

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION TO INITIATE AN INVESTIGATION INTO LOUISVILLE METRO CORRECTIONS.

SPONSORED BY: COUNCIL MEMBERS PIAGENTINI AND ARTHUR

WHEREAS, the inmate death of February 6, 2022 is known to the Legislative Council of the Louisville/Jefferson County Metro Government (“Metro Council”) to be the sixth inmate death at the Louisville Metro Corrections Department’s facility (“Louisville Metro Jail”) in the last three months; and

WHEREAS, the Metro Council believes that the number one priority of the Louisville Metro Government is to ensure the safety of all its residents, including those housed at the Louisville Metro Jail; and

WHEREAS, as recently as June 19, 2018, the Government Oversight and Audit Committee (“GOAC”) expressed concern about the Louisville Metro Jail conditions (See, June 19, 2018 Louisville Metro Government Action Summary, ID 18-0899 “A Discussion of the Jail Conditions at Metro Corrections”); and

WHEREAS, the members of the Metro Council, individually and as members of the Public Safety Committee and GOAC have expressed concerns and sought changes within the Louisville Metro Corrections Department (“LMCD”) over many years through multiple hearings and other actions seeking to improve officer morale, inmate safety and the overall operation of the department; and

WHEREAS, events have occurred during the administration of Mayor Greg Fischer which have required Metro Council to exercise its authority to investigate the affairs of government, to wit: the allegations of sexual abuse of minors enrolled in the Louisville Metro Police Explorer Program; the allegations of the sexual harassment and other

misconduct at the Transit Authority of the River City (TARC); and the actions and inactions of the Fischer Administration surrounding the death of Breonna Taylor and the David McAtee and the protests related thereto; and

WHEREAS, Metro Council, on September 17, 2020, expressed its concern/no confidence in the leadership demonstrated by Mayor Greg Fischer in Resolution No. 096, Series 2020, which also expressed its belief that events negatively impacting this community were related to a failure by Mayor Fischer to hold leadership within his administration accountable, and expressed concerns with his administration's selection and management of Louisville Metro Government leadership; and

WHEREAS, a key finding of the May 2021, independent investigation undertaken by Metro Council into TARC was that virtually no due diligence was performed at the time Ferdinand Risco was initially hired and no vetting was done when he was promoted to Executive Director, despite readily, and publicly available information which would have cast doubt on his hiring and promotion, and such failure being consistent with the overall lack of oversight and leadership which Metro Council has come to expect from this administration; and

WHEREAS, the actions of the Metro Council and the GOAC has resulted in important revelations, reforms and transparency on matters that otherwise would not have been uncovered; and

WHEREAS, Metro Council has just cause to believe the recent inmate deaths necessitate immediate action by Metro Council to investigate the nature and cause of inmate deaths at the Louisville Metro Jail, and the extent to which the operations, management, and leadership at LMDC impacts inmate safety; and

WHEREAS, Metro Council has concerns that the current leadership within LMDC as well as that of the Mayor have failed to adequately address worker concerns over the safety not only of those persons incarcerated within our corrections facility, but also the many dedicated corrections officers who are working to serve this community; and

WHEREAS, Under KRS § 67C.103(13)(f), Metro Council has the power to “[m]ake independent audits and investigations concerning the affairs of the consolidated local government”; and

WHEREAS, Metro Council will investigate these concerns regarding the administration in the GOAC utilizing the powers set forth in KRS § 67C.103(14); and

WHEREAS, at the completion of the GOAC’s investigation, the GOAC will report the findings of fact so the Metro Council may take legislative action and/or make recommendations for any changes in administration or LMDC policies, procedures, and processes in the management and care for inmates and the inmate population.

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

SECTION I: Metro Council, through the Government Oversight and Audit Committee (“GOAC”), hereby initiates an investigation into the deaths at Louisville Metro Corrections Department’s facility (“Louisville Metro Jail”). The scope of the investigation will include:

- Working with the GOAC and Counsel for GOAC/Metro Council;
- Investigating the nature and circumstance of deaths and serious injuries

sustained at the Louisville Metro Jail;

- Investigating the circumstances, policies and procedures in place at the time of the deaths or serious injuries;
- Identifying any shortcomings in training, policy, systems, staffing and/or supervision surrounding the deaths or serious injuries sustained at the Louisville Metro Jail;
- Inquiring of the administration and FOP Corrections Union representatives regarding their perspectives and observations of events as well as solution-based observations to promote inmate safety;
- Utilizing an investigator to prepare and present a detailed investigative summary and timeline, with recommendations for possible action by Metro Council;
- Identifying requirements and/or obligations relative to inmate detention and release placed upon Louisville Metro Corrections Department (“LDMC”) by officials outside Jefferson County, or otherwise outside the control of LMDC;
- Utilizing subpoena power, where necessary and lawful, to compel the production of witnesses and documents.

SECTION II: GOAC will conduct this investigation with the legislative power contained in KRS §§ 67C.103(13)(f), 67C.103(14), and according to Metro Council Rule 4A.04(b).

SECTION III: This Resolution shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Approved Date

APPROVED AS TO FORM AND LEGALITY:

By: _____
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