

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) SECTIONS 36.82 AND 36.83 REGARDING THE OFFICE OF INSPECTOR GENERAL.

SPONSORED BY: SPONSORSHIP WITHDRAWN

WHEREAS, Louisville Metro Council recognizes that the Louisville Metro Police Department derives its moral and social character from the community at large; and

WHEREAS, in order to have effective policing that aligns with Louisville/Jefferson County Metro Government’s community values, needs, and expectations, the police department must have the faith, trust, respect, and support of the community; and

WHEREAS, the Office of Inspector General was created in December of 2020 with these purposes in mind, and the powers and duties of the Office regarding complaint-driven investigations and non-complaint reviews require amendment in light of the Office’s experiences since that time.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“THE COUNCIL”) AS FOLLOWS:

SECTION I: LMCO § 36.82 is amended as follows:

§ 36.82 POWERS AND DUTIES OF INSPECTOR GENERAL.

(A) The Inspector General:

(1) Shall ~~investigate~~ conduct administrative investigations of complaints as determined under LMCO § 36.83;

(2) May examine patterns and practices, and review policies, procedures, and operations within LMPD under LMCO § 36.84; and

(3) May provide recommendations on improving operations to the Chief of Police, the Mayor, and Metro Council.

(B) (1) The Inspector General shall establish the internal organization of the Office of Inspector General and shall create such divisions as deemed necessary to perform the functions, powers, and duties of the office. The Inspector General shall have the power to appoint, employ, and remove personnel as deemed necessary for the efficient and effective administration of the affairs of the office, and to contract with outside experts and consultants as needed.

(2) (a) The Inspector General and all personnel within the Office of the Inspector General shall complete:

~~(a)~~1. The same 16 hours of training over two days that is required of Civilian Review and Accountability Board members under LMCO § 36.746(A)(1); and

~~(b)~~2. A minimum of 40 hours accompanying on-duty LMPD personnel, made up of:

~~1.~~a. A minimum of 24 hours completed in varying patrol areas during two night shifts or a series of night shifts;

~~2.~~b. A minimum of 12 hours completed in varying patrol areas during one day shift or a series of day shifts; and

~~3.~~c. A minimum of four hours completed with an investigative unit.

(b) Personnel within the Office of Inspector General who serve as investigators under this section shall also receive at least 40 hours of initial training in conducting misconduct investigations within one year of hire date, and shall receive at least 8 hours of supplemental training in each subsequent year of service as an investigator.

(C) The Inspector General shall adopt rules and regulations that guide the functions and processes conducted by the Office of Inspector General that are not inconsistent with state or local laws, Louisville Metro Government Personnel Policies, or LMPD collective bargaining agreements.

(D) The Inspector General shall conduct direct community outreach and take appropriate steps to build public awareness of the Office of Inspector General, and of all procedures established by the Inspector General for receiving and investigating complaints.

(E) (1) To the extent permissible by law, all officers and employees of Louisville/Jefferson County Metro Government shall cooperate with and furnish the Office of Inspector General unrestricted access to employees, documents, records, raw data, reports, and any other information necessary to assist in carrying out duties under this subchapter.

(2) The Inspector General shall report to a Metro officer's or employee's hiring authority, in writing, any failure by an officer or employee to cooperate with the Office of Inspector General's requests. Disciplinary action shall be taken in accordance with personnel policies by the appointing authority and under applicable law.

(F) To the extent as may be authorized by state law, the Inspector General shall have the power to issue subpoenas, administer oaths, and compel testimony in conducting investigations, whether based on complaints or as part of a non-complaint investigation or review.

(G) Subject to the duty to report under § 36.85, the Office of Inspector General shall conduct all investigations confidentially and shall not publicly disclose any information

received during an investigation that is considered proprietary or confidential in nature under any local, state, or federal law or regulation.

SECTION II: LMCO § 36.83 is hereby amended as follows:

§ 36.83 INVESTIGATIONS OF COMPLAINTS BY THE INSPECTOR GENERAL.

(A) Pursuant to division (B) of this section, the Inspector General shall investigate complaints involving any interactions between any member of the Louisville Metro Police Department and any member of the public that involve the following types of conduct by members of LMPD:

(1) The serious injury or death of any individual in police custody;

(2) The serious injury or death of any individual resulting from police action or inaction;

(3) Abuse of police authority;

(4) Excessive use of force;

(5) Discrimination in the provision of police services; or

(6) Sexual misconduct.

(B) (1) The Inspector General shall obtain complaints, either sworn or unsworn, on conduct specified in division (A) of this section from sources including but not limited to the following:

(a) The LMPD Professional Standards Unit and the Public Integrity Unit, pursuant to subsection (C) of this section;

(b) The anonymous Ethics Tip Line established in LMCO Chapter 39;

(c) Office of Internal Audit of Louisville/Jefferson County Metro Government;

(d) The Police Ombudsman at the Human Relations Commission; or

(e) Direct reference of complaints, whether anonymous or non-anonymous, to the Office of Inspector General or members of the Civilian Review and Accountability Board from citizens, members of LMPD, or from other Metro offices and departments.

(2) The Inspector General shall establish a process to evaluate the merits of a complaint, conduct an initial screening and prioritization of complaints, and present recommendations to the Civilian Review and Accountability Board regarding whether a complaint merits a full investigation pursuant to this Section. Beyond any preliminary investigation necessary to evaluate the merits of a complaint, the Inspector General shall not continue to investigate complaints without authorization from the Board.

(C) Within three business days of the receipt of a complaint from a civilian, the Professional Standards Unit or Public Integrity Unit shall share the complaint with the Office of Inspector General.

(D) Upon the conclusion of a complaint investigation, the Inspector General shall have the authority to make recommendations to and share investigative findings with the Chief of Police, the Commonwealth Attorney, the County Attorney, the Federal Bureau of Investigation, the Internal Auditor, the Metro Ethics Commission, the Civilian Review and Accountability Board, or other appropriate bodies based on the results of the complaint investigation and the judgment of the Inspector General.

SECTION III: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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