officers will complete a citation when serving a warrant. Officers using e-Citation to serve a warrant will print two (2) copies: both are turned into Louisville Metro Corrections with the signed e-Warrant. Officers using traditional handwritten citations will keep the pink violator and white hard copies and turn them in to the Department. All other copies of the citation will be turned into Louisville Metro Corrections with the signed e-Warrant. When completing a handwritten citation, the officer/detective will complete a transmittal form and enter the citation into KYOPS. If a circuit court bench warrant is mirrored in e-Warrants, then it will be treated as an e-Warrant and no NCIC printout is required to accompany the e-Warrant.

Officers will complete a citation when serving a summons. Officers using e-Citation to serve a summons will print two (2) copies: one (1) copy is provided to the defendant and one (1) copy is turned into the Department with the signed summons. Officers using traditional handwritten citations will provide the pink violator copy to the defendant and all other copies of the citation will be turned into the Department with the signed summons. When completing a handwritten citation, the officer/detective will complete a transmittal form and enter the citation into KYOPS. Officers who unsuccessfully attempt to serve a warrant or summons will indicate the service attempt in e-Warrants. Officers may use discretion and leave a Warrant/Summons Service Attempt Notice Form (SMPD #058) in any cases involving minor charges.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6</b>
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**38.2 WARRANTS: NCIC WARRANTS**

Dispatchers will confirm NCIC warrants through the entering agency. Dispatchers will confirm if they will extradite prior to an officer’s attempt to serve. Officers will turn in the NCIC hit confirmation and arrest citation to Louisville Metro Corrections. Officers may request a faxed copy of the warrant from the entering agency, but it is not required. No offense report is required for an NCIC hit and the citation requirements are the same as e-Warrants.

A subject arrested as a fugitive from a jurisdiction outside Kentucky is to be charged as a fugitive without a warrant. Copies of the NCIC hit confirmation, arrest citation and local charges (if any) will be faxed to the Commonwealth Attorney’s Office- ATTN: Fugitive Unit, prior to the end of the officer’s shift. Officers who place local charges against a fugitive are responsible for the disposition of those charges. If an officer dismisses minor charges against a fugitive to expedite the extradition, the fugitive unit should be notified prior to arraignment. A subject arrested as a fugitive from a jurisdiction within Kentucky should be charged with the Kentucky Revised Statute charge on the warrant and any local charges.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.6</b>
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**38.3 WARRANTS: SERVICE OUTSIDE JEFFERSON COUNTY**

Warrants taken out by officers that require service outside Jefferson County may be served in one of the following manners:

- An agency within Kentucky is contacted to serve the warrant and arrangements will be made to transport the prisoner;
- An agency within Kentucky is contacted and a department officer will accompany their officer(s) in making the arrest and transporting the prisoner to Louisville Metro Corrections; and/or
- An agency, outside Kentucky, is contacted to serve the warrant and/or makes contact on their own and serves the warrant. In this case, that agency should lodge the prisoner and await extradition.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.5,1.6,30.8</b>
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**38.4 WARRANTS: MENTAL INQUEST WARRANTS**

Officers who are Crisis Intervention Team (CIT) certified will, when available, be dispatched to, and be responsible for, handling all calls for service pursuant to SOP (Section 35.5).

Officers may take mentally ill persons into custody with either a Mental Inquest Warrant (MIW) or pursuant to Kentucky Revised Statute 202A.041. Officers, with reasonable grounds to believe that a person is mentally ill, and presents a danger, or threat to themselves or others, may take the person into custody, without a warrant, under KRS 202A.041.

Prior to being dispatched to serve an MIW, Dispatch will contact the commanding officer of the officer’s making the run. The commanding officer will conduct a criminal history check on the subject of the MIW, utilizing NCIC and Court Net, and complete a Risk Assessment Matrix (SMPD #044). If the score is high enough to warrant SWAT involvement, the commanding officer will contact the SWAT Commander who will coordinate SWAT involvement.

ALL Risk Assessment Matrices will be forwarded to the SWAT Commander, regardless of the score and/or SWAT involvement.

When available, a CIT officer will respond to the scene and transport the person to University of Louisville Hospital. The officer will complete all applicable paperwork, to include: a citation and e-CIT report.

After the individual is secured, at the facility, the officer will proceed to the MIW Office to retrieve, and sign for the original warrant. The officer will take the original paperwork back to the facility. An e-CIT report will be completed on all calls for service listed above regardless if the responding officer(s) are CIT certified.

For incidents involving a criminal offense, requiring an offense report, officers will complete an offense report in addition to the e-CIT report.

A copy of all documentation, including the e-CIT report, will be provided to the following:

- Hospital/facility,
- The MIW office (located at 600 West Jefferson Street), and
- the Department.

Officers will ensure a copy of the MIW is provided to the person served.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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### **38.5 WARRANTS: SUBMITTING A CRIMINAL COMPLAINT**

Officers/detectives submitting a criminal complaint will verify all available information; including, but not limited to: the identity and address of the defendant; vehicle registration; operator's license; and any other available information that could identify the subject of the criminal complaint.

Criminal complaints can be submitted one of two (2) ways:

- Electronically, through ewarrants.ky.gov or
- In person, at the Hall of Justice.

If submitting electronically, officer will log in to the website, click on “create complaint”, and complete the required fields. Officer will submit the warrant and confirm the submission by clicking the “ok” button in the pop-up window. NOTE: Officers are required to **physically** sign the warrant at the Hall of Justice. The officer/detective will be notified by the County Attorney’s Office when the criminal complaint is ready to be signed.

If submitting a criminal complaint in person, the officer/detective will proceed to the Hall of Justice-Warrant Intake (located on the 1<sup>st</sup> floor) and file the criminal complaint. The officer/detective should take all case file information to include the offense report, digital media and other pertinent material with them.

Once a judge reviews the complaint, one of three (3) things will happen:

- A criminal summons will be issued,
- An arrest warrant will be issued; or
- It will be rejected.

The officer will confirm what the judge assigned to the criminal complaint, prior to taking any action.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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**38.6 SEARCH & SEIZURE: DWELLINGS & PREMISES**

The Fourth Amendment to the United States Constitution provides that all persons have the right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures. Kentucky law states that a search is an examination of a person's premises, person, or property for the purpose of locating contraband or evidence to be used in a criminal prosecution. Unless exigent circumstances exist, officers should always obtain a search warrant.

Officers are required to notify a commanding officer prior to applying for a search warrant of a dwelling or premises. A commanding officer must be present when the search warrant is executed on any dwelling, business or premises. An affidavit supporting the application for a search warrant is required. The accuracy of the affidavit is vital to the validity of the search warrant; therefore, officers should verify that the information is complete, accurate, and specific as possible.

The affidavit will describe the location, to be searched, in as much detail as possible. If the name(s) of the owner, and/or occupant(s) are known, they will be listed as well. If the name(s) of the occupants are not known, a detailed description of individuals, to be searched, will be included. Officers who request to search all persons, found in the premises, during the execution of the search warrant are advised that, this alone, does not provide blanket authority to search everyone present. However, an individual's presence at a dwelling to be searched is enough reasonable suspicion for an officer to detain, question and obtain their identification. The decision to search a person for weapons must be based on reasonable suspicion. A more extensive search of a person for contraband must be based on probable cause, unless that person is named, or described, in the warrant, -OR- gives consent.

The inclusion of all facts supporting probable cause allows the reviewing judge to accurately assess the likelihood that evidence or contraband will be found on the premises. The probable cause narrative, in the search warrant affidavit, should detail the information that prompted the investigation, and include every investigative step that the officer took after receiving the initial information. The offense(s) should be described with reference to the appropriate KRS. Officers will, when possible, corroborate and verify investigative information, regardless of the initial source. Officers should not rely solely upon personal opinion, unauthenticated third-party information or hearsay.

Only items described in the search warrant may be searched and/or seized. The exception to this, is contraband found in plain view or in a location properly searched pursuant to the warrant. Checking the boxes on the affidavit does not give the officer blanket authority to seize property.

**Definitions:**

- Probable Cause (search): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- Exigent Circumstances Entry: Entry of a dwelling without a warrant due to some existing emergency that would not allow an officer time to get a warrant.
- Search Incident to Arrest: A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.
- Consent: The voluntary granting of permission for an officer to enter an area that is protected by the Fourth Amendment, by a person who has a reasonable appearance of authority over that area.



- SWAT Dynamic Entry: The utilization of a special team (e.g., SWAT, ERU, etc.) when executing a high-risk warrant (that which meets high-risk matrix criteria) entering to control a barricaded subject, or similar high-risk event.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.4</b>
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### **38.7 SEARCH & SEIZURE: APPLICATION FOR SEARCH WARRANTS**

When court is in session, officers may have search warrants and affidavits reviewed, and signed in blue ink, by an on-duty District or Circuit Court Judge. The officer will leave an original signed copy of the warrant and affidavit with the authorizing judge. The process for applying for a search warrant after court hours is as follows:

- The officer calls the District Court Clerk’s Office at (502) 595-3000 and
- Depending on the preference of the on-call judge, the clerk will either:
  - Advise the officer to come to the District Court Clerk’s Office on the first floor of the Hall of Justice, where the affidavit and search warrant will be faxed to the judge, or
  - Give the officer the judge the name and phone number of the requesting officer. The judge will contact the offer to swear them in and provide the email address they want the officer to send the affidavit and search warrant to.
- If the warrant is to be faxed to the judge by the clerk:
  - The officer must go to the District Court Clerk’s Office on the first floor of the Hall of Justice with the affidavit and search warrant;
  - The clerk will swear the officer in;
  - The officer will sign the affidavit in blue ink;
  - The clerk will sign the affidavit noting that the officer was sworn in on that date and time;
  - The clerk will call the on-call judge and fax the affidavit and search warrant;
  - The on-call judge will review the affidavit and warrant, approve (sign) or deny the request and fax the documents back to the clerk’s office;
  - The officer will retain copies of both documents;
  - The original affidavit, copy of the search warrant and order to seal, if applicable, will be retained by the clerk and forwarded to the Court Administrator’s Office; and
  - The original search warrant will be turned in to the Court Administrator’s Office by the on-call judge.
- If the judge prefers that the officer email the affidavit and search warrant, the judge will:
  - Contact the officer and swear them in;
  - Have the officer sign the affidavit in blue ink;
  - The judge will provide an email address to send the affidavit and search warrant;
  - Once the judge receives the affidavit and search warrant, they will review the documents and approve (sign) or deny the request;
  - The judge will return the affidavit and search warrant through email; and
  - The officer should place a signed copy of the affidavit and search warrant in their file. A copy will be given to the Major over Administration, and a copy will be delivered to the Court Administrator’s Office after the search warrant is served. If the search warrant is not served, a copy will be sent the Court Administrator’s Office and will be noted “Not Served”.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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### **38.8 SEARCH & SEIZURE: WARRANT SERVICE/EXECUTION**

At the outset officers are directed there are only three lawful methods upon which they may enter a person's dwelling. These methods include a warrant (arrest or search-with differing rules for each), exigent circumstances, or consent.

A search warrant should be served as soon as practical, usually within twenty-four (24) to forty-eight (48) hours after receipt and may specify certain restrictions or time limits. A search warrant may be served at any time of the day or night, except for no-knock warrants.

Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location, at some time, in the near future. The evidence must be in place before the search warrant is executed.

A search warrant may be applied for, and obtained, after the premise has been secured. In securing the premises, officers may search only for persons and only in places capable of hiding a person. Any other search must wait for a search warrant. However, if, in the course of searching for persons when securing the premises, any evidence found may be added to the probable cause listed in the affidavit.

The appropriate Bureau Commander will be notified prior to the execution of any search warrant involving a building and/or dwelling. A commanding officer will be designated as the officer in charge and will be responsible for ensuring that:

- all needed documents (risk matrix, warrant service plan, warrant service information packet) are completed prior to the service of the search warrant;
- officers serving the search warrant are immediately and properly identifiable; and
- the overall supervision of the service of the search warrant.

#### **Risk Assessment Matrix**

All search warrants, except for search warrants served on secured vehicles or unoccupied structures, for the purposes of securing items of evidentiary value only, will have a Risk Assessment Matrix (SMPD #044) completed, prior to service of the warrant, unless exigent circumstances exist for immediate service.

Any pre-planned operations involving a felony arrest warrant will have a Risk Assessment Matrix (SMPD #044) completed prior to warrant service. Copies of all completed hit confirmations, criminal histories on the suspect(s) and any other pertinent information used in completing the Risk Assessment Matrix (SMPD #044), will be given to the Special Weapons and Tactics Team (SWAT) Commander, or their designee, within twenty (24) hours of warrant service. The officer in charge of warrant service will conduct a briefing with all involved officers to discuss assignments, strategies and tactics prior to serving the warrant.

#### **Officer Identification**

Officers/detectives should be clearly identified as law enforcement officers to include but not be limited to police jackets, ball caps, wrist bands, patches, and badges. It is recommended that tactical vests have police marked on the front and back. Tactical vests should also have a badge and name tag. Law enforcement officers executing a no-knock warrant are to be equipped with clearly visible insignia on any protective equipment or clothing that clearly identifies the name of the Department that employs the members of the special weapons and tactics team or special response team.

### **Knock and Announce**

Prior to considering a forced entry into a dwelling, officers must knock at the entrance and announce their identity and purpose. Officers must wait a reasonable time before making entry after the knock and announcement. In determining how long an officer must wait, before forcing entry, following the knock and announcement; officers should consider the nature of the item sought and how long it would take to destroy the item.

All necessary and reasonable force may be used to gain entry into any building or part thereof to execute a search warrant if, after verbal notice, or a good faith attempt at verbal notice, by the officer executing the warrant:

- He or she is refused admittance;
- The person or persons on the premises refuse to acknowledge the verbal notice or the presence of persons inside the building is unknown to the officer; or
- The building or property is unoccupied.

### **Detention and Search of Persons on the Premises**

When executing a search warrant, the officer may reasonably:

- **Detain:** Officers may detain any person who is present at the scene of a residence where officers are executing a search warrant. Where officers are executing a dangerous search warrant, all persons present may be handcuffed while officers conduct their search. If at any time it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed. Officers must be able to articulate the dangerous circumstances present which justified the handcuffing. This does not apply to commercial businesses;
- **Frisk:** When the officer has reasonable suspicion, based upon specific facts, to believe that the individual present is armed and poses a threat; or
- **Search:** To prevent the disposal or concealment of any item particularly described in the warrant where there is probable cause, based upon specific facts, to believe that the person to be searched is in possession of said item.

### **No-Knock Entry Warrant**

No arrest warrant or search warrant shall be issued authorizing entry **without notice** unless the court finds by clear and convincing evidence that:

- **Crime**
  - The crime alleged is a crime that would qualify a person, if convicted, as a violent offender under KRS 439.3401.
  - The crime alleged is a crime designated in KRS 525.045 (Terrorism), 527.200 (Use of a Weapon of Mass Destruction in the First Degree), 527.205 (Use of a Weapon of Mass Destruction in the Second Degree), 527.210 (Use of a Weapon of Mass Destruction in the Third Degree).
- **Evidence**
  - The evidence sought may give rise to the charge of a crime that would qualify a person, if convicted, as a violent offender under KRS 439.3401.
  - The evidence sought may give rise to a charge of a crime designated in KRS 525.045 (Terrorism), 527.200 (Use of a Weapon of Mass Destruction in the First Degree), 527.205 (Use of a Weapon of Mass Destruction in the Second Degree), or 527.210 (Use of a Weapon of Mass Destruction in the Third Degree).
  - As established by facts specific to the case, giving notice prior to entry will endanger the life or safety of any person result in the loss or destruction of evidence sought that may give rise to a charge of a crime that would qualify a person, if convicted, as a violent offender under KRS 439.3401 or may give rise to a charge of a crime designated in KRS 525.045 (Terrorism), 527.200 (Use of a Weapon of Mass Destruction in the First Degree), 527.205 (Use of a Weapon of Mass

Destruction in the Second Degree), or 527.210 (Use of a Weapon of Mass Destruction in the Third Degree).

Further, the member seeking the warrant has obtained the approval of their supervising officer or has the approval of the highest-ranking officer in their law enforcement agency. The law enforcement officer seeking the warrant has consulted with the commonwealth's attorney or county attorney for the jurisdiction for which the warrant is sought or with an assistant Commonwealth's attorney or assistant county attorney for the jurisdiction for which the warrant is sought. The law enforcement officer seeking the warrant discloses to the judge, as part of the application, any other attempt to obtain a warrant authorizing entry without notice for the same premises, or for the arrest of the same individual.

### **No-Knock Warrant Execution**

A warrant allowing entry without notice will be executed by the St. Matthews Police Department's Special Weapons and Tactics Team (SWAT) who are trained and tasked with resolving high-risk situations and incidents, who have received appropriate training in the execution of arrest and search warrants authorizing entry without notice. Officers executing a no-knock warrant are to be equipped with body-worn cameras issued by the St. Matthews Police Department. Officers executing a no-knock warrant are to be equipped with clearly visible insignia on any protective equipment or clothing that clearly identifies them as with the St. Matthews Police Department. A warrant allowing entry without notice shall be executed in the presence of a uniformed law enforcement officer. A warrant allowing entry without notice shall be executed with a certified or licensed paramedic or emergency medical technician in proximity and available to provide medical assistance, if needed.

### **Time of Entry**

The warrant authorizes that the entry without notice be done, **only**, between the hours of **6:00 a.m. and 10:00 p.m.** The exception to this is exigent circumstances, and the court makes the findings set forth in this section. Further, the court finds, by clear and convincing evidence, that there are substantial and/or imminent risk of injury to the health and safety of the persons executing the warrant, the occupants of the premises, or the public. In this case, the judge may issue exception to the time of entry.

If there is a change of condition that reduces the level of threat under the risk assessment matrix and removes the need for a no-knock entry, the normal knock and announce procedures should be followed. In this case, notify communications and document on an Administrative Incident Report (Benchmark/SMPD #057).

All "no-knock" entries will be documented on an Administrative Incident Report (Benchmark/SMPD #057). It will be noted in the Administrative Incident Report whether the signing judge approved a "no-knock" entry, or it was exigent. Each situation must be considered individually, based on the facts known prior to, and during, the execution of the search warrant. The officer may use whatever force is reasonable to execute the warrant, including forced entry into the building to be searched.

**Arrest Warrant, Felony or Misdemeanor:** Officers may enter the home of a subject, for the purpose of serving of an arrest warrant, IF:

- The name of the subject, and address of the location is listed on the arrest warrant and
- The officer has reasonable suspicion to believe the subject is in the location. For example: the officer observed the subject enter the location.

For the purpose of serving an arrest warrant on a person, who is inside their dwelling, Knock and Announce Rules Apply. If the person is located inside the dwelling, officers may, after the subject is arrested, search the room where the subject was found.

Additionally, in cases where the officers have reasonable suspicion to believe someone else is in the dwelling, and poses a danger to the officers, the officers may conduct a protective sweep in conjunction with the arrest. The protective sweep is limited to those places where a person could reasonably be in that dwelling.

If the subject of an arrest warrant is believed to be in a third-party location, officers **must** obtain a search warrant before entering the residence to search for the subject of the arrest warrant. Unless, the person who owns/leases the location gives consent for officers to enter and search or exigent circumstances exist.

### **Consensual Entry**

Officers may enter a dwelling based upon the knowing and voluntary consent of a person who appears to have authority over the premises.

- Consent must be voluntary and knowingly made. Consent given by juveniles will receive additional scrutiny by the court including evaluation of the juvenile's age, maturity, background, education, and juvenile justice experience;
- Although it is preferred, consent does not need to be in writing. However, written documentation or a recording will assist officers in proving that the consent was voluntary;
- Officers may not enter a dwelling in a case where a co-occupant is present and objecting to the entry; and
- The scope of a consensual entry and search rests with the consenting party. The person(s) giving consent control, both, how long the entry and search may last, as well as, what area(s) may be searched.

### **Exigent Entry**

Officers may enter a dwelling, based on exigent/emergency circumstances, when any of the following circumstances exist:

- Hot pursuit of a fleeing felon;
- Misdemeanors **do not** qualify as an exigent circumstance for purposes of warrantless home entry;
- Invoking the exigent/emergency circumstances exception to enter a home "should rarely be sanctioned when there is probable cause to believe that only a minor offense" has been committed;
- "The flight of a suspected misdemeanant does not always justify a warrantless entry into a home." In some cases, it will, but those must be justified by something more than simple flight from apprehension. The seriousness of the crime, the nature of the flight, and surrounding facts need to be taken into consideration;
- Imminent destruction of evidence for any crime which is a jailable offense;
- Need to prevent suspect's escape;
- Imminent risk of danger to police, or others, inside or outside the dwelling;
- Officers may enter a dwelling without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such an injury;
- Once exigency has ended, officers should secure the scene and obtain a search warrant; and
- The fact that an area is a crime scene does not create automatic exigency. There is no crime scene exception to the warrant requirement.

### **SWAT- Dynamic Entry**

The determination as to whether a SWAT dynamic entry is necessary is done through the completion of a risk assessment matrix. Due to the nature of executing this SWAT high-risk entry, extreme care must be utilized to ensure that only the proper residence is entered. When considering the use of a SWAT dynamic entry, the following precautions must be followed:

- A supervisor must be present and take responsibility for reviewing and approving the warrant as well as the affidavit prior to the execution of the warrant;
- If utilizing an informant for a narcotics purchase, an investigator must ensure that the informant has been observed at all possible times;
- The officer supervising the special team will conduct a drive by of the location with the lead investigator using the legal description on the warrant to locate the residence to ensure that the residence to be entered is verified with the warrant. If any discrepancies exist or if the house cannot be located by the description on the warrant, the warrant shall not be served;

- Prior to execution of the warrant, all available databases will be checked (telephone, electric, real estate, etc.) to ensure that the residence matches the suspect of the investigation;
- A written operations plan will be prepared identifying the specific mission for the team, intelligence considered, a description of the targeted subjects and location, and the specific tasks assigned to each member of the entry team;
- The lead investigator will accompany the special team during the execution of the warrant and direct officers to the doorway of the residence to ensure that the correct residence is entered; and
- Upon completion of the operation, photographs of all entryways into the building shall be taken to document both damage and lack of damage.

In all searches, the lead officer should verify that members of the search team conduct a security sweep of the premises and secure all persons found. Before undertaking any search or seizure pursuant to the warrant, the lead officer should give a copy of the warrant to the person to be searched, or the person in apparent control of the premises or vehicle to be searched. Once the premises have been secured, each room or vehicle should be carefully searched. This search should be conducted by pairs of officers or, at a minimum, officers in visual contact with one another. If manpower permits, each area should be searched twice by different officers. The lead officer should verify that the entire search warrant execution process is documented. A written record should be supported by photographs and, if practical, a videotaping of the entire search site from start to finish.

**Effective:**  
**09/01/2018**

**Revised:**  
**04/15/2022**

**KACP Standards: 1.4**

### **38.9 SEARCH & SEIZURE: SEIZED ITEMS**

Items to be seized are as follows:

- Items listed specifically in the warrant.
- Instruments of the crime,
- Fruits of the crime, and
- Contraband, or items illegal to possess, such as illegal drugs or stolen property, which are either in plain view or found within the scope of the search.

Suspected stolen articles may not be manipulated, or moved, for the sole purpose of checking for serial numbers or other identifying markings. If, for example, an officer lifts a television set to search for drugs and notices a serial number that has been listed as belonging to a stolen television, the television can be seized, but the officer must be able to articulate the reason that the television was moved. A logging officer should document the collection of, and be responsible for, the preservation of evidence until the items are transferred to an evidence custodian. All seized items should be photographed, or their location documented, prior to being taken to the logging officer.

The logging officer should complete an inventory sheet that includes the following:

- Items seized,
- Location seized,
- Time seized. Preferably one (1) timepiece should be used to avoid discrepancies, and
- Name and code number of the seizing officer.

If an inventory sheet is not utilized, the logging information should be written on the search warrant.

The lead officer will verify that a copy of the search warrant (but not the affidavit) and a list of seized items are left at the site of the search.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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**38.10 SEARCH & SEIZURE: POST SERVICE DISTRIBUTION OF COPIES**

Once the search warrant is served, the serving officer will ensure the following:

- One (1) copy of the search warrant and one (1) copy of the inventory sheet will be left with the owner/occupant of the premises. If the owner/occupant is not present, copies will be left in a conspicuous place on the premises. THIS WILL BE DONE PRIOR TO LEAVING THE LOCATION SEARCHED;
- One (1) copy of the search warrant, affidavit, inventory sheet and order to seal, if applicable, will be retained by the officer for the case file;
- One (1) copy of the search warrant, affidavit, inventory sheet, and order to seal, if applicable, will be forwarded to the Support Bureau Commander; and
- One (1) copy of the search warrant, affidavit, inventory sheet, and order to seal (if applicable), will be delivered to the Court Administrator’s Office (located at the Hall of Justice). Officers **should not** send any additional documents (e.g., risk assessment matrices, operations plans, currency seizure forms), as anything given to the Court Administrator’s Office is subject to open records inspection.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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**38.11 SEARCH & SEIZURE: COMPUTERS/ELECTRONICS/OTHER ITEMS**

Officers anticipating a search of a computer, cellphone, or other related high-technology equipment, may consult with the Kentucky Regional Computer Forensics Laboratory (KRCFL) for appropriate language to use in the affidavit and for the procedures governing the seizure of hardware and software. A search warrant is required to search the contents of a cell phone or other electronic device unless exigent circumstances and probable cause exist. In situations where officers can articulate truly exigent circumstances beyond the basic encryption or remote wipe argument, then the exigent circumstances exception may be applicable to justify a search without a warrant.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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**38.12 SEARCH & SEIZURE: USE OF INFORMANTS**

Officers may use information from named or unnamed informants to show probable cause for a search warrant. Reliability does not have to be proven in the affidavit when a named informant is used. Officers using an unnamed informant must include sufficient information in the affidavit to demonstrate that the informant is reliable, knows sufficient facts to show probable cause, and how such information was obtained.

Establishing the credibility of an informant can be shown in the affidavit by indicating one (1), or more, of the following: The informant is a law enforcement officer, the name of the informant, the statement of the informant was against their penal interest, the informant has previously given reliable information, the informant’s information has been duplicated by another independent source, the officer has been able to corroborate some of the information through independent investigation.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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**38.13 SEARCH & SEIZURE: DAMAGE TO PROPERTY**

If damage occurs during entry that may leave the premises vulnerable, arrangements should be made to secure the premises in a reasonable fashion. An Administrative Incident Report (Benchmark/SMPD #057) will be



prepared on the actions that caused the damage, including a detailed description of the nature and extent of the damage. The damage will be photographed and the images will be downloaded to the “N” Drive.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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**38.14 SEARCH & SEIZURE: SEALED WARRANTS**

KRS 17.150 exempts law enforcement reports and records of ongoing, or incomplete, investigations from public disclosure. KRS 17.150(3) provides that if a demand is made for inspection of the sealed records, the custodian bears the burden to justify the refusal with “specificity”. Therefore, an officer must be able to articulate specific reasons for the decision to seal a search warrant and affidavit.

To have a search warrant and/or affidavit sealed prior to service, the officer must take the order to seal and the original warrant to the judge simultaneously for signing. The judge will submit the original order to seal along with the search warrant/affidavit to the District Court Administrator’s Office. To have a search warrant and/or affidavit sealed after service, the officer must have the order to seal signed by a judge. It is not necessary to have the same judge sign the order to seal that signed the original search warrant. Once sealed, the original documents will remain in the possession of the clerk’s office until directed otherwise by the court that issued the original order.

Nothing in this policy or in KRS relieves an officer from the requirement to provide a copy of the search warrant and inventory, if any, to the owner/occupant of the premises searched. Upon receiving a request to unseal the warrant, the clerk’s office is responsible for forwarding the sealed documents to the Chief Judge of the appropriate court, who will make the decision about whether to unseal the documents. If information contained in the sealed documents is discovered by the media before the warrant is served, the lead investigating officer should contact the clerk’s office. This will allow the clerk’s office to investigate and determine if confidential information is being divulged.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 1.4</b>
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**38.15 SEARCH & SEIZURE: MOBILE TRACKING**

Motor vehicle global positioning system (GPS) tracking during the course of a law enforcement investigation constitutes a search under the Fourth Amendment. Therefore, installing GPS devices on any vehicle or using the data from factory-installed GPS devices to obtain information regarding a suspect’s activities or location, without consent, requires a search warrant, unless there are exigent circumstances which would justify the immediate installation or retrieval of data (e.g., a kidnapping suspect’s vehicle).

Officers obtaining a search warrant to install a GPS tracking device on any motor vehicle or using the data from a factory-installed GPS device should have the search warrant and affidavit sealed by a Circuit Court Judge prior to installation/use, refer to SOP (Section 38.14), and comply with the requirements of the warrant and/or affidavit. These requirements may include, but are not limited to, the following:

- The amount of time allowed to install the GPS tracking device on the motor vehicle [e.g., within ten (10) days];
- The allowance for trained personnel to covertly replace the batteries, as needed, within the time frame allowed in the narrative of the affidavit;
- The geographic area, if known, in which the GPS tracking device may be placed or the data may be used (e.g., within the boundaries of Jefferson County, etc.); and
- The total amount of time that the GPS tracking device may be installed/placed on the motor vehicle or the

data from factory-installed GPS devices may be used

Any extension of time for the placement of GPS tracking devices on a vehicle or the use of factory-installed GPS data requires the renewal of the search warrant and/or affidavit [e.g., every thirty (30) days]. Any questions regarding the availability of GPS tracking devices or equipment should be directed to the Support Bureau Commander before a search warrant is sought.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 1.4</b>
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**38.16 SEARCH & SEIZURE: CELL PHONES PINGS**

Cell phone pings are an important investigative tool to track the location of cell phones. Cell phone pings result in financial costs to the Department from cell phone providers. As a result, cell phone pings should only be used for felony investigations and when all other investigative means have been exhausted. All cell phone ping requests require an official search warrant application, search warrant and order to seal. All non-exigent cell phone ping requests will be coordinated through the Support Bureau Commander. All exigent cell phone ping requests will be coordinated through Dispatch. Cell phone ping orders will not extend beyond 15 days unless approval has been obtained from the Support Bureau Commander. Any extensions to a cell phone ping order will be requested through Support Bureau Commander three (3) days prior to the expiration date of the order. If a cell phone ping order is no longer needed, the investigator will immediately notify the Support Bureau Commander.

**St. Matthews Police Department  
Standard Operating Procedures  
Department Emergency Operations**

**DEPARTMENT EMERGENCY OPERATIONS**

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards:</b>
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**39.0 EMERGENCY OPERATIONS**

This policy provides guidance and procedures on emergency operations pertaining to dignitary protection, hazmat incidents, hostage/barricade incidents, active aggressor, mass casualties, and civil disturbance.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.1,19.2,19.3</b>
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**39.1 RESPONSIBILITY & PLANNING**

The Operations Bureau Commander will be responsible for all emergency and critical incident planning, review and updating. The Operations Bureau Commander will serve as the Department's liaison to other agencies for emergency, disaster and mutual aid planning and operations. If operating concurrent operations, the Support Bureau Commander will serve as liaison. The Chief of Police will authorize practical exercises of any emergency or critical incident plan.

The Commonwealth of Kentucky Disaster and Emergency Services Emergency Operations Plan and the Louisville and Jefferson County Metro Government Emergency Operations Plan located in the Dispatch Center are the two manuals that form the basis of the Department's emergency operations.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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**39.2 RESPONSE & COMMAND POST**

The first responding officer to arrive at the scene of an emergency operation will serve as the Incident Commander until properly relieved. The first responding officer will advise dispatch of the nature of the emergency, exact location and extent of casualties and damage, and request appropriate notifications and resources.

A Command Post will be established at or near the scene and be in command and control of all emergency operations. The command post may initially be a police vehicle until additional officers and resources can be summoned. Staging or temporary detention areas may be established at other locations if needed. The command post will be responsible for the establishment of inner and outer perimeters, communications between all responding agencies, request of equipment and personnel, and coordination with the media. Members will use plain speech and avoid the use of 10-codes during all communications when multiple agencies are involved in emergency operations.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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**39.3 COMMAND RESPONSIBILITIES**

The Chief of Police will be responsible for command and control of all emergency operations either from the

office or the command post and will keep the Mayor informed of the incident.

The Operations Bureau Commander will respond to and be in command of the scene, be responsible for coordination between the command post and the scene, establish inner and outer perimeters at the scene, coordinate with the Support Bureau Commander to obtain equipment and personnel needed, provide security for all buildings or areas considered to be of vital or strategic importance, and submit a written report to the Chief of Police of any incident involving an emergency mobilization.

The Support Bureau Commander will respond to and coordinate all activities at headquarters or designated area, obtain all needed equipment and personnel, prioritize and assign officers to respond to all incoming calls for service not associated with the emergency operation, and document the Department’s response to and maintain all records relating to the emergency operation.

The shift supervisor will respond to and be responsible for keeping the Operations Bureau Commander advised of the conditions of the inner perimeter at the scene, maintaining security of the inner perimeter, assess casualties and arrange for medical attention, and coordinate officer assignments within the inner perimeter of the scene.

A second shift supervisor will respond to and be responsible for keeping the Incident Commander advised of the conditions of the outer perimeter at the scene, maintaining security of the outer perimeter, and coordinate officer assignments within the outer perimeter of the scene.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2</b>
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### **39.4 MOBILIZATION PROCEDURES**

When additional manpower is needed during emergency operations, one of the following mobilization plans will be initiated by an Executive Command Staff officer upon request from the shift supervisor and the Chief of Police will be notified.

#### **Stage 1 Mobilization:**

A stage one (1) mobilization is designed to supplement short-term manpower needs. The shift supervisor will advise dispatch to contact all officers scheduled on the next shift to report to duty in uniform as soon as possible. The shift supervisor may advise dispatch to contact additional civilian members to report to duty as needed.

#### **Stage 2 Mobilization:**

A stage two (2) mobilization is designed to supplement manpower needs for large-scale emergency operations. The shift supervisor will advise dispatch to contact all officers from the previous shift and scheduled on the next shift to report to duty in uniform as soon as possible. The shift supervisor may advise dispatch to contact additional civilian members to report to duty as needed. A command post and staging area may be established.

#### **Stage 3 Mobilization:**

A stage three (3) mobilization is designed to supplement manpower needs for major emergency operations. The shift supervisor will advise dispatch to contact all off-duty officers and civilians to report to duty as soon as possible. Unless directed otherwise, all officers will report to duty in uniform. All members will be assigned to work a continuous shift until released by a commanding officer. A command post and staging area may be established.

The Chief of Police will determine when the emergency mobilization is no longer needed and when the Department can return to normal operations. The Support Bureau Commander will be responsible for the de-escalation of manpower and resources.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2</b>
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**39.5 EVACUATION**

An evacuation may be ordered as part of an emergency operation and each business or residence should be personally notified if possible. Transportation for evacuees may be requested from the Transit Authority of River City. Temporary shelters may be requested for evacuees through community groups including the American Red Cross and the Salvation Army.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2</b>
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**39.6 CASUALTIES**

The Emergency Medical Services commander at the command post will direct all on-scene activities pertaining to patient triage, treatment, transportation, and information. The coroner will be responsible for all deceased persons.

Mass casualty and hospital notification procedures will be conducted in accordance with Annex A (ESF 6) as published by the Kentucky Division of Emergency Management.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2,25.3,29.2,29.3</b>
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**39.7 HAZ MAT PROCEDURE**

The Department will reference the Louisville and Jefferson County Metro Government Kentucky Emergency Operations Plan, Annex: Hazardous Materials in all incidents involving hazardous materials.

Hazardous materials are defined as but are not limited to any harmful substance classified as chemical, biological, radiological or explosive.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2,23.1,23.3,25.3,29.2,29.3,29.7</b>
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**39.9 HAZ MAT RESPONSE**

See Department Field Operations: Incident Response: Dangers or Hazards

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2</b>
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**39.10 CROWD & TRAFFIC CONTROL**

Crowd and traffic control will be the responsibility of officers assigned to the scene of an emergency operation. Officers assigned to the scene will be responsible for the protection of all first responders and unattended emergency equipment. Officers should make every attempt to prevent civil disorder and looting in the affected area(s).

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b> 17.4,19.2,19.5
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**39.11 CIVIL DISORDER & MASS ARREST**

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations, large gatherings, and the handling of civil disturbances.

It shall be the policy of the St. Matthews Police Department to provide an effective police presence at assemblies and gatherings in a posture that guarantees the constitutional rights of participants and promotes an orderly, lawful demonstration in the best interest of public safety and community harmony.

**Definitions**

- **Civil Disturbance:** An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or an assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.
- **Demonstration:** A legal assembly of persons organized primarily to express political or other views. These are typically scheduled events that allow for prior police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, the media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, and related events, these are not defined as demonstrations.
- **Crowd Control:** Techniques used to address unlawful public assemblies, to include a show of force, crowd containment and dispersal equipment and strategies, and preparations for multiple arrests.
- **Crowd Management:** Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning, pre-event contact with group leaders, and issuance of permits, intelligence gathering, personnel training, and other means.
- **Mobile Field Force (MFF):** A platoon of police officers and sergeants usually led by lieutenant or above to provide a rapid, organized, and disciplined response to civil disorder, crowd control, or other tactical situations. A MFF usually consists of six to eight squads and is supplemented by specialized units such as Canine or Mounted as appropriate.

**Procedures:**

- **In cases where this Department is faced with a crowd control event but lacks the resources to effectively control the event, the Louisville Metro Police or Interagency Group will be notified immediately for assistance.**
- **Crowd Management Response Team:** To accomplish this goal, the Department has established a Crowd Management Response Team, (CMRT). The goal of the CMRT is to provide a cadre of highly trained personnel, who develop the skills and expertise to diffuse emotionally charged individuals and crowds and facilitate their right to demonstrate while at the same time preventing the demonstration from escalating into a confrontation that threatens the safety of the demonstrators or the general public.  
 The CMRT will allow the Department to effectively coordinate the deployment of police resources to deal with emotionally charged crowd situations. The CMRT concept seeks to provide a comprehensive operational and tactical response to spontaneous and preplanned demonstrations which may involve controversial social, political, economic, religious and other issues which often involve emotionally charged but non-violent demonstrators.  
 Whenever possible, the Department will serve as facilitators in these types of demonstrations, ensuring that they are orderly in nature, while maintaining police impartiality and sensitivity to the dynamics of

the demonstration. As a facilitator, the Department will seek the inclusion of responsible community leaders, media representatives, and concerned individuals and groups whose collective expertise may be channeled to achieve the lawful assembly of such demonstrations with minimum disruption to the general public.

- **CMRT Training:** The Department has formulated an Ad-Hoc Committee which will develop the policies and procedure manual to implement CMRT which will include training in the following areas:
  - Tactical handling of spontaneous incidents.
  - Tactical handling of Pre-Planned Incidents,
  - Personnel Issues,
  - Coordination with the Mobile Field Force Concept,
  - Use of Force Issues,
  - Use of less lethal weapons, chemical agents, fire hoses, and electronic control weapons,
  - Arrest techniques for passive demonstrators,
  - Use of Arrest Teams,
  - Close quarter defensive tactics,
  - Handgun retention,
  - Human Diversity Awareness and group sensitivity,
  - First Amendment Issues,
  - Creation of First Amendment Zones,
  - Critical Incident Management Training,
  - After Action Reports, and
  - Other Training as deemed appropriate.

### **Civil Disturbances**

Members will preserve the peace, protect life and prevent the destruction of property, and remain impartial to all parties in a demonstration. Members may take appropriate enforcement action when a demonstration violates the provisions of the State Statute or St. Matthews Ordinances. Members will notify supervisors when such demonstrations take place whenever they become aware of a demonstration and the on-duty CMRT will be dispatched to assess the situation and coordinate an effective response in concert with the Incident Commander.

### **Responding Officer:**

The first officer(s) on the scene of a civil disturbance will observe the situation from a safe distance, notify the Dispatch of the seriousness of the situation, notify a supervisor as soon as practicable, request the CMRT to respond, and attempt to identify, by observation, the leader of the group.

### **Incident Commander:**

The responding supervisor will assume command of the incident until relieved by a higher authority. Supervisors will assess the situation; consult with the responding CMRT supervisor to determine the appropriate response, establish a command post, inform Dispatch of the crowd size; mood, weapons involved, and any property destroyed, injuries, and deploy necessary traffic control in the area. The Incident Commander or their designee will arrange for any special equipment needed and notify Louisville Metro Corrections if mass arrests are probable. The Chief District Court Judge and Jefferson County Attorney's Office will also be notified. One (1) officer will be designated to serve as a liaison between the Department, Louisville Metro Corrections and District Court prosecutors.

### **Riots**

When the Incident Commander and the CMRT supervisor have determined that the crowd has become violent and destructive requiring additional police action, the Mobile Field Force will be deployed. The Mobile Field Force Commander (Operations Bureau Commander) will assume command of the incident, and when an adequate number of personnel are in place, issue a dispersal order to the crowd via the public address system, establish a



time limit for dispersal, and when necessary, order the use of Mobile Field Force tactics to restore order and disperse the crowd.

- An example of a good dispersal order is as follows: “I am (rank and name) of the St. Matthews 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 should allow a reasonable amount of time for the crowd to disperse;
- Only the Executive Command Staff or CTRM Commander may approve:
  - The use of chemical agents and
  - The use of Special Impact Munitions Systems (SIMS)
- **Mutual Aid:** Requests for mutual aid will be governed by compliance with the Kentucky Revised Statutes §39B.010-§39B.090;
- **Mobile Field Force:** A mobile field force will be led by the Operations Bureau Commander or their designee and is normally deployed for the following assignments:
  - To rescue police officers under hazardous conditions,
  - To apprehend multiple offenders, i.e., looters,
  - To isolate areas of civil disorder or disaster using large, organized perimeters,
  - To control or disperse unruly crowds,
  - Other assignments as required, and
  - The Department will conduct MFF training with all sworn personnel on an annual basis or as deemed necessary by the Chief. The training will cover all the issues outlined under item CMRT training.

### **Use of Force Reporting and Investigation**

Established use-of-force reporting of this Department is equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and reporting use of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. As such, the following protocols will be followed during such events:

- The Support Bureau Commander or their designee will be assigned to the command post of the incident commander during a mass demonstration or civil disturbance to coordinate and record force-related information and complaints;
- The Support Bureau Commander will review all incidents of use of force and investigate all complaints of excessive force. The IA team should be prepared to deploy quickly to a serious use of force incident and initiate an investigation as soon as practicable when a complaint is generated;
- The Support Bureau Commander shall have full access to all video and photographic records documenting police and crowd actions; and
- The IA team will complete a comprehensive after-action report describing the use of force deployed during the event and summarizing the nature of an when a complaint is generated.

### **Arrest Procedures**

The command post will be responsible for the designation of an arrest team and establish a processing and detention area. The arrest team will escort prisoners to the processing area and then return to the scene. Photographs should be taken of each prisoner regardless of age holding a piece of paper identifying their name, charges, and the arresting officer. One (1) officer or civilian member will be designated to ensure completion of all arrest citations. Injured prisoners will be escorted to the Emergency Medical Services triage area for treatment. Evidence will be secured and transported to Headquarters as soon as possible. Civilian members may be assigned to log and secure evidence.

After processing, all prisoners will be transported to Louisville Metro Corrections or the alternative placement for a juvenile by the CDW. Louisville Metro Corrections transport vans will be requested if needed.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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**39.12 DOWNED AIRCRAFT**

Dispatch will notify the Executive Command Staff and a shift supervisor will determine other notifications and initiate mobilization plans, if necessary, in all incidents involving downed aircraft. Dispatch will also notify the Federal Aviation Administration (FAA) and if a military aircraft is involved, the affected military branch of service.

Officers will secure the scene, assess casualties and arrange for medical attention, and begin obtaining initial information. Except when necessary to rescue survivors, no wreckage or any part of the scene will be moved or tampered with. Every piece of wreckage or ground scar, its location and exact position are critical to investigators in determining the sequence and causes of events. Officers will secure the scene until the arrival of FAA investigators. All fatalities will not be moved until identification is made and the coroner releases the body.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.6</b>
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**38.13 SUSPICIOUS OR UNKNOWN POWDERS**

Officers dispatched on a call for service involving a suspicious or unknown powder should immediately take the following steps:

- Request that Dispatch notify a supervisor;
- Do not open, shake, or empty the contents of any containers, packages, or envelopes associated with the powder;
- Do not attempt to move the powder or container, show it to others, or allow others to examine it;
- Do not sniff, touch, taste, or look too closely at the powder which may have spilled in the area;
- Evacuate all personnel from the area;
- Close any doors to isolate the powder and take actions to prevent others from entering the area;
- If possible, disable any ventilation systems;
- Isolate anyone who may have been exposed to the powder by moving them to a safe area; and
- If anyone has been exposed to the powder, request that Fire/EMS respond to the scene.

Individuals with direct hand and face exposure should immediately wash the exposed areas with soap and warm water.

Under no circumstances will an officer attempt to package or repack a suspicious or unknown powder, unless the officer is properly trained and equipped and directed to do so by competent authority.

A representative from the local Federal Bureau of Investigation (FBI) field office will respond to the scene and work with personnel to determine an appropriate course of action. No member of the Department will take possession of, or transport, any evidence from the scene without the prior approval of the FBI representative at the scene.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.4</b>
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**39.14 BACKUP GENERATOR**

The backup generator serves as an emergency power source for continued operation of the Department’s primary facility and all its physical resources in the event of a power failure. The Support Bureau Commander will coordinate with Facilities/Works to ensure the backup generator is tested in accordance with manufacturer’s recommendations and remains functional.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.6,19.7</b>
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**39.15 SWAT/HNT**

The purpose of the Special Weapons and Tactics Team (SWAT) is to provide special operations support for incidents that pose a threat to public safety, would otherwise exceed the capabilities of traditional law enforcement first responders and/or investigative units, and where specialized training and equipment can be utilized for the safety and benefit of the citizens, community and of police personnel.

Due to the specialized nature of the team and its mission, guidelines for SWAT are outlined in the SWAT program binder located in the Operations Bureau. Information on the organization of the team, standards of conduct, tactical operations, administrative policies and procedures, training, firearms, physical fitness requirements, and selection for membership are outlined within this binder and mentioned below:

Due to the demands of SWAT, medical examinations will be conducted annually for all personnel assigned to this specialized unit. All members of SWAT must pass a physical agility course based off of operational fitness requirements. Members will be required to pass this course at initial selection and on a yearly basis. Any member unable to pass the agility test will be placed on inactive status until such time they are able to pass the course or they leave the team.

The SWAT team will have trained hostage negotiators available for tactical situation requiring negotiations for example barricaded subjects and hostage situations.

Selection: See SOP (Section 2.9)

Training requirements:

- Initial Certification – [Eighty (80) hour initial SWAT training Course] Final appointment to a SWAT team will require successfully completing an eighty (80) hour basic SWAT course that includes firearms, exterior and interior training.
- Monthly Team Training- [Sixteen (16) hours of training per month] all SWAT teams must train sixteen (16) hours per month and maintain a yearly schedule documenting the firearms and tactical issues to be covered. Four (4) hours for snipers.
- Sniper Training- [Eight (8) hour- initial certification] All snipers are required to successfully pass eighty (80) hours of certified sniper training before deploying as a sniper. Snipers are at a minimum required to qualify quarterly separate from the mandated team training schedule.
- HNT- [Eighty (80) hour initial basic and advanced course] all HNT must train eight (8) hours monthly

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### Firearms Training Requirements:

- All SWAT team members must qualify before they are considered operational with their weapons. Initial qualifications and familiarization with weapons will be conducted during the initial 80-hour SWAT course for primary and secondary weapons;
- All SWAT Team members must qualify at a minimum quarterly;
- All SWAT firearm courses must be completed with a minimum passing score of 80%;
- Any team member who fails to complete any quarterly or bi-annual qualification may not deploy during SWAT activations;
- SWAT weapons training is divided into two (2) approaches: skill courses and combat/tactical courses. Skill courses provide each officer the opportunity to practice skills and show proficiency by numerical score. Combat courses allow for practicing tactics and skills;
- All qualifications will be conducted in full tactical call out gear;
- SWAT qualification courses should be specific to each weapons system utilized by each team and follow nationally accepted standards; and
- Specialty Munitions: SWAT members will not deploy any special munitions to include Diversionary Devices, Less Lethal and Chemical Munitions without receiving proper instruction and certification on those munitions. Qualified training will be conducted bi-annually on any specialized munitions.

Individual Minimum Equipment: Each member of a SWAT team should be provided with the following minimum equipment: Ballistic helmet, safety glasses and goggles, Hearing protection, Threat level IIIA ballistic entry vest with two (2) threat level III or IV inserts, and attachable modules, or load bearing vest with attachable modules, Nylon-duty belt and accessories for tactical equipment , Special weapons as authorized (weapons should be equipped with lights and slings), Duty ammunition, Radio and tactical headset, BDU uniforms , Tactical boots, Rain Gear, Cold Weather Gear, Gas Mask, and Gloves(protective).

Specialized Team Equipment: Each SWAT team should have the following minimum equipment: Less lethal option(s)/ammunition, counter sniper rifles, flash/noise diversionary devices, breaching tools/ammunition, ballistic shields, tactical mirrors, throw phone and a transportation vehicle.

SWAT Incident Deployment: When officers are confronted with situations requiring the assistance of a SWAT team, they will notify a commanding officer who will, where possible, respond to the scene. When the commanding officer responds to the scene and determines the necessity of use of a SWAT team for a barricaded subject or other tactical situation, he will notify the Operations Bureau Commander who will have the responsibility of activating SWAT.

SWAT Warrant Deployment: After completing a risk assessment matrix (SMPD #044) and finding that the score requires use of a SWAT team, a commanding officer/deputy will be advised. The commanding officer/deputy will review the assessment and notify the Operations Bureau Commander for possible warrant service.

Deployment limitations: This type of specialized unit is designed to operate as a team. When deployed, the team will be at full complement. Individual members, however, may be used in other police field incidents to enhance the police operation by virtue of their specialized equipment. In any case where the use of an individual member is considered, the SWAT commander will be notified for assessment and approval.

Operational planning: Before deployment of the specialized tactical unit, an operational planning session will be conducted and must include:

- A written operational plan identifying the mission given to the unit and the tasks assigned to each member;
- A reading of the warrant or description of the events leading to the decision to deploy the specialized unit;
- Acknowledgment that current surveillance of the targeted location has been done;

St. Matthews Police Department – Standard Operations Procedure Manual

- Identification of the subjects believed to be present at the targeted location;
- A description of the violence potential and any weaponry that may be present;
- A schematic of the targeted location, if available, and any known tactical hazards; and
- The stationing of medical support, when necessary.

Operational debriefing: The SWAT Commander will conduct and prepare a written critique of each operational deployment.

Inter-jurisdictional support:

- When the Department is requested to assist another jurisdiction by the deployment of the specialized tactical unit in a jurisdiction other than that policed by this Department, the operational aspects and decisions will be made by this Department’s unit commander in consultation with the on-duty supervisor. The manner of operational deployment will conform to this Department’s policy on the use of this specialized tactical unit;
- When this Department requires the assistance of another jurisdiction’s specialized tactical team for either assumption of the mission or deployment with this Department’s tactical team, the policy of this Department will be considered. It is still the decision of this Department’s on-duty commander to deploy any tactical unit within this Department’s jurisdiction; and
- Requests for Mutual Aid will be governed by compliance with the Kentucky Mutual Aid requirements.

The Executive Command Staff will be notified on any activation and response of the SWAT Team.

Guidelines for the conduct of special operations will be reviewed on an annual basis by the SWAT Commander, Assistant Commander and Team Leaders, to ensure their continued relevancy and to identify the need for any modifications. The Chief of Police may designate other personnel to participate in the review process at their discretion.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.1</b>
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**39.16 BARRICADE/HOSTAGE**

The purpose of a barricaded subject/hostage plan is to establish command and control of the situation, protect the lives of all involved persons and bring the situation to a safe conclusion. Coordination of communications, tactics and an organized team approach under one (1) commanding officer are essential to the success of any barricaded subject/hostage plan. The shift supervisor will serve as the Incident Commander of any barricaded subject/hostage incident until properly relieved.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards: 19.2</b>
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**39.16.1 INITIAL RESPONSE**

When a call is received regarding a barricaded subject/hostage situation, the call taker will attempt to obtain as much of the following information as possible: location of the incident and any weapons involved, number and description of any suspects and vehicles, and the number of hostages involved (if any) and reason taken. Dispatchers will dispatch a minimum of two (2) officers and a shift supervisor. Upon verification, Dispatch will notify the Executive Command Staff.

If a barricaded subject/hostage taker calls the Department, the call taker should maintain communication to obtain as much information as possible regarding the situation without accepting or rejecting any demands. Call takers

should attempt to obtain a call back number and advise the caller they will be connected to the Incident Commander at the scene or a member of the hostage negotiating team.

Responding officers will proceed to the scene, verify that an actual barricaded subject/hostage situation exists, advise dispatch of the situation, contain the situation and establish an inner perimeter to the extent possible until additional resources arrive. Persons exiting the inner perimeter will be detained, identified and interviewed.

If contact is established with a perpetrator(s), officers should maintain communication to obtain as much information as possible regarding the situation and receive any demands. No demands will be promised unless authorization is given from the Incident Commander. Ideally, a trained negotiator should conduct negotiations.

Emergency Medical Services (EMS) will be staged nearby allowing for quick ingress and egress to the location. The shift supervisor will proceed to and serve as the Incident Commander at the scene; evaluate the situation, advise dispatch to notify the Executive Command Staff; establish an outer perimeter, begin an evacuation if necessary and detain, identify and interview persons exiting the outer perimeter; and establish a command post and staging area for responding units per SOP (Section 39.2).

The shift supervisor will determine if there are any persons to be contacted to obtain information on the barricaded subject/hostage taker or on the location of the incident. The Department Chaplain may be contacted to counsel family members of involved persons and perform additional duties as required. Detectives may assist officers by gathering background information, criminal records checks and attempting to locate family members and/or acquaintances of known hostages and suspects.

A media staging area may be established and will be physically separate from the command post.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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### **39.17 MOBILE HOSTAGE SITUATION**

Officers will make every effort to keep a hostage situation contained and not allow it to become mobile. If a hostage situation begins or becomes mobile, officers will provide dispatch with the following information: location and direction of travel, vehicle description, number of occupants including descriptions of hostages and suspects, and number and type of weapons involved.

The shift supervisor will advise dispatch to contact the Louisville Metro Police Department Air Unit for assistance and notify the affected jurisdictions in the direction of travel. The shift supervisor will maintain command of the mobile hostage situation across jurisdictional boundaries and will not terminate a pursuit involving a mobile hostage situation. If the hostage taker's destination is suspected or known, officers will be dispatched to intercept the hostage taker prior to their arrival.

In mobile hostage situations, an EMS unit should travel in the general direction at a safe distance.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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### **39.18 NEGOTIATIONS**

Time is a critical factor that allows an Incident Commander to consider alternatives and all options to bring the situation to a safe conclusion. Negotiations are a valuable tactic to buy time with a hostage taker. The Incident Commander or a trained hostage negotiator will attempt to establish and maintain communication with the hostage taker. Providing hostage takers with weapons or ammunition or officers surrendering their weapons and/or the exchange of officers for hostages are not negotiable.

Ideally, negotiators should be trained and will be responsible for negotiating the safe release of hostages and the surrender of perpetrators. Negotiators will have no authority to meet any demands without obtaining permission of the Incident Commander.

In the event of special circumstances, the Louisville Metro Police Department’s Hostage Negotiations Team (HNT) may be notified with the approval of an Executive Command Staff officer. The HNT will report to the command post for briefing and will assume command of all negotiations with the hostage taker. The Incident Commander will maintain communication with the HNT commander to coordinate mutual efforts and relay information to involved officers.

The Chief of Police or an Executive Command Staff officer will consult with the HNT commander to determine all options to bring the situation to a safe conclusion.

Officers must be prepared to move immediately to stop a threat involving an active shooter situation. The Incident Commander will determine whether to take action against a perpetrator when it appears the opportunity to conclude the operation will be successful with minimal risk of endangering involved persons.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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**39.19      SWAT TEAM**

In the event of special circumstances, the Louisville Metro Police Department’s Special Weapons and Tactics (SWAT) team may be notified with the approval of an Executive Command Staff officer. The SWAT team will report to the command post for briefing and will assume command of the inner perimeter. The Incident Commander will maintain communication with the SWAT team commander to coordinate mutual efforts and relay information to involved officers.

An Executive Command Staff officer will consult with the SWAT team commander to determine all options to bring the situation to a safe conclusion. If force is authorized, the SWAT team commander will determine the most effective tactics to be utilized.

<b>Effective:</b> <b>09/01/2018</b>	<b>Revised:</b> <b>04/15/2022</b>	<b>KACP Standards: 19.2</b>
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**39.20      AFTER ACTION & DEBRIEFING**

The Department should conduct a debriefing following a barricaded/hostage incident. This should occur no later than the next training day. The debriefing should involve all officers and any other members requested by the Chief of Police who were involved in the incident. Outside agencies that assisted in the incident may also be invited to attend at the request of the Chief of Police.

Following the incident, the SWAT Commander, HNT Commander and Incident Commander will be responsible for making written summaries of the event. The Chief of Police and SWAT Commander will meet after the event to discuss possible improvements to departmental operations, policies and procedures for future incidents. If an Administrative Incident Report (SMPD #057) is completed, a copy will be forwarded to the SWAT Team Commander.



**Effective:**  
**09/01/2018**

**Revised:**  
**04/15/2022**

**KACP Standards: 19.2**

### **39.21 ACTIVE AGGRESSOR**

It is the policy of the Department to respond to, and intervene in, an active aggressor incident to neutralize the threat(s) in a manner intended to protect and rescue victims and to apprehend the suspect(s). The Department recognizes that the active aggressor(s) must be stopped immediately to prevent any loss of life. Officers are permitted to use lethal force in self-defense or in the defense of others, in accordance with Kentucky Revised Statutes (KRSs) and the Use of Force policy. All St. Matthews Police Department officers will be trained in tactical active aggressor response. Active aggressor training will be provided for all civilian members.

All available sworn members will immediately respond to an active aggressor call. Dispatch will be contacted to page the SWAT in the event that the location is to be searched, if more than one (1) report of shots fired is taken and/or an active shooter/aggressor incident is confirmed.

A rapid assessment will be made, upon arrival, and communicated to Dispatch. Officers will gather information from individuals who are already outside of the affected location. Pertinent information includes:

- The number of suspect(s), including descriptions and names, if known.
- The location of suspect(s).
- The type and number of weapons.
- Any sniper activity.
- Any explosive devices.
- Any injured or deceased persons.

The first responding officer will quickly evaluate the situation and form a contact team with a minimum number of officers, as possible. A contact team may consist of one (1) or more officers. Pursuit of the active aggressor should be made as expeditiously as possible. Responsibilities of contact teams include:

- Designating a team leader (SWAT Team member, if available). The team leader will have communication responsibility.
- Notifying Dispatch of the number of team members and code numbers of team members and request a detail channel.
- Utilizing equipment such as body armor (highly recommended), handgun, radio, flashlight and clearly visible identification for plainclothes officers or responding off-duty officers (e.g., POLICE shirt or jacket, wristband). Additional recommended equipment may include ballistic helmet (if available) and rifle (if qualified).
- Determining if any law enforcement personnel are between the active aggressor and the team (e.g., Facility security officers).
- Ensuring that contact is made with the active aggressor as soon as possible and stopping the active aggressor by arrest, containment or use of deadly force, in accordance with KRS and department policy (refer to SOP 26). Target identification is essential.
- Relaying pertinent information to Dispatch or the Incident Commander, if feasible. Pertinent information may include:
  - The location of the team.
  - The location of the threat.
  - Any contact with the threat.
  - The number and type of weapons involved, if known.
  - The location of suspected explosive devices.
  - The locations of any known injured.
  - Which areas can be locked down and possibly evacuated.

It should be noted that assistance to victims may not be immediately possible if the suspect has not been contained. Preventing the active aggressor from committing further acts of harm to human life is the primary concern of the initial entry teams. More contact teams may be formed if there are multiple active aggressors, multiple floors in a large building or attached buildings with interior access. If two or more contact teams make entry, Dispatch shall be immediately notified, and locations given to all teams. Teams should stay in contact to avoid crossfire or misidentification. As more officers and resources arrive, Rescue Task Force Teams should be deployed and used consistent with training.

At any point, if the active aggressor becomes contained, isolated, barricaded or ceases aggressive behavior, the situation will transition into a traditional tactical response. The SWAT Team will relieve the contact team. The Hostage Negotiating Team (HNT) will be utilized to attempt to affect the surrender of the suspect.

<b>Effective:</b> 09/01/2018	<b>Revised:</b> 04/15/2022	<b>KACP Standards:</b>
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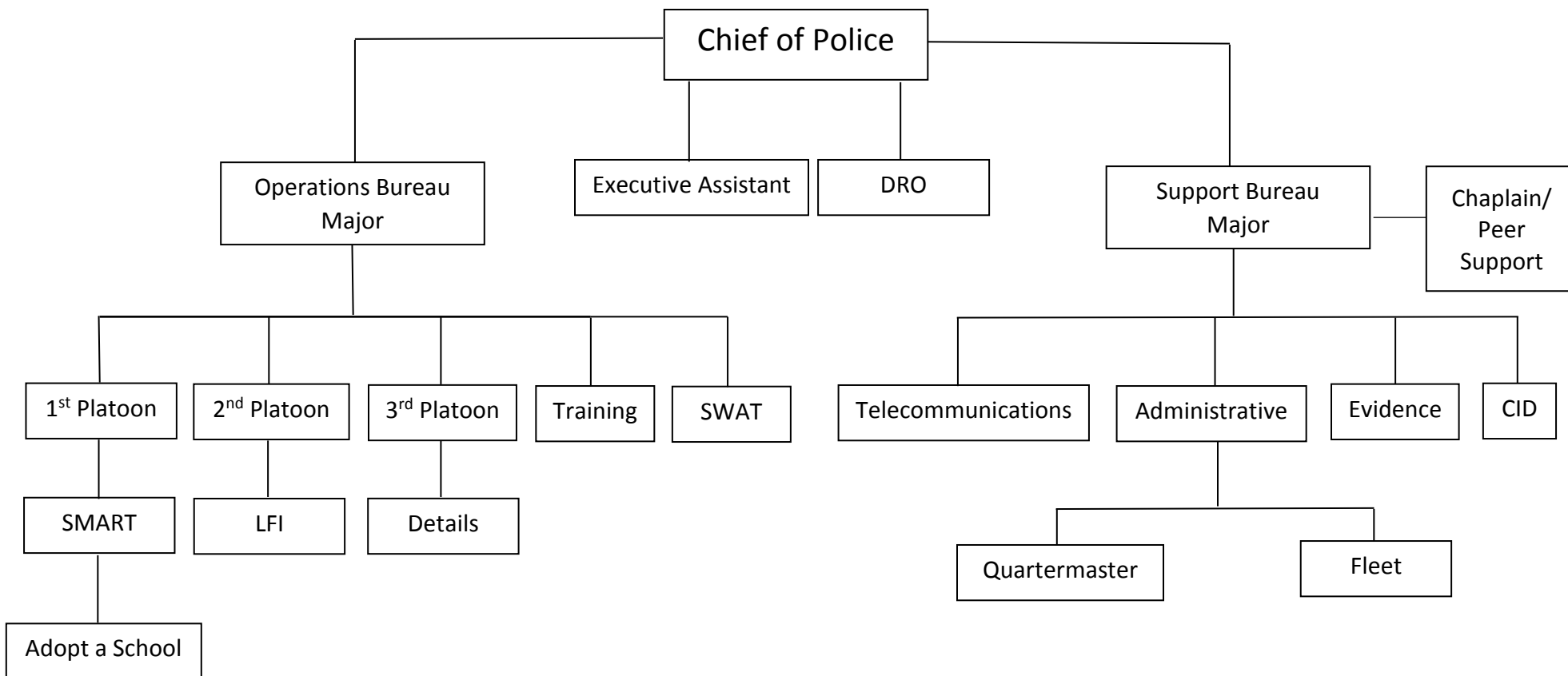
**39.22 DIGNITARY SECURITY**

The Operations Bureau Commander will be responsible for and coordinate all dignitary security details to include travel routes with the dignitary staff and outside agencies. Travel routes should be planned and traveled in advance to identify hazards or problems that may arise and alternate routes. Advanced security inspections of locations or facilities to be used by the dignitary should also be conducted.

The Operations Bureau Commander will arrange for special equipment or vehicles to include the use of a limousine, van or bus. Plain clothes officers assigned to the detail will be designated by the use of special identification such as a lapel pin or other device.

The Support Bureau Commander will assign a detective(s) to work with dignitary security detail when intelligence information identifies a potential threat. Emergency Medical Service personnel will be on standby near the location of the dignitary to handle any medical emergencies and a route to a designated hospital will be planned.

**St. Matthews Police Department  
Organizational Chart  
Appendix 1  
04/15/2022**



- Legend:
- SMART – St. Matthews Accident Reconstruction Team
  - LFI – Lead Firearms Instructor
  - SWAT – Special Weapons and Tactics
  - PST – Peer Support Team
  - DRO – Department Resource Officer

**St. Matthews Police Department**

**Victim's Assistance Program (KACP 30.1)**

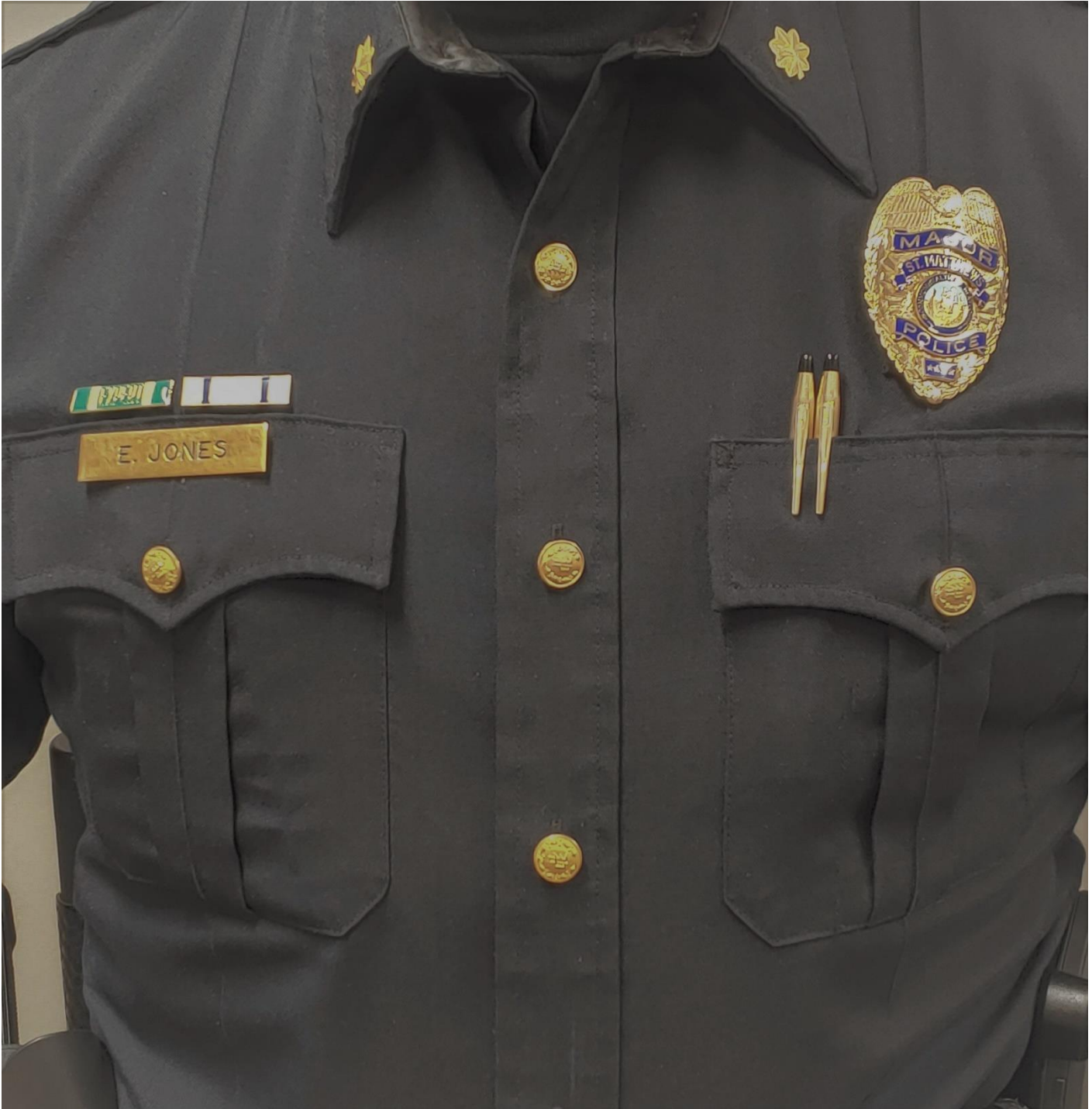
**Appendix 2**

Victims will be made aware of the following types of assistance programs, when applicable:

- Abuse/Neglect Programs: Victims of adult, child or elder abuse are entitled, but are not limited, to the following services:
  - Counseling center contacts (e.g., Center for Women and Families (CWF))
  - Alternative placement programs (e.g., ElderShelter Network, Child Protective Services (CPS))
  - Kentucky Medicaid or Medicare services (1-800-635-2570)
  - Government and private assistance programs
- Domestic/Dating Violence and Abuse Assistance Programs: Victims of domestic/dating violence and abuse are entitled, but are not limited, to the following services (KACP 30.1):
  - Emergency Protective Order (EPO), Domestic Violence Order (DVO), Interpersonal Protective Order (IPO)
  - Center for Women and Families (CWF)
  - Louisville Metro Office for Women
- Substance Abuse Programs: Persons suffering from substance abuse or dependency problems are entitled, but are not limited, to the following:
  - Jefferson County Drug and Alcohol Counseling (JCDAC)
  - Centerstone
- Disaster Recovery Programs: Persons recovering from a natural disaster or fire are entitled, but are not limited, to federal and state resources
  - Red Cross
  - FEMA
- Other Assistance Programs:
- Victim Information and Notification Everyday (VINE) (1-800-511-1670): A statewide system that provides victims with information and notification of an inmate's release status.
- Grief, rape, and mental wellness counseling and assistance (e.g., Center for Women and Families (CWF), Centerstone)
- Police chaplains

Other private, local, state, and federal assistance programs (e.g., Louisville Metro Public Health and Wellness (LMPHW))

**St. Matthews Police Department**  
**Class “A” Uniform**  
**Appendix 3**



**St. Matthews Police Department**  
**Police Benefits**  
**Appendix 4**  
**04/15/2022**

**Paid Time-Off Pay**

Years Worked	Paid Time Off	Sick Time
1 years	120 hours	96 hours
2 years	160 hours	96 hours
3 years	168 hours	96 hours
4 years	176 hours	96 hours
5 years	184 hours	96 hours
6 years	192 hours	96 hours
7 years	200 hours	96 hours
8 years	208 hours	96 hours
9 years	216 hours	96 hours
10 years	224 hours	96 hours
11 years	232 hours	96 hours
12 years	240 hours	96 hours
12< years	240 hours	96 hours

<b>Field Training Pay</b> \$55.00 per day	<b>Acting Sergeant Pay</b> \$55.00 per day	<b>Court Pay</b> \$100.00 per court session OT past the two hours
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**On-Call Pay**

Detectives (Minimal Restrictions)

\$55.00 per day when on-call

3 hour minimum if called out to scene (still receive \$55.00 for on call)

All other call-out status (No Restrictions)

1 hour if called out but cancelled before arrival

3 hour minimum if made it to the scene

**Overtime Pay/Compensatory Time (Comp Time)**

Members will be paid overtime for any time worked over 40 hours for the week. PTO does count toward hours worked but other time off (sick, suspension, leave of absence, etc.) does not count. However, the overtime may not be worked during the regular scheduled workday hours of the PTO.

Members will be paid overtime for hours worked for call out, forced overtime or late runs due to accident, arrest, etc. no matter if 40 hours are worked or not.

Time used within the same week is not considered comp time. Members may accrue compensatory time in the same manner as overtime. Members may only carry 40 hours of accrued time.

Members will be paid overtime for any grant hours worked regardless of hours worked in that week.