

# Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.2
	Effective Date: 08/01/03 Prv. Rev. Date: 09/19/22 Revised Date: 11/02/24
	Accreditation Standards: KACP: 10.2
Chapter: Field Operations	
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## 8.2 COURT

### 8.2.1 POLICY

It is the policy of the Louisville Metro Police Department (LMPD) that members attend court when properly subpoenaed and represent the LMPD in a professional manner so that cases are properly adjudicated.

### 8.2.2 RESPONSIBILITIES

#### Court System Personnel

Jefferson County District Court, Jefferson Circuit Court, and Grand Jury subpoenas for current LMPD members are entered into the CourtNotify system by Jefferson County District Court and Jefferson Circuit Court personnel and/or by prosecutors from the Jefferson County Attorney's Office and the Office of the Commonwealth's Attorney.

#### Court Liaison Office

The Court Liaison Office (CLO) acts as a liaison between the LMPD and external criminal justice system agencies that interact within the court system. The CLO is responsible for entering subpoenas received from sources other than the Jefferson County Courts and prosecutors (e.g., federal courts, other counties, private attorneys). The CLO is also responsible for monitoring court attendance and court attire. The CLO will monitor members' attendance in court by conducting a daily audit of court attendance and will audit all dismissed felony cases and those misdemeanor cases that meet the bullet-point criteria found in SOP 8.2.14 to verify compliance with this procedure. Violations discovered during inspections and audits will be documented, in writing, to the Assistant Chief of Police/Administrative Bureau. The CLO maintains a list of all officers who have completed radar or lidar training. The CLO is responsible for forwarding this list to the Jefferson County Attorney's Office. The CLO also maintains certificates of calibration for both departmentally-owned and personally-owned radar or lidar units.

#### Supervisor Responsibilities

Supervisors will monitor subpoenas received by members under their command, via CourtNotify, to verify that the subpoenas have been acknowledged. Supervisors who receive a request to acknowledge with exception will review to verify proper justification. Subpoenas received, via CourtNotify, that have been viewed by a subordinate, but which have not been acknowledged, require that the supervisor contact the member and verify that they properly acknowledge the subpoena(s). Subpoenas received, via CourtNotify, that have not been viewed by a subordinate, due to an extended leave or other legitimate reason, are the responsibility of the member's supervisor, who may acknowledge the subpoena with "exception" or contact the CLO for guidance.

#### Member Responsibilities

All sworn members, and civilian members in positions that may result in the receipt of a court subpoena, will login to CourtNotify, at least once every tour of duty, and check for new subpoenas. The member

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## 8.2.2 RESPONSIBILITIES (CONTINUED)

will review the information on subpoenas received to verify that their name and code number appear on the subpoena.

The member will review the defendant's name to verify that they have been properly subpoenaed on a pending court case.

If any of this information is incorrect, the member will contact the CLO with the reason for the exception or error correction. The subpoenaed member will acknowledge the receipt of all properly delivered and appropriately addressed subpoenas in CourtNotify. The subpoena information for each member is stored in a calendar within CourtNotify. Each member is responsible for checking their calendar so that they do not miss court. Members are responsible for tracking subpoena information for future court dates. This does not prevent a member from using additional methods for tracking their court schedule. Members may print a hardcopy of their subpoenas, though it is not required.

## 8.2.3 ACKNOWLEDGEMENT WITH EXCEPTION (REQUESTS FOR CONTINUANCE)

Members may occasionally have a valid reason for requesting an acknowledge with exception for a court event in CourtNotify. When subpoenaed members are unable to attend court due to extended illness, vacation, scheduled in-service training, out-of-town training, or any other approved/required leave, the member, or their supervisor, will notify the appropriate court and/or the assigned prosecutor, via CourtNotify, before the end of their current tour of duty. The member's supervisor is responsible for entering an acknowledgement with exception for the affected subpoenas. Specialty unit training (e.g., Special Weapons and Tactics (SWAT) Team, Hostage Negotiation Team (HNT)) is not an acceptable reason to request a continuance of a court case.

The following explanations will be listed when entering an acknowledgement with exception (court continuance request) in CourtNotify:

- Court Continuance Requested> In-Service Training (e.g., out of state, out of county, etc.)
- Court Continuance Requested> Military Deployment (possible return date: mm/dd/yy)
- Court Continuance Requested> Military Training (return date: mm/dd/yy)
- Court Continuance Requested> Other (enter an explanation, e.g., special duty, bereavement leave (return date: mm/dd/yy), etc.)
- Court Continuance Requested> Sick Leave (possible return date: mm/dd/yy)
- Court Continuance Requested> Vacation

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 14 days' notice is needed to request a continuance of a court case. Any member requesting an acknowledgement with exception for Circuit Court will complete an Acknowledge with Exception Request form (LMPD #03-08-0100), documenting the reason for the request. The member will send an email to the assigned Assistant Commonwealth's Attorney, their supervisor, and the CLO with an electronic copy of the form attached before the end of their current tour of duty.

If a subpoena is received less than the five (5) days needed for District Court or the 14 days needed for Circuit

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### **8.2.3 ACKNOWLEDGEMENT WITH EXCEPTION (REQUESTS FOR CONTINUANCE) (CONTINUED)**

Court, the member will contact the assigned prosecutor and the Office of the Commonwealth's Attorney in addition to notifying the CLO. In situations with unanticipated leave, refer to SOP 8.2.6.

### **8.2.4 MEMBERS ON EXTENDED LEAVE**

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 of time, 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. In these situations, the immediate supervisor may acknowledge the subpoena with "exception," via CourtNotify, or will contact the appropriate court and/or assigned prosecutor to provide notification of the member's extended absence. The supervisor will monitor all future court dates and keep prosecutors advised regarding the member's status.

A member who is on administrative leave, administrative reassignment, or suspension will attend their assigned court event(s) as required, unless otherwise directed by the Assistant Chief of Police/Administrative Bureau.

A member who is on Family Medical Leave Act (FMLA) or extended sick leave will attend their assigned court event(s) as required by court order, unless a specific medical condition prevents them from attending court. If there is a specific medical condition that prevents the member from attending court, they will notify Police Human Resources (HR). Police HR will discuss the case with the departmental physician and Police HR will inform the member's division commander and the CLO that the member is unable to attend court. In cases involving felonies or other serious crimes, the member's division commander, or their designee, will discuss the case with the appropriate prosecutor to determine if a deposition should be conducted in lieu of a court appearance.

In situations with unanticipated leave, refer to SOP 8.2.6.

In cases where a supervisor is on extended leave and is responsible for an acknowledgement with exception for other members, the division/section/unit commander, or their designee, is responsible for notifying the CourtNotify administrator of whom is taking over their responsibilities in CourtNotify.

### **8.2.5 PERSONAL SERVICE, FAXED JUVENILE COURT, AND HANDWRITTEN SUBPOENAS**

Upon receipt of a personal service subpoena, the division/section/unit commander will make appropriate arrangements for the subpoena to be accepted by the member, if available.

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## 8.2.5 PERSONAL SERVICE, FAXED JUVENILE COURT, AND HANDWRITTEN SUBPOENAS (CONTINUED)

If a faxed copy of a juvenile subpoena or other subpoena is received by the division/section/unit on the same date as the court case, the desk clerk or designated staff member will contact an on-duty supervisor, who will immediately attempt to contact the subpoenaed member. Attempts to notify the member will be documented and attached to the subpoena. If the court date on the faxed subpoena is within three (3) calendar days, the desk clerk or designated staff member will advise the subpoenaed member's supervisor, who will attempt to serve the subpoena and will attempt to contact the member by telephone if they are absent from work.

If a prosecutor handwrites a subpoena for a member, the following information must appear on the subpoena:

- Member's full name and code number
- Court date
- Case number
- Defendant's name

In order to receive court pay for appearing in response to a personal service, faxed juvenile (or other subpoena), or handwritten subpoena, members will take the subpoena to a CLO sergeant, located in the Hall of Justice, on the date of the appearance and have it logged in to the CourtTracker system.

## 8.2.6 ATTENDANCE

Members will appear in the appropriate courtroom and at the proper time, as specified on the subpoena or as instructed by the court. Members will be punctual, as if reporting for duty (refer to SOP 5.1).

### Release by Prosecutor

If members are subpoenaed, they will honor their subpoena and appear in court, unless notice is received from a prosecutor that they are released from their subpoena and need not attend. This notice must be provided in one (1) of the following ways:

- In writing from the prosecutor to the member. The notice may be on paper or by email. In this situation, the subpoenaed member will forward a copy of the notice to their respective commanding officer and the CLO, if on paper, or to the respective commanding officer and the CLO via the "Court Liaison" user group, located within the department's email distribution list, if electronic. The member must verify that the defendant's name, the court date/time, and the case number are included in the notice that they send to their commanding officer and the CLO.

Any member who is released by a prosecutor will send an email to the "Court Liaison" user group, located within the department's email distribution list, before the end of their next tour of duty. The email will contain the name of the prosecutor releasing the member, the name(s) of the defendant(s), and the case number(s).

- A commanding officer may contact the prosecutor to discuss cases where multiple members are subpoenaed. This may occur in a proactive fashion so that members are not unnecessarily scheduled to

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## 8.2.6 ATTENDANCE (CONTINUED)

appear, or when a subordinate member brings the matter to the commanding officer's attention. In this situation, the commanding officer will discuss the matter with the appropriate prosecutor, who will advise if any of the subpoenaed members may be released from the subpoena. If members are released from the subpoena, a commanding officer will send an email to the released members and the "Court Liaison" user group, located within the department's email distribution list, documenting the defendant's name, court date/time, case number, names of the members who are released, and the name of the prosecutor who is releasing the subpoenaed members.

When the CLO receives notice of released members from a commanding officer or prosecutor, the CLO will update CourtNotify to reflect the excused absence. When a member has received notice, as documented above, that they are released from a specific court appearance date, time, and defendant, the member will not attend court for that specific appearance.

### On-Call Subpoenas (STANDBY)

When a member receives a subpoena that specifically advises that the member is on-call, the member does not have to attend court unless contacted by the prosecutor.

### Emergency Court Absence

Occasionally, members may have a personal emergency, such as a sudden illness, that prevents them from attending court. When no acknowledgement with exception has been submitted and unforeseen circumstances prevent a member from attending court, members will call the CLO at (502) 574-0964, at least one (1) hour prior to the court start time. Unforeseen circumstances should not include the following: in-service training, specialty monthly training, other training, vacation, childcare issues, or out-of-town trips. Members will provide the following information for each case:

- Member's name, code number, and division/section/unit
- Defendant's name
- Courtroom number
- Reason that the member cannot appear
- Phone number or cell phone number where the member can be reached

The CLO will:

- Contact a prosecutor in the courtroom where the member was scheduled to attend, advise them of the member's absence, and provide them with the member's contact number.
- Assist the prosecutor in obtaining another member to testify, if needed, in order to establish probable cause in the case.
- Send an email notification to the member's division/section/unit commander that advises the commander of the member's missed court appearance and the reason provided by the member.
- Maintain a file of all correspondence with division/section/unit commanders concerning missed court appearances.

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## 8.2.6 ATTENDANCE (CONTINUED)

- Forward a report of all missed court appearances, from emergency case continuance requests, to each affected member's division/section/unit commander on the first business day of every month.

The subpoenaed member will:

- Complete an Absence from Court Memorandum (LMPD #10-0003) and email it directly to the "Court Liaison" user group, located within the department's email distribution list, and copy their chain of command, detailing the reason for their absence from court, the defendant's name, the date of appearance, and the primary charge listed on the subpoena. This memorandum will be completed prior to the end of the member's next scheduled tour of duty.

The CLO will:

- Verify that members have submitted a completed Absence from Court Memorandum for any missed court appearance.
- Verify the reason for the missed court appearance and determine whether the member's absence was or was not compliant with this SOP.

When staffing levels prevent a member from attending court, the member's supervisor will call the CLO at (502) 574-0964 and advise that the member will be on-call in the division/section/unit. When practical, this notification should be made one (1) hour prior to the earliest scheduled appearance. The supervisor will provide the CLO with the member's name, the defendant's name, and the applicable courtroom on all cases so the CLO can notify the appropriate prosecutor(s). Supervisors are responsible for entering an acknowledgement with exception for those subpoenas that are affected.

## 8.2.7 Demeanor

Members who are appearing in court will avoid any indication of bias, prejudice, or anger. They will testify in a clear, concise, and distinct manner. Questions will be answered truthfully, without any trace of evasion. Personal behavior will be exemplary while in court.

## 8.2.8 Dress Code

Members will appear in court and Louisville Metro Police Merit Board hearings in uniform or appropriate business attire. Members who are subpoenaed to testify in a trial or other hearing will wear the Class A uniform or appropriate business attire. For male members, appropriate business attire consists of a dress shirt, tie, and dress pants. For female members, appropriate business attire consists of a dress, skirt or dress pants, and blouse. Specialty unit assignments do not exempt members from this requirement.

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## 8.2.9 FIREARMS

Sworn members may be armed in a courtroom at the discretion of the presiding judge. When a presiding judge prohibits a firearm in their court, the sworn member will secure the weapon in a locked receptacle as close to the courtroom as possible. A sworn member wearing business attire to court must have their firearm concealed at all times.

## 8.2.10 GRAND JURY PRESENTATION

A Grand Jury may issue an indictment, known as a "true bill," if there is probable cause to believe that a crime has been committed by the suspect. Grand Juries are utilized in state and federal courts.

Grand Jury cases are initiated by the Office of the Commonwealth's Attorney or the United States Attorney's Office for felony cases. Most Grand Jury cases require testimony from law enforcement officers. Grand Jurors may ask questions of witnesses and may consult with the presenting prosecutor on legal issues. Rules of confidentiality apply to all Grand Jury proceedings.

Federal Grand Jury documents and submissions are prepared by the United States Attorney's Office and are usually presented by federal authorities. LMPD officers may occasionally testify in federal cases, when subpoenaed.

If subpoenaed to federal court, the member will, upon completion of their hearing, contact the CLO by phone at (502) 574-6941, or via email at [court.liaison@louisvilleky.gov](mailto:court.liaison@louisvilleky.gov), and provide the following information:

- Defendant's name
- Case number
- Subpoena time
- Time released from court by the prosecutor
- Whether the member is on-duty or off-duty

The CLO is responsible for documenting the above information in the CourtNotify system so that the member will be paid for their court attendance.

Before presenting a case to the Jefferson County Grand Jury, appropriate Catch Forms must be completed. Catch Forms may be found on the LMPD Intranet. Click on the "Forms" link and double click on the "Court" folder. 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, 4<sup>th</sup> floor, or emailed to [gjpackets@louisvilleprosecutor.com](mailto:gjpackets@louisvilleprosecutor.com).

Catch Forms 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 Catch Forms. One (1) reschedule is permitted.

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

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### 8.2.10 GRAND JURY PRESENTATION (CONTINUED)

Direct submissions to the Grand Jury may be permitted prior to 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 Catch Forms 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 Catch Forms. They must identify the offense(s), date of occurrence, the criminal elements, and 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 and the CLO at (502) 574-0964 (refer to SOP 8.2.6).

### 8.2.11 OUT-OF-TOWN TESTIFYING

Members who are subpoenaed to testify in a court outside of Jefferson County, in cases that result from official duties as a LMPD employee, will maintain a record of time spent in court, travel time, and a copy of the subpoena. The member will notify their immediate supervisor of the required appearance. Driving an assigned police vehicle for a court appearance outside of Jefferson County requires prior oral approval from a member with the rank of lieutenant or above (refer to SOP 2.18 and SOP 4.14). The member will submit an Out-of-County Court Notification form (LMPD #08-0016). The subpoena will accompany the request form. This form will be forwarded to the CLO for processing.

### 8.2.12 COURT ATTENDANCE DOCUMENTATION

#### Electronic Court Attendance System

Members will follow current departmental procedures for seeking compensation for court appearances. When off-duty, members will be reimbursed for court appearances consistent with the appropriate collective bargaining agreement (refer to SOP 8.2.15). When members appear in court while on-duty, they will not be compensated by the department unless the appearance lasts longer than their tour of duty.

Members who are attending court will swipe into the electronic court attendance system, before the beginning of court, by using their LMPD identification card. After all cases are properly handled and the member is released by all applicable prosecutors, they will swipe out of the CourtTracker using their LMPD identification card. Members will swipe in and out for on-duty and off-duty court appearances. Members may not swipe another member in or out of court by using that member's credentials.

#### Case Disposition Types

When swiping out of court, members will choose the appropriate disposition, in CourtTracker, for each case that they attended.



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## 8.2.12 COURT ATTENDANCE DOCUMENTATION (CONTINUED)

The disposition must be chosen from a listing of approved CourtTracker dispositions displayed in the system.

If a member fails to bring their ID to court for swiping in/swiping out, the member will manually enter their username and password in CourtTracker so the member's attendance can be verified and recorded.

While on sick leave, injury leave, light-duty, or limited-duty, members will be paid for court appearances consistent with the appropriate collective bargaining agreement (refer to SOP 2.9) (KACP 10.2c).

## 8.2.13 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 48 hours of the juvenile's initial arrest. Due to the short time frame, the arresting member's division/section/unit may receive a subpoena, via fax, from juvenile court, within 24 hours of the arrest. If the member is notified, via their division/section/unit, 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.

## 8.2.14 DISMISSING CRIMINAL CASES

The LMPD has a direct interest in verifying that court cases are handled appropriately and are not needlessly dismissed because LMPD members failed to appear or adequately assist in prosecution, used poor investigative techniques, or lacked probable cause for the initial arrest. In some situations, it is appropriate and necessary for a LMPD member to request that a prosecutor consider dismissing a case. Examples of appropriate dismissals may include the dismissal of criminal cases where a defendant has already been indicted on the same charges, the defendant is deceased, or witnesses refuse to cooperate with the prosecution.

Any officer who requests, for any reason, to have a felony case dismissed, where they are the primary arresting officer, will obtain the approval of their immediate supervisor prior to requesting the dismissal. If the member's immediate supervisor is unavailable, the officer may proceed with the dismissal request but will be required to justify the appropriateness of the dismissal during the monthly audit of dismissed cases.

The officer should retain notes regarding the dismissal so they can fully explain the reason that the case was dismissed. Nothing in this policy prevents an officer from completing a Case Dismissal Notification form (LMPD #09-0006) at the time that the case is dismissed.

Under the following circumstances, member(s) will complete the Case Dismissal Notification form and notify the Court Liaison Sergeant prior to signing out of the CourtTracker:

- Any case where no probable cause has been found
- Any case dismissed with prejudice
- Any case where evidence is suppressed
- Any case where no true bill is found in the Grand Jury
- Any case with a not guilty verdict (lead only)

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## 8.2.14 DISMISSING CRIMINAL CASES (CONTINUED)

The completed form will be hand delivered to the CLO for review. The CLO will forward their findings to the appropriate division/section/unit commander for additional review. The division/section/unit commander will summarize their findings and include their recommendations, in memorandum format, and forward the memorandum to the Assistant Chief of Police/Administrative Bureau, or their designee, and the Legal Advisor's Office.

If the officer intends to pursue a direct indictment of the defendant, prior to dismissing the case in District Court, the officer must present their case to a prosecutor from the Office of the Commonwealth's Attorney in the Rocket Docket Division, as required by the Office of the Commonwealth's Attorney.

If the prosecutor from the Office of the Commonwealth's Attorney approves the case for Rocket Docket status, the officer will have the prosecutor from the Office of the Commonwealth's Attorney indicate their approval by writing it on the case jacket. For this type of dismissal request, the officer should check "By Agreement of Assistant Commonwealth's Attorney" on the Case Dismissal Notification form.

Upon the approval of a commanding officer, if the officer wishes to use the defendant as an informant (refer to SOP 8.23), but would like to reserve the right to present the case to the Grand Jury at a later date, the officer must have the case reviewed by a prosecutor from the Office of the Commonwealth's Attorney and obtain their written approval on the case jacket prior to dismissing the case in District Court. In the event that the informant fails to work with the officer as agreed, the officer will contact the Office of the Commonwealth's Attorney and request to proceed with submission to the Grand Jury. Officers who are using defendants as informants must follow the procedure outlined in SOP 8.23. For this type of dismissal request, the officer should check "By Agreement of Assistant Commonwealth's Attorney" on the Case Dismissal Notification form.

The CLO will audit case dismissals on a monthly basis by using reports of dismissals generated by court officials. Dismissals of misdemeanor charges may also be audited (e.g., Domestic Violence (DV) and Driving Under the Influence (DUI) charges). The purpose of the audits is to determine whether the actions of LMPD officers were appropriate and within policy guidelines. After each calendar month ends, the CLO will receive dismissal reports from court officials and will compile a list of dismissals from the previous calendar month by the primary arresting officer, division/section/unit, and information regarding the specific case(s). Reports of dismissals and available supporting documents will be forwarded by the CLO to the appropriate division/section/unit commanders for review. Division/section/unit commanders, or their designees, will meet with the member, who will complete a Case Dismissal Notification form.

Division/section/unit commanding officers will complete their respective section of the Case Dismissal Notification form and the division/section/unit commander will return them, en masse, to the CLO by the return date specified by the Assistant Chief of Police/Administrative Bureau.

## 8.2.15 OVERTIME

Members will complete a Verification for Court Overtime form (LMPD #04-08-0687) for all court appearances where any overtime pay requests may be made by a member pursuant to their current collective bargaining agreement. Court overtime will not be submitted for anything other than attendance, whether in-person or via a phone conference. All court overtime must be approved by a CLO Sergeant. The form will be signed by the

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## 8.2.15 OVERTIME (CONTINUED)

prosecutor who is working on the case and will be submitted to the CLO for approval. If the prosecutor is unable to sign the form, the member will immediately notify the CLO. Any discrepancies or clarifying information related to court overtime should be included in the "Notes" field on the Verification for Court Overtime form. If a member is released from court and is unable to utilize the CourtNotify system to reflect this, they will immediately contact the CLO, via phone or email, so that the proper out of court time is recorded.

Members are prohibited from changing their working hours in order to obtain court pay or court-related overtime. Members are prohibited from scheduling vacation time during a scheduled court appearance in order to obtain court pay.

### Court Overtime for Prosecutor Call/Phone Conference

A member is eligible for court overtime for a phone conference if the following conditions are met and will be compensated consistent with their current collective bargaining agreement:

- The member must be off-duty and not under subpoena to appear in court.
- The member is contacted by the Jefferson County Attorney's Office or Office of the Commonwealth's Attorney, by phone, for a court case conference.
- The phone conference must be greater than three (3) minutes.

The member will complete a Verification for Court Overtime form for a phone conference and submit it to the CLO for approval.