



Louisville Metro Government

Action Summary - Final Labor and Economic Development Committee

Chair Keisha Dorsey (D-3)
Vice Chair Anthony Piagentini (R-19)
Committee Member Donna Purvis (D-5)
Committee Member Pat Mulvihill (D-10)
Committee Member Markus Winkler (D-17)
Committee Member Stuart Benson (R-20)
Committee Member Amy Holton Stewart (D-25)

Wednesday, November 3, 2021

5:30 PM

Council Chambers/Virtual

**THIS IS CONSIDERED A SPECIAL MEETING / THIS MEETING IS BEING HELD VIA VIDEO
TELECONFERENCE**

Call to Order

Chair Dorsey called the meeting to order at 5:31 p.m.

Roll Call

Chair Dorsey introduced the committee and non-committee members present. A quorum was established.

Note: All committee members and non-committee members present attended virtually, except for Council President James, Council Member Hollander, Council Member Fox, Committee Member Winkler, and Vice Chair Piagentini, who attended in Chambers.

- Present:** 5 - Chair Keisha Dorsey (D-3), Vice Chair Anthony Piagentini (R-19), Committee Member Pat Mulvihill (D-10), Committee Member Markus Winkler (D-17), and Committee Member Amy Holton Stewart (D-25)
- Excused:** 2 - Committee Member Donna L. Purvis (D-5), and Committee Member Stuart Benson (R-20)

Non-Committee Member(s)

Council Member Jessica Green (D-1), Council President David James (D-6), Council Member Paula McCraney (D-7), Council Member Cassie Chambers Armstrong (D-8), Council Member Bill Hollander (D-9), Council Member Mark Fox (D-13)

Support Staff

Whitney Meagher, Jefferson County Attorneys Office

Clerk(s)

Olivia Bennett, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

[R-117-21](#)

A RESOLUTION RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (FROM THE DATE OF ITS APPROVAL THROUGH JUNE 30, 2023) BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE RIVER CITY FRATERNAL ORDER OF POLICE LODGE NO. 614, RELATING TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF ITS LIEUTENANTS AND CAPTAINS OF LOUISVILLE METRO POLICE DEPARTMENT.

Sponsors: Primary Mark H. Fox (D-13), Primary Amy Holton Stewart (D-25), Primary Pat Mulvihill (D-10), Primary Anthony Piagentini (R-19), Primary Markus Winkler (D-17), Additional Stuart Benson (R-20) and Additional Kevin Kramer (R-11)

Attachments: [R-117-21 V.1 101421 CBA for FOP-LMPD Lieutenants and Captains.pdf](#)
[R-117-21 ATTACH - CBA for FOP-LMPD Lieutenants and Captains thru 6-30-2023.pdf](#)
[Metro Council L&ED committee policing and health 11032021.pdf](#)
[Memo RE LMPD CBA 11-8-21.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Holton Stewart, that this Resolution be recommended for approval.

T. Gonzales, Louisville Metro Public Health and Wellness, gave a presentation.

Matt Golden, Public Services, spoke in support of the contract, and the following was discussed:

- A summarization was provided regarding the reforms made where feedback was given surrounding the topic of community policing
- Brief examples of changes made in the contract were given
- A large point was attempted to be made in the contract to review accountability -- pieces of the contract were reviewed to address accountability in a new way and examples were given
- Currently Louisville Metro Police Department ("LMPD") is focusing on holding officers accountable by different disciplinary processes, to not only address accountability but to also gain trust back within the community
- Questions regarding diversity, specifically within the rankings of Lieutenants and above -- since the October census, officers with rankings of Lieutenant and above consists of: 46 White males, six Black males, zero Black females, one Asian male, and two Hispanic males, totaling 54 officers with rankings of Lieutenant or above
- Questions regarding pay equity negotiated for officers and in comparison to other cities -- the pay rates were negotiated between the Fraternal Order of Police ("FOP") and Metro Government, which looked at a multitude of different cities within similar jurisdictions, as well as surrounding cities comparable to LMPD in regard to Officers and Sergeants -- FOP looked broadly at surrounding local communities and some peer group cities regarding Lieutenants and above
- Chief Erika Shields and her team is actively modifying how promotions within LMPD occur

- Discussion was had about suspension revisions not set fourth in the contract but set fourth in KRS 67C.326 and this statute was read into the record

Ariana Levinson, University of Louisville, spoke in opposition to the contract, and the following was discussed:

- Questions regarding additional police reforms that have been done nationally -- nationally Louisville's local contracts look very different compared to other national contracts, and this contract does not look like other private sector or public sector contracts. Many provisions in the contract are not found in comparison to Cincinnati or Nashville
- The contract seems to be one sided
- Traditionally receiving the rubber stamping of Metro Council approval
- Quote by Rich Rivera, New Jersey Police Department, in the paper regarding his view of the contract
- Concerns regarding supervisory contracts being destroyed directly after one year and formal citizen complaints being kept only for two years under the retention policy -- these time limits make it difficult to track patterns of misconduct

The following also spoke to this item:

- Penny Bland, Metro Human Resources
- Monica Harmon, Office of Management and Budget
- Ryan Nichols, Fraternal Order of Police ("FOP")
- Chair Dorsey
- Vice Chair Piagentini
- Council Member Hollander
- Council Member Fox
- Council President James
- Committee Member Mulvihill
- Committee Member Winkler

The following was discussed:

- Within the last month Louisville has increased from 155 criminal homicides to 167 criminal homicides
- Decrease of on-street officers
- Decrease of self-directed activity of LMPD
- Metro Council has budgeted and allocated a record amount of funds to social-based anti-violence initiatives
- The amount of homicides recorded in the last year and a half are equivalent to the amount of homicide that in the past would have taken approximately five years to reach
- Approximately 30 percent crime clearance
- The health impacts of over-policing
- The under staffing of LMPD
- Poor prior leadership of LMPD
- The trust issues civilians have with elected leadership
- The lack of accountability of police officers
- The new suspension without pay provision was read into the record and questions were asked regarding the list of A, B, C, D, or E items -- this provision means that any of the examples listed in the provision, A, B, C, D, or E would

result in a suspension without pay

- Limitations on management rights within the contract that are not included in many private relationships in the community
- An example of a criminal complaint against an LMPD officer in March of 2020 was shared where the officer was found guilty and suspended with pay on administrative re-assignment -- there is nothing in the new provision within the contract that would prevent a superior officer from terminating the officer
- Questions were asked regarding the case example shared and if someone would have to wait to terminate the officer until after the officer was charged -- it depends on the case itself and the amount of sufficient evidence and there is nothing in the contract that would prohibit the necessary termination
- Whether there was any concern of there being inconsistent contracts such as different pay or disciplinary systems -- contracts should be consistent, not as far as pay goes because that depends specifically on the job title and associated duties but the same expectations and disciplinary actions and processes should be consistent for all parties
- Imposing a MeToo clause
- Poor pay for police officers
- Briefly reviewed KRS 15.520 - Police Officer Bill of Rights
- The threat of policing is maintaining order within a civilized society
- The need of good leaders in the police force
- What is the dollar difference in what Lieutenants are currently being paid versus if the contract was to pass, and what Lieutenants will be paid in the future -- The contract is driven by steps and will ultimately be determined by rank, the example of the Preliminary step was given:
 - An example of the preliminary steps were given: For an officer at step one is currently making \$77,979.00 a year, if the contract is approved, the amount would become \$87,000.00 for the first year of the contract, the next year would increase to \$95,000.00, and the final year of the contract an officer would make \$98,000.00, which is an estimated \$21,000 difference in pay for officers
- Metro is to pay \$3.65M as the result of the Explorer Case incident committed by a small group of bad police officers within LMPD
- Provisions are available for a police officer to be fired for the necessary offense, the issue is not the contract in this regard, this issue is poor leadership in prior years
- The strategy behind the negotiation of the Sergeants and Officers and the Lieutenants and above contracts, specifically, promotional opportunities -- If you have good leaders to compel down to the lowest ranking position in the police department, it will hopefully result in the bringing of high quality police officers into those leadership positions
- The potential challenge of having this contract pass prior to the Sergeants and Officers, but also an opportunity by passing this contract you establish a foundation for future negotiations
- Whether the LMPD contracts are comparable to other peer cities competitive salaries -- the new contracts salary is competitive, offering a six-figure salary after several years of service is very good for the enterprise
- Average work span for a police officer serving on the police force -- Metro would most likely maintain the police officers in the earlier years of policing, but police officers could see the pay increase and decide to stay and to promote up to the superior positions
- In the past, due to the Police officer Bill of Rights and state law, Metro Council was not allowed to make public statements about the contracts, resulting in penalties from centralized government for doing so -- Changes are

occurring across the country in the Bill of Rights and Police contracts to deal with the time and this current contract should reflect that. Contracts that have been around for a long period of time are being modified to ensure good accountability measures in a new way

- The only state that has changed their Bill of Rights is Maryland
- Two third's of the 50 states currently have similar Bill of Rights, Kentucky is included in that two third's
- There are many relationships between KRS. 67C.326 and the contract
- Is there anything written in the contract that would prohibit the ability to get the Early Warning System running in the community -- No, there isn't anything that prohibits the Early Warning System and it is good to have because it is a corrective measure, and this will be compelled if the Department of Justice issues the consent decrease as it is one of the prime directives in their pillars of change
- Whether the time frame of the discarding of complaint documents after two years inhibits the use of a robust Early Warning System
- The process of civilian complaints regarding police officers and the completion of a complaint inquiry form was given
- Rumors about having the public hearing in the community, squandered the attempts of the FOP contract -- This is the peoples government and having the community be in partner with the government is vital
- Concerns were expressed regarding not only the cultural, but also the geographical diversity of the police force
- Metro Council plans to hold LMPD accountable for the outcomes expected of police leadership with the associated pay increase

The motion carried by the following vote and the Ordinance was sent to the Old Business:

Yes: 5 - Dorsey, Piagentini, Mulvihill, Winkler, and Holton Stewart

Absent: 2 - Purvis, and Benson

Adjournment

Without objection, Chair Dorsey adjourned the meeting at 6:55 p.m.

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council meeting on November 11, 2021