

RESOLUTION NO. 123, SERIES 2020

**AN RESOLUTION URGING METRO GOVERNMENT TO TAKE ALL POSSIBLE STEPS TO REQUIRE DRUG AND ALCOHOL TESTING OF LOUISVILLE METRO POLICE DEPARTMENT OFFICERS WHEN CRITICAL INCIDENTS OCCUR.**

**SPONSORED BY: PRESIDENT DAVID JAMES AND  
COUNCIL MEMBER BARBARA SEXTON SMITH**

**WHEREAS**, employee use of drugs or alcohol presents problems in any workplace setting because of the risks of impaired judgment resulting from their use; and

**WHEREAS**, the risks are exponentially more consequential when a sworn law enforcement officer is under the influence of drugs or alcohol while performing his or her duties, exacerbating potential dangers to both the public and the police; and

**WHEREAS**, detecting whether or not drug and alcohol use contributed to a critical police incident will assist Louisville Metro Police Department (LMPD) in enhancing the department's professionalism and the community's trust in the officers' actions; and

**WHEREAS**, state and local jurisdictions routinely require testing for drugs and/or alcohol when an officer has been involved in a "critical incident," including but not limited to the use of deadly force, or any other action by the officer line of duty which resulted in or could have resulted in the death or serious physical injury of the officer or a member of the public; and

**WHEREAS**, provisions of the current collective bargaining agreement (CBA) appear to permit, but not require, LMPD to administer drug and alcohol tests to officers involved in deadly force incidents as defined in the CBA; and

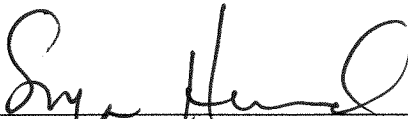
**WHEREAS**, negotiations are underway between Louisville/Jefferson County Metro Government and the River City Fraternal Order of Police Lodge No. 614 for a new CBA.

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

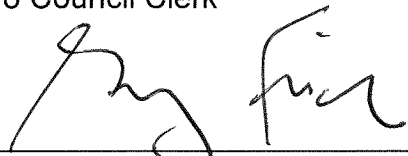
**SECTION I.** The Metro Council urges Louisville/Jefferson County Metro Government and the River City Fraternal Order of Police Lodge No. 614 to bargain in good faith for more comprehensive and definitive critical incident drug and alcohol testing provisions in the new collective bargaining agreement.

**SECTION II.** To the extent that the current collective bargaining permits critical incident drug or alcohol testing, Metro Council encourages the parties to implement those provisions to the fullest extent possible.

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

  
\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

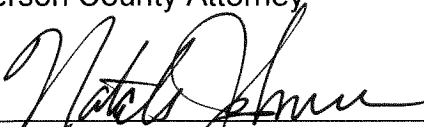
  
\_\_\_\_\_  
David James  
President of the Council

  
\_\_\_\_\_  
Greg Fischer  
Mayor

12/23/2020  
\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY:   
\_\_\_\_\_

R-120-20 – drug and alcohol testing –9-13-20–hh

**LOUISVILLE METRO COUNCIL  
ADOPTED  
December 10, 2020**  
82